

ICJ Victims Ad Hoc Committee Survey Results

January 2011

25 Responses

Youth on Probation

2. Is victim notification statutorily required by your state?		
Yes	13	59%
No	9	41%

3. If victim notification is not required by statute, is it required by some other authority? If Yes, please list the authority.		
Yes	4	29%
No	10	71%

Additional comment:

- Sentencing judge can require it.
- In juvenile cases we have a Common Law Duty to Warn.
- The Juvenile Court judge or the District Attorney notify victims as they deem necessary.
- The Juvenile Justice system in Nevada is statutorily driven, hence any mandates regarding victim notification specific to juveniles would be governed by statute. That being said, Victim Notification directives related specifically to Juveniles are limited. NRS62C.120 Petition alleging that child committed certain sexual or violent acts: DA required to provide certain documentation to the victim at the point the petition is filed. NRS62D.440 Disclosure to victim of disposition of case; confidentiality of personal information pertaining to victim or parent or guardian to victim. NRS63.620 Required notice upon escape and apprehension of child. Some local entities might address victim notification, but it isn't routine practice.
- AG's Office
- In addition to statutory obligations, the Idaho Constitution provides for victim notification, as well as Department policy.

4. Is victim notification required for all offenses? If No, please list the types of offenses requiring notification (e.g., violent offenses, sex offenses, etc.)		
Yes	6	30%
No	14	70%

Additional comment:

- No notification for misdemeanors
- All offenses where a victim is identified.
- Required for cases of Murder, Class A,B, and C Felonies and certain misdemeanors involving domestic violence, sexual assault, stalking etc.
- The sentencing judge can require it regardless of offense type.
- A delinquent act which would be a felony if committed by an adult
- Victims must request notification in writing.
- Victim Notification not required for youth on probation

- For offenses of a sexual nature. Notice is required upon filing a petition and is provided by the DA's Office.
- The County Attorney decides which offense are victims offenses. All felonies, and all misdemeanors that include sexual assault, assault, and threat of assault.
- All felony or misdemeanor offenses involving physical injury (or threat thereof) or sexual offenses.
- Victim's must be notified of their rights to notification. Notification must be requested.
- Only crimes against a person. No property crimes

5. Does victim notification occur at the time of release from a secure correctional facility?		
Yes	8	42%
No	11	58%

6. Are victim notification time requirements statutorily governed for releases from a secure correctional facility? If Yes, notification is required to occur within ___ days.		
Yes	4	19%
No	17	81%

Additional comment:

- Within 10 days
- Time requirements by departmental policy
- Judge would set this if requiring notification.
- No later than the 30th day before the date the defendant is released
- A letter is sent out automatically.
- The statute provides that notice be given to the victim prior to release. Department policy is to provide a notice within 30 day of the anticipated release.

7. Does victim notification occur at time of movement or transfer from one community residence to another?		
Yes	7	33%
No	14	67%

8. Are victim notification time requirements statutorily governed for transfers from one community residence to another? If Yes, notification is required to occur within ___ days.		
Yes	4	19%
No	17	81%

Additional comment:

- No statute but agency policy stresses within 10 days
- Judge would set this if requiring notification.
- Immediately
- 15 days before release from a residential care facility for specified violent and sex offenses only
- Department policy is to notify victim 30 days prior to the transfer.

9. Does victim notification occur at the time a dispositional order expires? If Yes, notification is required to occur within ___ days.

Yes	7	37%
No	12	63%

Additional comment:

- Victims are notified of all dispositional court hearings where disposition orders may expire.
- Agency policy stresses that POs give advance notification when an order is set to expire.
- Only if released from institutional confinement
- Judge would set this if requiring notification.
- 30th day prior
- Such notification is on an as-needed basis.
- Not routinely
- 15 days prior to expiration
- Notification continues until case is resolved or the juvenile is off probation.
- Idaho Statute does not provide a time frame for notification, but merely prior notification.
- If requested by the victim. No set time frames.
- Colorado legislation does not contain the term "dispositional order."

