



TITLE	POLICY NUMBER	
Victim Services	DCS 09-02	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Accountability	July 26, 2018	4

I. POLICY STATEMENT

The Department of Child Safety (DCS) is committed to seeking justice for children in DCS care who are victims of crime. Supported by a grant from the U.S. Department of Justice (DOJ) Office for Victims of Crime, Victim Services is established within the Office of the Ombudsman to facilitate victim involvement and participation in the criminal justice system. It is imperative that victims have a voice in decisions related to their rights in the criminal justice process.

Victim Services shall assist with the coordination of activities regarding the protection and exercising of child victims' rights. It shall be the primary contact for law enforcement, prosecutorial agencies, and victim advocacy organizations responsible for guaranteeing the rights of child victims.

II. APPLICABILITY

This policy applies to all children and youth in DCS care (or with DCS involvement) who are identified as victims in any criminal proceeding, regardless of whether the perpetrator was a parent, guardian, custodian, or an individual with no legal responsibility for the care and protection of the child or youth.

III. AUTHORITY

[18 U.S.C § 3771](#)

Crime Victims' Rights

[Arizona Constitution, Article 9, Section 2.1](#)

Victims' Bill of Rights

Arizona Rules of Criminal Procedure, Rule 39	Victim's Rights
A.R.S. Title 8, Chapter 3, Article 7	Victims' Rights for Juvenile Offenses
A.R.S. § 13-4254	Pro se defendant; prohibited questioning of minor victim
A.R.S. Title 13, Chapter 40	Crime Victims' Rights

IV. DEFINITIONS

Arizona Voice for Crime Victims (AVCV): A nonprofit organization that provides free legal representation and social services to victims in criminal proceedings.

Covered individual: As defined by the grant administered by the DOJ, any individual who is expected, or reasonably likely, to interact with any participating minor. DCS employees designated as Victim Services Liaisons (and any other DCS employees or grant subrecipients who interact with participating minors) are covered individuals. A covered individual, however, need not have any particular employment status or legal relationship with the grant recipient (or subrecipient); such an individual might be an employee of a grant recipient (or subrecipient), or, for example, a consultant, contractor, trainee, or volunteer.

Current and appropriate information: Includes the results of all searches of pertinent and reasonably accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, as well as criminal history registries and similar repositories of criminal history records. These searches must be completed no earlier than six months before the determination that the covered individual is suitable to have interactions with participating minors.

Department or DCS: The Arizona Department of Child Safety.

Initial Appearance (IA): The first court hearing after a defendant is registered in the criminal justice system as having committed a specific offense. Within 24 hours of the booking, a defendant must be taken before a judge or commissioner for an Initial Appearance, where conditions of the defendant's release are established. A defendant may be released on their own recognizance, held in jail, or released after posting a cash bond.

Interaction: As defined by the grant administered by the DOJ, physical contact, oral and written communication, and the transmission of images and sound, either in person or by electronic (or similar) means.

Participating minor: All individuals under 18 years of age who interact with covered individuals.

Post-Conviction Notification Request (PCNR): If a post-conviction notification request is submitted to the agency responsible for notification, then a victim has the right to be informed of the post-conviction activity when an offender is sentenced.

Settlement Conference: A meeting in which the fair, orderly, and just disposition of the case without a trial is discussed. At this meeting, the defendant and prosecutor may attempt to resolve a case before proceeding to trial. The settlement conference may result in a plea agreement, which may include a reduction of the sentence normally imposed for the alleged offense. If the parties agree, the case is scheduled for a change of plea, then for sentencing. If no agreement is reached, the case proceeds to the scheduled preliminary hearing.

Victim: A person against whom a criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child, or other lawful representative, except if the person is in custody for an offense or is the accused.

Victim Advocate: An individual affiliated with a prosecutorial agency who keeps victims informed about the progress of their case and works to ensure that victims' rights are preserved throughout the criminal justice process.

Victim Impact Statement: A written or verbal statement provided by a victim or the victim's legal guardian that describes to the court how the crime has affected the victim, the victim's family, friends, colleagues and community. The victim impact statement becomes an official court record and is a permanent addition to the defendant's criminal file. It can be read by the prosecutor, judge, defendant, defendant's attorney, and the probation officer.

Victim Services Liaison: A DCS employee responsible for the preservation of victim's rights for children in DCS custody throughout the criminal justice process. They shall ensure that victims are afforded the constitutionally protected rights to which they are entitled. Their work will include communicating with criminal justice agencies, assisting the assigned DCS Specialist to prepare victims to participate in the criminal justice system, and documenting case progress and issues.

