

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 17-16	Policy # 14.10
Applicability: <input checked="" type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities (RYDCs and YDCs)	Related Standards & References: OCGA §§ 15-11-2, 17-17-1, 17-17-3, 17-10-6.1, 49-4A-8 ACA Standards: 4-JCF-6G-07, 4-JCF-3E-01 DJJ 5.2, 8.5, 14.3, 15.6, 17.20, 23.1	
Chapter 14: VICTIM SERVICES	Effective Date: 12/22/17 Scheduled Review Date: 12/22/18	
Subject: VICTIMS' RIGHTS, SERVICES, AND NOTIFICATION	Replaces: 9/13/16 Division of Secure Campuses	
Attachments: A – Victim Notification Letter B – Employee Victim Notification Letter C – Violent Delinquent Acts D – Georgia Victims Bill of Rights	APPROVED:  <hr/> Avery D. Niles, Commissioner	

I. POLICY

The Department of Juvenile Justice will deliver with compassion, a continuum of comprehensive services that promote victims' rights and supports statewide victim focused programs, through the delivery of timely, accurate, and informative services.

II. DEFINITIONS:

Community Case Manager (CCM): Juvenile Probation/Parole Specialist I, II or III (JPPS) or Juvenile Probation Officer I or II who provides direct supervision and coordination of services for a youth. The Community Case Manager also includes any member of an established case management team who may perform case management tasks.

Crime Victims' Bill of Rights § 17-17-1: The General Assembly hereby finds and declares it to be the policy of this state that victims of crimes should be accorded certain basic rights just as the accused are accorded certain basic rights.

Juvenile Court Intake Officer: Department of Juvenile Justice staff designated by a court order to be on-duty or on-call for the purpose of determining whether any youth (under the juvenile court jurisdiction) taken into custody should be released or detained and, if detained, the appropriate place of detention. Each superior or juvenile court judge is responsible for designating one of the above persons to be on-duty or on-call as an intake officer during each 24-hour period. (For independent courts, the Juvenile Court Intake Officer is an employee of the county.)

Notification: A written notice when time permits or, failing such, a documented effort to reach the victim by telephonic or other means.

Restitution: Any property, lump sum, periodic payment, or services ordered by a juvenile court as reparation for the loss caused to another.

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Victim: (1) A person against whom a crime has been perpetrated. (2) A parent, guardian, or custodian of a crime victim who is a minor or a legally incapacitated person, except where that person is in custody for an offense or is the defendant. (3) In the event of the death of the crime victim, the following relatives will qualify as the victim, except where the relative is either in custody for an offense or the defendant: spouse; adult child if there is no spouse; a parent if there is no spouse or adult child; a sibling if there is no spouse, adult child or parent; grandparent if there is no spouse, adult child, parent, or sibling.

Victim Impact Statement: A written statement or letter from the victim that provides information regarding the victim's perception of the crime and the consequences (financial, physical, emotional, etc.) to the victim and the victim's family.

Violent Delinquent Act: The commission, attempt to commit, conspiracy to commit, or solicitation of another to commit a delinquent act that if committed by an adult would constitute:

- a) A serious violent felony as defined by O.C.G.A. §17-10-6.1;
- b) A designated felony as defined by O.C.G.A. §15-11-2;
- c) Stalking or aggravated stalking; or
- d) Any attempt to commit, conspiracy to commit, or solicitation of another to commit an offense in this definition.

III. PROCEDURES:

- A. Victims of juvenile crime are afforded the rights according to the Georgia Victims Bill of Rights (See Attachment A).
- B. The Office of Victim Services will make available advocacy services to victims of juvenile crime by providing:
 1. Crisis intervention;
 2. Resources and referral; and
 3. Advocacy.
- C. Where the victim is a minor, the parent/legal guardian's information will be collected for notification purposes.
- D. When a youth is sentenced in an Independent Juvenile Court or in any Superior Court in the state of Georgia, the Case Expeditor assigned to the youth's catchment area, will collect the victim's name, address, and phone number and enter this information into the Juvenile Tracking System (JTS) in the

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Demographics Module. Facility Intake Officers will request and or verify victim information from the arresting officer and will enter the information into the JTS Victim Module.