10. How do victims indicate they wish to receive notification? Check all that apply.

Register with state agency	6	35%
Register with local probation agency	6	35%
Register with court	9	53%
Registration is automatic	2	12%
Other, please specify	9	53%

Additional comment:

- Automated VINE Service
- Victims notify local probation or prosecutor's office.
- The victim sends a written request to the court.
- Not required
- As NRS62C.120 states that it is the responsibility of the local DA's Office to provide documentation to victims upon filing of petition, the "registration" occurs at that level within each community in Nevada.
- Victims receive notification unless they request notification to stop.
- District Attorney's Office

11. What agency is responsible for sending notification to victims? Check all that apply.		
State agency	6	35%
Local probation agency	9	53%
Juvenile court	9	53%
Other, please specify	9	53%

Additional comment:

- In SC, DJJ is all of these (DJJ, Juvenile Parole Board, Prosecutor's office)
- The Attorney for the Commonwealth
- Whoever has custody of the offender at the time
- Not required
- The local DA's Office in each community notifies victims upon filing of petition.
- District Attorney's Office

12. Is victim notification required of a review hearing regarding the offender's case? If Yes, notification is required to occur within ___ days.		
Yes	11	58%
No	8	42%

Additional comment:

- No time frame set for notification. Statute reads as: "Victims have a right to a timely notice."
- 2 working days prior to the hearing
- When seeking early termination of probation
- Judge would set this if requiring notification.
- Only for certain offenders and only when a written request is submitted by the victim. There are no statutory time frames.
- The law doesn't designate a timeline; it just requires the agency to give the victim the opportunity to participate.
- Time frame not specified
- The statute does not specify a time frame.
- If requested by the victim. No set time frames.

13. Is victim notification required for the results of a review hearing regarding the offender's case? If yes, notification is required to occur within ___ days.		
Yes	7	37%
No	12	63%

Additional comment:

- Victims have the right to be notified of all results in a "timely manner".
- If the victim does not attend, the agency notifies them ASAP of the outcome provided they requested this.
- Judge would set this if requiring notification.

- Victims have post convictions rights that include; notification of Revocation Hearing, review Status Hearings and Warrant Issued.
- The statute does not specify a time frame.
- If requested by victim. No set time frames

14. What agency in your state is responsible for collecting and sending victim monetary restitution payments? Check all that apply.		
State Agency	4	21%
Local probation agency	3	16%
Juvenile court	13	68%
Other, please specify	3	16%

Additional comment:

- Not required
- Each jurisdiction in Nevada is responsible for its own collection of restitution.

Youth on Parole

15. Is victim notification statutorily required by your state?		
Yes	18	72%
No	7	28%

16. If victim notification is not required by statute, is it required by some other authority? If Yes, please list the authority.		
Yes	1	8%
No	12	92%

Additional comment:

- There is no difference between limited juvenile notification requirements for probation or parole in Nevada.
- Per ARS 8-394 If the victim has made a request for post adjudication notice.
- N/A: Idaho law does not provide parole for juveniles.

17. Is victim notification required for all offenses? If No, please list the types of offenses requiring notification (e.g., violent offenses, sex offenses).		
Yes	9	38%
No	15	62%

Additional comment:

- No notification for misdemeanors or any juvenile
- All offenses where a victim is identified.
- Only for murder, Class A,B,C felonies and certain misdemeanor cases involving domestic violence, sexual assault, stalking etc

- Not unless included in court orders.
- Index Offenses
- A delinquent act which would be a felony if committed by an adult
- Victims must request notification in writing
- Felony grade offenses such as attempted murder, rape, crime against another child, escape from a lawful confinement or release from a lawful confinement
- Off grid, Level 1-5 non drug, and 1-3 drug crimes
- Violent offenses, sexual offenses, stalking offenses
- If the victim has made a request
- Notice goes to the Office of Victim/Witness in the county of commitment.
- Victim's must be notified of their rights to notification. Notification must be requested.
- Only crimes against a person; no property crimes

18. Does victim notification occur at the time of release from a secure correctional facility?

Yes	13	57%
No	10	43%

19. Are victim notification time requirements statutorily governed for releases from a secure correctional facility? If yes, notification is required to occur within ___ days.

