



FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

Title: Victim Rights and Victim Notification Requirements Procedures

Related Policy: FDJJ – 3400

I. DEFINITIONS

Chapter 960 Crime - For purposes of victim notification under Chapter 960, F. S., homicide, pursuant to Chapter 782, or a sexual offense pursuant to Chapter 794, or an attempted murder or sexual offense, pursuant to Chapter 777, or stalking, pursuant to s. 784.048, or domestic violence, pursuant to s. 741.28.

Designated Contact - The person(s) specified on a law enforcement victim notification card, a victim data form or other official court record to receive the victim notification information for, or on behalf of, a victim.

Juvenile Probation Officer – The authorized agent of the department who performs intake, case management or supervision functions. This includes contracted provider employees who perform the same functions as a Juvenile Probation Officer.

Parent/Legal Guardian - The person(s) legally responsible for the care and custody of a minor victim of crime, or the appropriate next of kin of a victim, identified on a law enforcement victim notification card, a victim data form, a police report, or other official court record as the person(s) to receive the victim notification information for, or on behalf of, a victim.

Residential Commitment - The court ordered placement of a youth in accordance with Chapter 985, F. S., into a low, moderate, high or maximum risk state operated or contracted program under the authority of the Florida Department of Juvenile Justice.

Secure Detention - The secure confinement, in accordance with Chapter 985, F. S., of youth in a facility maintained for the temporary detention of children pending adjudication, disposition or placement, under the authority of the Florida Department of Juvenile Justice.

Victim - The person(s) who suffers harm as a result of a crime and who is identified on a law enforcement victim notification card, a police report, or other official court record as a victim of a crime pursuant to Florida Statutes.

Victim Notification Log - A log maintained by each detention center for the purpose of documenting required release notification to victims of a sexual offense pursuant to Chapter 794, or an attempted murder, or sexual offense, pursuant to Chapter 777, or stalking, pursuant to s. 784.048, or domestic violence pursuant to s. 25.385, or lawful representatives or next of kin in cases of homicide, pursuant to Chapter 782.

Violent Felony Crime - For purposes of this policy, a violent felony crime is a felony relating to Chapter 782, homicide; Chapter 784, assault, battery, and culpable negligence; Chapter 787, kidnapping, false imprisonment, luring or enticing a child, and custody offenses; Chapter 794, sexual battery; Chapter 800, lewdness and indecent exposure; Chapter 827, abuse of children's. 812.13, robbery; s. 812.131, robbery by sudden snatching; s. 812.133, carjacking; and s. 812.135, home invasion robbery.

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II. STANDARDS/PROCEDURES

A. Victim Rights:

Under Florida Statutes Chapter 960, *Victim Assistance*, victims of juvenile crime have the following rights:

- Right to notification of significant events including release from custody of offenders in cases involving homicide, sexual offenses, attempted homicide or sexual offenses, domestic violence and stalking.
 - Right to submit claims for crimes compensation in applicable cases
 - Right to be informed, present, and heard when relevant at all crucial stages of case processing
 - Right to the juvenile offense report from law enforcement to pursue legal remedies
 - Right to request restitution
 - Right to attend the disposition hearing of juveniles tried as adults
 - Right to information about case status
 - Right to protection from the offender
 - Right to information on the juvenile justice process
 - Right to referrals for support and assistance
 - Right to information on how to request or exercise their rights
1. It is the responsibility of all department employees to support the rights of victims of juvenile crime.

B. Victim Notification:

1. 1. The Detention Superintendent **or designee** shall make a reasonable attempt to notify the victim, as defined above in Chapter 960.001 Crime (or the appropriate next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims) of release of a juvenile offender from secure detention.
2. Each Regional Juvenile Detention Center shall maintain a Victim Notification Log (Attachment 1) for the purpose of documenting those youth admitted to the facility whose victim requires notification prior to release to include the victim of a sexual offense, pursuant to Chapter 794, or an attempted murder or sexual offense pursuant, to Chapter 777, or stalking, pursuant to s. 784.048, or domestic violence, pursuant to s. 25.385, or lawful representatives or next of kin in cases of homicide, pursuant to Chapter 782.
3. The Victim Notification Log will document the following:
 - a. Name of the offender,
 - b. Date of admission to the facility,
 - c. The specific offense,
 - d. The name and contact information for the victim,

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- e. The date of notification, name of staff person making the notification, and
- f. A copy of the notification letter.