- E. The victim's information will be entered into JTS Demographics Module immediately after receipt. In addition, the victim's information will be linked to the offense in order to reflect victim-charge connection in JTS legal module. Efforts to locate the information will be documented immediately in the JTS Demographics, Victim Notification module.
- F. Victim Impact Statement:
 - 1. Victims of juvenile crime shall have the opportunity to submit a Victim Impact Statement.
 - a) For youth served in an Independent Juvenile Court, the Community Case Manager (CCM) or Case Expeditor will attempt to obtain a copy of the Victim Impact Statement from the District Attorney or the Juvenile Court, if available. All attempts to obtain a Victim Impact Statement will be documented in a JTS Victim Contact case note.
 - b) For youth served in a Dependent Juvenile Court, and where asked by the Juvenile Court to obtain the Victim Impact Statement, the CCM serving as the Intake Officer will generate the Victim Impact Statement in JTS. The Intake Officer will mail the statement to the victim along with the Victim Cover Letter.
 - c) The Victim Impact Statement will be submitted to the youth's CCM.
 - d) All Victim Impact Statements will be scanned into the youth's Correspondence Module in JTS.
 - e) If the victim sends the impact statement directly to a DJJ Office, the receiving DJJ staff shall provide a copy to the respective District Attorney's Office as soon as possible but no later than one business day.
 - f) If the victim is a Department employee/contractor, the victim will be provided the Employee Victim Notification Letter (Attachment B) instead of using the JTS generated Victim Impact Statement. This notification will not be scanned into JTS. The notification will be scanned and emailed to the Office of Victim Services Director to be placed in a confidential file.

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G. Victimization Occurring on DJJ Property:

1. When a youth is a victim of a crime while in the supervision/custody of the Department, the youth will receive the same victim services offered to other victims.
2. Youth will notify Department staff of any victimization as soon as possible by completing a help request form, filing a grievance, dropping a note in the Director's box, or telling a counselor, case manager, medical or mental health staff, Director, parent/guardian, chaplain/minister, or any trusted adult.
3. When a Department employee/contractor is a victim of a juvenile crime during work hours the employee/contractor will receive the same victim services offered to other victims. The employee/contractor will notify the facility/program/office Director of any victimization. The Director or designee will consult with the Office of Victim Services about appropriate protective measures and victim services.
4. A Special Incident Report will be initiated by the staff with first knowledge of the incident. (See DJJ 8.5, Special Incident Reporting.) The facility/program/office Director or designee will consult with the Office of Victim Services about appropriate protective measures and victim services.

H. All victim requests for information on specific youth, except for inquiries about the status of restitution payments, will be referred to the Office of Legal Services in accordance with DJJ 5.2, Case Records. Youth may only have written correspondence with a victim in accordance with DJJ 15.6, Access to Mail.

I. Victim Notification:

1. The Office of Victim Services is responsible for notifying victims of crime, who have requested notification, when a youth who has been charged with acts stipulated under the Georgia Victims' Rights Laws and violent delinquent acts (Attachment A) is released, temporarily or permanently, from an RYDC or a YDC, is transferred to the Georgia Department of Corrections or escapes from a secure facility.
2. The Juvenile Court Intake Officer will notify the victim of his/her right to victim notification and of the requirement for the victim to provide a current telephone number and address to which notification can be made.
 - a) The Intake Officer may obtain the victim's information by reviewing the complaint or speaking with law enforcement.

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- b) If the Juvenile Court Intake Officer or facility Intake Officer is unable to obtain the information at the time of intake, the Case Expeditor (for Independent Courts) or the Juvenile Court Intake Officer (for Dependent Courts) will contact law enforcement the next business day for the information.
 - c) The designee collecting the victim's contact information will enter the collected information into the Demographics Module of the Juvenile Tracking System (JTS) immediately after receipt.
 - d) The Office of Victim Services collecting the victim's information will mail the Victim Notification Letter (Attachment C) or the Employee Victim Notification Letter (Attachment B) within 24 hours of receipt.
3. When a CCM is assigned, the CCM will verify the presence of the victim's information in the Juvenile Tracking System (JTS). If no victim information is listed in JTS for a required offense, the CCM will notify the Case Expeditor or the Juvenile Court Intake Officer that the information is missing from JTS and will make a request for the information to be entered into JTS.
- J. Pre-Adjudication Release from an RYDC or YDC:
1. When a youth accused of a Violent Delinquent Act (see Attachment D) is released from a secure facility, the Office of Victim Services shall provide notice to the victim, whenever practicable, that such youth is to be released from the facility not less than 24 hours prior to the youth's release.
 2. When the youth is released from court or from an RYDC unexpectedly or without 24 hours' notice, the Office of Victim Services will provide notification to the victim as soon as possible, but no later than 48 hours from the release.
 3. When a pre-adjudicated youth is placed on an electronic monitor in lieu of detention, the CCM or Case Expeditor (as soon as notified by independent court staff) will:
 - a) Immediately notify the Office of Victim Services if a youth violates the electronic monitor release and an arrest warrant is issued because of said violation.
 - b) The Office of Victim Services will notify the victim of the violation.