Yes	9	38%
No	15	62%

Additional comment:

- Not in the statute but the SC Juvenile Parole Board has a policy to notify within 5 days of release
- 30 days by policy
- Judge would set this if requiring notification.
- 10 days
- 30 days prior
- 5 days
- Within 30 days
- 15 days before release
- 15 days
- 120 days or as soon as possible.
- Notification of possible release occurs 30 days before. Notice of actual release occurs within 30 days by policy, within one week by practice.

20. Does victim notification occur at time of movement or transfer from one community residence to another?

Yes	8	33%
No	16	67%

21. Are victim notification time requirements statutorily governed for transfers from one community residence to another? If Yes, notification is required to occur within ___ days.

Yes	6	25%
No	18	75%

Additional comment:

- Not in the statute but the DJJ parole officer would notify within 5 days by agency policy if the victim requested this.
- Judge would set this if requiring notification.
- 10 days
- Immediately
- Only if it is a less secure setting
- 15 days before release from a residential care facility for specified violent and sex offenses only.
- 10 days

22. Does victim notification occur at the time a dispositional order expires? If Yes, notification is required to occur within ___ days.

Yes	9	39%
No	14	61%

Additional comment:

- Victims are notified of all dispositional court hearings where disposition orders may expire.
- The DJJ parole officer will notify ahead of the end of the parole order.
- Unless being released from institutional confinement
- Judge would set this if requiring notification.
- 30 days
- 30 days prior
- No time restraints indicated.
- 15 days prior to expiration
- 120 days
- Within 30 days
- Colorado legislation does not contain the term "dispositional order."

23. How do victims indicate they wish to receive notification? Check all that apply.

Register with state agency	13	62%
Register with local parole agency	2	10%
Register with court	10	48%
Registration is automatic	3	14%
Other, please specify	10	48%

Additional comment:

- Automated VINE Service
- The Prosecutor's office is required by law to forward victim registration information to the SC Parole Board staff at the time of commitment.

- Request through District Attorney's Office
- A written request is submitted by the victim to the court.
- Provides a written request
- Victim must complete a Victim Witness/notification form that is available through law enforcement agencies, DA's office, DPS&C and Corrections Services.
- As NRS62C.120 states that it is the responsibility of the local DA's Office to provide documentation to victims upon filing of petition, the "registration" occurs at that level within each community in Nevada.
- For Post Adjudication
- Prosecutor's Office in the county of commitment

24. What agency is responsible for sending notification to victims? Check all that apply.		
State Agency	13	62%
Local parole agency	7	33%
Juvenile court	7	33%
Other, please specify	9	43%

Additional comment:

- Both the parole officer and the parole board staff provide notifications.
- Attorney for the Commonwealth
- On an as-needed basis
- County or District Attorney
- The local DA's Office notifies the victim upon filing of petition.
- Prosecutor's Office in the county of commitment

25. Is victim notification required of a review hearing regarding the offender's case? If Yes, notification is required to occur within ___ days.		
Yes	10	43%
No	13	57%

Additional comment:

- Most victims will make the request to be notified.
- The Parole Board staff notify the victim at least 10 days prior to a parole review hearing.
- Judge would set this if requiring notification.
- 10 days
- No specified time frame
- No timeline but the victim has the right to be given the opportunity to participate
- The State does not have review hearings; however we do notify victims for revocation hearings and release board hearings.
- Within 30 days

26. Is victim notification required for the results of a review hearing regarding the offender's case? If Yes, notification is required to occur within ___ days.