A copy of the notification letter will also be provided to the assigned Juvenile Probation Officer (JPO) and a copy will be placed in the youth case record. All copies of the letter must be kept confidential.

- 4. The Victim Notification Log shall be maintained in a confidential manner to protect the identity of the victim and each Regional Juvenile Detention Center shall ensure a mechanism for regular monitoring of the log to ensure compliance with the requirements of Chapter 960.
- 5. If prior written notification is unsuccessful, a reasonable attempt must be made by the Detention Center Superintendent (or their designee) to notify the victim or designee as defined above, by telephone within four hours following the release of a juvenile from secure detention.
- 6. All telephone notification attempts shall be documented in the Victim Notification Log maintained by the Regional Juvenile Detention Center, along with the date, time and identification of the person called and the identification of the person placing or attempting to place the call.
- 7. As required by Chapter 960, incarcerated victims have the right to be informed and submit written statements at all crucial stages of the criminal proceedings.
- 8. As required by Chapter 960, youth who become victims while in a Regional Juvenile Detention Center should be provided with appropriate victim rights information by law enforcement. If this does not occur, detention staff shall request the appropriate information from law enforcement.
- 9. Confidentiality concerning the victim and the offender shall be in accordance with Florida Statutes.
- 10. Any special requests from the victim concerning notification involving a waiver of the right to notification, or requests for additional information shall be documented in the youth case record. Each Regional Juvenile Detention Center shall make every effort to comply with reasonable requests, which are not in conflict with Florida Statutes concerning confidentiality. Responses to requests from victims should be coordinated with the assigned JPO to ensure compliance with judicial requirements.
- 11. Facility Operating Procedures shall be developed by Detention Services to ensure compliance with this policy.
- 12. State operated and contracted residential commitment program staff shall comply with relevant provisions of Chapter 960, F.S., Chapter 985, F.S., and 63E-7, F.A.C. (Residential Administrative Rule).
- 13. It is the responsibility of the assigned Juvenile Probation Officer, Regional Juvenile Detention Center staff or Juvenile Assessment Center Screeners (including Contract Providers) to ensure

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that the Victim Notification Data Sheet is included in the Commitment Packet for youth charged with a Chapter 960.001 crime.

14. It is the responsibility of the person performing the duty of detention screening to review the paperwork submitted by law enforcement for inclusion of victim contact information. If the information is not included for a youth charged with the offenses enumerated above under Chapter 960.001, the secure detention center is required to document attempts to obtain the information prior to release of the youth from detention. Assigned JPOs shall assist in this process if necessary.

C. State Attorney Notification of Escapes:

1. Within two hours following an escape from a secure juvenile detention facility, the facility where the escape occurred shall provide notice of the escape to the State Attorney where the juvenile was charged, or where the petition for delinquency originated, so that the State Attorney, pursuant to Chapter 960, can make the required notification to the victim **or appropriate next of kin of the victim or other designated contact of the victim** of homicide pursuant, to Chapter 782, or sexual offense, pursuant to Chapter 794, or an attempted murder or sexual offense, pursuant to Chapter 777, or stalking, pursuant to s. 784.048, or domestic violence pursuant to s. 25.385.
2. A telefax notification of escapes shall include the name of the offender, the date and time of the escape, the original offense, the name and location of the Regional Juvenile Detention Center, along with the name, title and telephone number of the person sending the information.
3. The original telefax notification, along with the verification from the telefax machine of the successful transmission of the notification, shall be maintained by the Regional Juvenile Detention Center for verification of notification.
4. Facility Operating Procedures shall be developed by Detention Services to ensure compliance with this policy.
5. State operated and contracted residential commitment program staff shall comply with relevant provisions of Chapter 960, F.S., Chapter 985, F.S., and 63E-7, F.A.C. (Residential Administrative Rule).