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K. Post-Adjudication Release from an RYDC:

1. When a youth adjudicated to have committed a Violent Delinquent Act (see Attachment D) is released from an RYDC, the Office of Victim Services shall provide notice to the victim, whenever practicable, that such youth is to be released from the facility not less than 48 hours prior to the youth's release.
2. When the youth is released without 48 hours' notice, the Office of Victim Services will provide notification to the victim as soon as possible but no later than 48 hours after youth's release.

L. Post-Adjudication Release from a YDC:

1. When a youth is scheduled for release, the release information will be entered into JTS by the Juvenile Detention Counselor.
2. The Office of Victim Services will inform victims of violent delinquent acts of the release of such youth, a minimum of one month prior to the expected release date.

N. Notification will not be made when a youth transfers from a DJJ secure facility to another DJJ secure facility.

O. Notification will be made using the contact information provided by the victim. The Victim Notification Letter will be generated from JTS. All efforts to notify the victim will be documented in JTS.

P. If the letter is returned as undeliverable, the Office of Victim Services will document the return in the JTS Demographics Victim Notification section. The returned letter will be uploaded into the Correspondence module of JTS.

Q. Passes from a Secure Facility:

1. Upon final approval of a facility pass, the facility Director or designee will immediately notify the Office of Victim Services of the date and time of the approved pass.
2. When a youth accused and/or adjudicated of a violent delinquent act is granted an offsite pass from a secure facility, the Office of Victim Services will notify the victim within 24 hours of the approval of the pass. (See DJJ 17.20, Facility Passes.)

R. Within two hours of an escape by a youth from a secure facility, the facility Director or designee will notify the Director of the Office of Victim Services. The

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Office of Victim Services will review and make all required notifications. All contacts and attempts to notify the victim(s) will be documented in JTS.

IV. PREA VICTIM NOTIFICATION:

Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility or community residential program, DJJ will inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The communication of this information will be presented to the youth in an age appropriate format (DJJ 23.1 Attachment I: Resident Notification of Investigation Outcome).

A. The Office of Investigations:

1. The Office of Investigations will provide the required case information to the Office of Victim Services as soon as possible, but no later than 5 calendar days upon completion of the Report of Investigation (ROI).
2. When the Office of Investigations receive the final disposition from the Division of Secure Facilities or the Division of Community Services, the Office of Investigations will follow-up with the Office of Victim Services by submitting the final disposition as soon as possible, but no later than 5 calendar days upon receipt of information from the Division of Secure Facilities or the Division of Community Services.
3. If the Office of Investigations did not conduct the investigation, then the Office of Investigations will request the relevant information from the investigative agency. The Office of Investigations will provide the required information to the Office of Victim Services as soon as possible, but no later than 5 calendar days upon receipt of information from the investigative agency.

B. The Office of Victim Services:

1. Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility or community residential program, the Office of Victim Services will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded in an age appropriate format. The resident's notification of PREA cases will be delivered by a staff member from the Office of Victim Services no later than 5 calendar days upon receipt of information from the investigative agency.
 - a) The resident's notification of PREA code PY3 (Youth on Youth Sexual Harassment) will be delivered by a care and treatment staff

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at the facility. The facility will document the notification and provide the Office of Victim Services with a copy of documentation.

2. When providing the residents with age appropriate information, the Office of Victim Services will include additional referral and/or services on a case by case basis.
3. When a resident alleges that a staff member committed sexual abuse against the resident, the Office of Investigations shall inform the resident (except when the allegation is determined to be unfounded) if:
 - a) The staff member is no longer posted within the resident's unit;
 - b) The staff member is no longer employed at the facility;
 - c) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. When a resident alleges that a staff member committed sexual abuse against another resident, the Office of Investigations shall inform all residents (except when the allegation is determined to be unfounded) if:
 - a) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - b) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. The Office of Victim Services will document all notifications or attempted notifications in JTS.
6. If the resident is released from the facility or community residential program, the Office of Victim Services' obligation to report will terminate.

V. RESTORATIVE JUSTICE:

- A. The Office of Victim and Volunteer Services will provide services and opportunities that encourage juveniles to take responsibility for their actions and make restitution to the victims of their crimes and/or community, when required. Opportunities are based on community input and seek to ameliorate the harm done. (See DJJ 14.3, Citizen and Volunteer Involvement.)

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VI. LOCAL OPERATING PROCEDURES REQUIRED: NO