Yes	6	29%
No	15	71%

Additional comment:

- No time frame specified
- The Parole Board sends a letter within 10 days of the hearing if the victim did not attend in person.
- Judge would set this if requiring notification.
- 10 days
- Victim's are notified when a possible parole date is set.
- Within 30 days

27. What agency in your state is responsible for collecting and sending victim monetary restitution payments? Check all that apply.

State agency	8	38%
Local parole agency	3	14%
Juvenile court	11	52%
Other, please specify	7	33%

Additional comment:

- All restitution is paid for parole orders directly to the SC State DJJ Finance dept.
- Each jurisdiction in Nevada is responsible for its own collection of restitution.
- Probation
- We do not have a collection agency, the facilities will collect while the juvenile is there and the PO will attempt to collect once on parole. Any money is sent to the JJC Fiscal Office and then forwarded to the victim.

28. Does your state operate an on-line database where information on juvenile offenders can be accessed by victims?

Yes	4	16%
No	21	84%

29. What barriers, if any, are present in your state to meet other states' requirements for victim notification?

Responses:

- Concerns from Law Enforcement and Corrections on what can be released to victims regarding an offender.
- The SC PO would need to have the information in the ICJ transfer materials..that would be the only issue..if we do not receive the information we would not know who to notify or how they wish to be notified...it would also be good to have a state grid in our ICJ materials that gives

statute information & the # of days required for notification to happen (just as we do for sex offender laws).

- State limits public disclosure of youth information (including victims).
- We have no statute that addresses victim notification in juvenile cases. Only community notification for sex offenders.
- Strict confidentiality statutes and lack of policy/procedures to accomplish such.
- Communication is the primary barrier.
- The state ICJ office does not have access to local probation agency records of victims' notification requests.
- One of the biggest barriers is the lack of staff and resources available to our Compact administrator to track and update victim information, as well as gain an understanding of the sending state's victim notification requirements to ensure compliance. In addition, the agency in charge of victim notification is mandated by Idaho statute and at times will vary in Idaho from county to county. This may create additional logistical hurdles for Compact administrators, as well as difficulty for agencies to comply with statutory requirements.
- Different statutes and regulations governing eligibility and timeframes for notification, in addition to types of notification.
- Communication issues between Parole and Probation agencies
- Juvenile confidentiality issues and budgetary limits.
- At minimum, cases must fall under the parameters outlined by the Colorado Victim Rights Amendment and enabling legislation in order for notification to occur as a matter of course. Exceptions may be made by each agency depending on resources and their internal policies.
- The state has an extensive adult offender victim information notification system, including a database with automated phone and e-mail notification options. However, it is extremely rare in our state for victim notification to be required in a juvenile case so no infrastructure is in place for this.

30. Do you have additional information that would be helpful for the Victims Ad Hoc Committee as it develops recommendations for improving victim notification through ICJ action?

Responses:

- Permission by the sending state for the receiving state to issue travel permits back to the sending state is not always being obtained or permits being completed...this could result in offenders being back around their victims without proper notification...this is also happening when juveniles return to the sending state on their own..immediate notification needs to happen at that point by an email, call, etc from the receiving state to the sending state thru the ICJ offices so that supervision is resumed quickly or violations can be issued & victims notified of these actions....the payment of restitution also needs to be stressed by the receiving state when they are supervising a case & the sending state needs to monitor restitution balances in order to issue violations before their orders expire so that victims can be paid.
- Continue to include victim advocate groups in the discussions.
- Because victim notification requirements and processes vary from state to state, consistency and ensuring compliance should be the top priority. Victim involvement will vary from case to case,

but there are victim's that develop a trusting relationship with a victim coordinator or prosecutor, and a victim should not feel as if they are being passed around to different agencies.

- Comment boxes for each question would have been helpful. Questions 5 and 7 are at the request of the victim.
- Respect the victim. Treat them with fairness and dignity in each step of the way.