D. Zero Tolerance for Victimization in Schools:

1. Chapter 1006.13, F. S., *Policy for Zero Tolerance for Crime and Victimization* requires school districts to adopt cooperative agreements with the Department of Juvenile Justice to protect victims and their siblings from their offenders while they are in school or riding on school buses, by specifying guidelines for ensuring that all no contact orders entered by the court are reported and enforced, and by requiring that DJJ notify the school district when an offender is found to have committed a violent felony and was attending a school attended by the victim or a sibling of the victim.
2. Each circuit probation office will ensure compliance with these requirements.

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E. Probation Contacts with Victims:

1. Juvenile Probation Officers are required to contact victims, if possible, prior to submitting recommendations to the State Attorney, documenting such contact in the youth case record. If personal contact is not possible, the JPO must send a letter to the victim requesting that the victim make contact with the JPO to obtain input for recommendation to the State Attorney and/or the Court. The approved Victim Letter is contained in JJIS, and includes required information regarding the victim's rights in the juvenile case.
2. During the contact with the victim, JPOs must clarify the circumstances of the alleged offense, determine the harm suffered by the victim as a result of the alleged offense, discuss restitution needs, and obtain the victim's opinion on what disposition they feel is appropriate.
3. JPOs are required to take into consideration the opinion of the victim when making recommendations to the state attorney and the court.
4. The JPO must notify the victim in writing of recommendation for non-judicial handling. The notification must include the plan recommended to the state attorney, the victim's right to express their view in writing if they do not agree with the recommendation, and the requirement that the victim must respond within 10 days of receiving the notification. The approved Victim Letter is contained in JJIS, and includes required information regarding the victim's rights in the juvenile case.
5. When completing the Positive Achievement Change Tool (PACT) for judicial cases, the JPO must consider the information gained from the victim, along with information from law enforcement and other collateral sources.
6. In completing the Pre-Disposition Report, the recommendations made by the JPO must balance sanctions required of the juvenile for public safety, accountability to the victim and/or the community and competency based treatment goals. These recommendations must integrate the three areas for the highest possible impact on public safety, victim awareness and services, and development of the juvenile into a responsible person. The JPO shall also notify the victim of the right to attend the disposition and provide advance notification to the victim of any judicial or post judicial proceedings, unless the agency does not have advance notification.
7. Offender accountability is one of the basic principles of Balanced and Restorative Justice. The premise of this principle is that the juvenile justice system must respond to delinquent behavior in such a way that the offender is made aware of and held responsible for repaying or restoring loss, damage or injury perpetrated upon the victim and the community. This goal is achieved when the offender understands the consequences of criminal behaviors in terms of harm to others; and when the offender makes amends for the harm, loss or damage through restitution, community service or other appropriate "payback".
8. JPOs must attempt to determine restitution amounts and community service during the assessment phase, and document all contacts and information received regarding restitution and community service. The JPO must collect information on loss, harm and damage from multiple sources, including victim and their insurance companies, law enforcement reports, offenders,

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parents/guardians, and others. The JPO must work closely with the State Attorney's Office, including the Victim Advocate, in conducting a restitution investigation.

9. If the JPO cannot reach the victim in person or by telephone, the JPO must send the victim a letter advising them of the process, requesting information about any restitution owed, and requesting input regarding community service or other sanctions. The approved Victim's Letter is contained in JJIS, and includes required information regarding the victim's rights in the juvenile case.
10. When an offender is placed on probation, the youth and the JPO shall work together to develop a supervision plan, which includes restitution, and the necessary activities to ensure that restitution is being met. The plan should take into consideration the offender/family resources to pay, the offender's age and employability, and appropriate employment referrals.
11. The department must work with the State Attorney, the Public Defender and the Clerk of the Court to ensure payment, tracking and reporting of restitution payments to the court.
12. When the offender fails to make a scheduled payment, the JPO will contact the offender and the parent/guardian within 10 working days of becoming aware of the missed payment to determine what problems may exist, renegotiating the payment plan if necessary. The JPO must notify the State Attorney and the court of the modified plan. The State Attorney will in turn notify the victim.
13. If offenders and their families have not made any effort to pay restitution, the JPO (after consultation with supervisors) must file an affidavit alleging violation of probation or request a Judicial Review Hearing for determining the circumstances for lack of payment of restitution, so that the court can determine if additional or modified sanctions are necessary.
14. The JPO should recommend community service if there has been a loss to the community resulting from the offense and/or excessive monetary loss warrants conversion of a portion of the dollar loss into community service hours.
15. If the offender has completed all required sanctions, with the exception of restitution requirements, has proven to be a productive individual in the community, and has made a consistent good faith effort to pay restitution, the JPO shall (after consultation with supervisors) petition the court for termination of probation. The JPO must make every reasonable effort to ensure that regular scheduled payments have been made to the victim and provide proper documentation before recommending termination. The petition should request that the court retain civil jurisdiction of the case to obtain restitution. The victim shall be advised that termination is being recommended and be provided with information regarding the mechanism to obtain restitution through civil judgment.
16. Pursuant to s. 985.308 F. S., JPOs are required to provide notification to the school to which a juvenile sex offender is returning, the parents or legal guardians of the victim, and law enforcement, when a juvenile sex offender returns to the community. This notification relates to felony sex offenders who have committed a violation of chapter 794, Chapter 800, s.827.071 or s. 847.0133

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III. RESPONSIBILITY AND DUTIES

This policy relates to the program areas listed below, since all employees or contract providers have responsibilities to victims of juvenile crime, with specific statutory requirements for contact and notification enumerated in this policy.

Note: the elaboration of duties for each office is based on a summary of those duties identified in Section II of these Procedures.

A. Office of Prevention and Victim Services

1. General oversight of the Victim Rights and Victim Notification Requirements Policy and Procedures.

B. Office of Detention Services

1. Shall make a reasonable attempt to notify the victim, as defined in Chapter 960.001, F.S., (or the appropriate next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims) of release of a juvenile offender from secure detention.
2. Shall maintain a Victim Notification Log (Attachment 1) for the purpose of documenting those youth admitted to the detention facility whose victim requires notification prior to release.
3. If prior written notification is unsuccessful, a reasonable attempt shall be made by the Detention Center Superintendent (or their designee) to notify the victim or designee, by telephone within four hours following the release of a juvenile from secure detention.
4. Shall provide notice to the State Attorney within two hours following an escape from a secure juvenile detention facility where the escape occurred.
5. Shall develop Facility Operating Procedures to ensure compliance with this policy.

C. Office of Probation and Community Intervention

1. Shall be the responsibility of the assigned Juvenile Probation Officer, Regional Juvenile Detention Center staff or Juvenile Assessment Center Screeners (including Contract Providers) to ensure that the Victim Notification Data Sheet is included in the Commitment Packet for youth charged with a Chapter 960.001 crime.
2. Shall be the responsibility of the person performing the duty of detention screening to review the paperwork submitted by law enforcement for inclusion of victim contact information.
3. Shall ensure that circuit probation offices are in compliance with the requirements of Chapter 1006.13, F. S., *Policy for Zero Tolerance for Crime and Victimization* as it relates to establishing cooperative agreements with school districts to protect victims and their siblings from their offenders while they are in school or riding on school buses, by specifying guidelines for ensuring that all no contact orders entered by the court are reported and enforced, and by requiring that DJJ notify the school district when an offender is found to have committed a violent felony and was attending a school attended by the victim or a sibling of the victim.

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4. Shall contact victims, if possible, prior to submitting recommendations to the State Attorney, documenting such contact in the youth case record.
5. Shall notify the victim in writing of recommendation for non-judicial handling.
6. Shall balance sanctions required of the juvenile for public safety, accountability to the victim and/or the community and competency based treatment goals in completing the Pre-Disposition Report.
7. Shall attempt to determine restitution amounts and community service during the assessment phase, and document all contacts and information received regarding restitution and community service.
8. Shall provide notification (pursuant to s. 985.308 F. S.) to the school to which a juvenile sex offender is returning, the parents or legal guardians of the victim, and law enforcement, when a juvenile sex offender returns to the community. This notification relates to felony sex offenders who have committed a violation of chapter 794, Chapter 800, s.827.071 or s. 847.0133

D. Office of Residential Services

1. State operated and contracted residential commitment program staff shall comply with relevant provisions of Chapter 960, F.S., Chapter 985, F.S., and 63E-7, F.A.C. (Residential Administrative Rule).

IV. ATTACHMENTS

Victim Notification Log (Attachment 1)

Victim Notification Data Sheet

Victim Notification/Waiver