Victim Services Manager: The individual responsible for overseeing Victim Services and ensuring that victims receive the opportunity to exercise their constitutionally protected rights.

V. POLICY

- A. As the legal representative of children and youth in DCS care, the Department shall ensure that children who are victims of a criminal offense shall receive all of the crime victims' rights to which they are entitled, taking into consideration the youth's willingness to participate, the assessed impact on their physical/emotional well-being, and the DCS Specialist's recommendation. If the court orders a child or youth to participate, the Department shall comply with that order.

If the Department receives a victim's rights notification for a child or youth who is not in DCS custody, the Victim Services Liaison shall provide the most recent contact information available for the correct caretaker(s) to the prosecutorial agency. Additionally, if a child or youth who is not in DCS custody is part of an open investigation, Victim Services shall notify the assigned DCS Specialist of the victim rights notification and provide an assessment of case status to the prosecutorial agency.

- B. As a condition of the federal grant from DOJ, covered individuals (including Victim Services Liaisons) shall undergo "current and appropriate information" background checks to determine their suitability to interact with participating minors. These checks shall include the results from pertinent and reasonably accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, as well as criminal history registries and similar repositories of criminal history records. Background checks (described in section VI.A) shall be updated at least every five years to ensure continued suitability to interact with participating minors.
- C. A written determination of suitability for all covered individuals shall be maintained by the Victim Services Manager. Upon learning of information at any time that reasonably may suggest unsuitability, the Victim Services Manager may modify or withdraw the determination of suitability. Factors that shall disqualify a covered individual from a determination of suitability include:
1. withholding consent for a criminal history search;
 2. knowingly making a false statement that affects, or is intended to affect,

any search;

3. being listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
 4. having been convicted (whether as felony or misdemeanor) under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
 - a. sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
 - b. rape/sexual assault, including conspiracy to commit rape/sexual assault;
 - c. sexual exploitation, such as through child pornography or sex trafficking;
 - d. kidnapping;
 - e. voyeurism;
 5. any determination by a federal, state, tribal, or local government agency of unsuitability to interact with participating minors.
- D. Resources permitting, Victim Services shall make every effort to have a Victim Services Liaison participate in criminal hearings including but not limited to initial appearance, trial, change of plea, sentencing, etc., when notified that a child in DCS custody is a victim in a criminal case. If no Victim Services Liaison is available, Victim Services shall notify the assigned DCS Specialist and their supervisor and ask them to participate either in-person or virtually. Any input provided on behalf of the victim shall be approved by the Victim Services Liaison or Victim Services Manager.

The Victim Services Liaison shall immediately provide copies of any “no contact” orders in the criminal case to the assigned DCS Specialist. The Victim Services Unit shall instruct the DCS Specialist to provide this information to the parties in the juvenile court case.

- E. As the child’s lawful representative, the Victim Services Liaison shall manage communication between Victim Advocates and DCS regarding significant events throughout the prosecution of the criminal case, including release from custody

decisions, plea offers, sentencing, appeals, etc. The DCS Specialist shall keep the Victim Services Liaison updated about the child's needs (physical, emotional, etc.), services, case plan decisions, and placement changes. Whenever possible, the DCS Specialist shall notify the Victim Services Liaison prior to any placement change.

- F. DCS shall make every effort to ensure that a Victim Impact Statement is provided at the time of sentencing when appropriate.
- G. The Victim Services Manager may seek the appointment of additional counsel to assist victims in exercising their rights.

VI. PROCEDURES

A. Background Checks for Covered Individuals

- 1. For each covered individual, a fingerprint search (or a name-based search, using current and, if applicable, previous names and aliases) shall be conducted encompassing at least the time period beginning five calendar years preceding the date of the search request of:
 - a. the Dru Sjodin National Sex Offender Public Website;
 - b. the website public registry for each state (and/or tribe, if applicable) in which the individual lives, works, goes to school, or has lived, worked, or gone to school at any time during the past five years; and
 - c. the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the grant;
 - d. criminal history registries and similar repositories of criminal history records.

B. Victims Rights Notifications

When victims' rights notifications from law enforcement or prosecutorial agencies are received in the VictimServices@azdcs.gov inbox, they shall be forwarded to the assigned DCS Specialist for placement into the hard file and scanned into a Victim Services case note type in Guardian by the Victim Services

Liaison. Victims' rights notifications received by the Hotline, a field office, or any other unit within DCS shall be forwarded to the Victim Services inbox immediately upon receipt.

C. Victim Services Manager Duties

1. The Victim Services Manager reviews all submissions to the Victim Services inbox and enters the case into the Victim Services database after verifying that the child victim is in DCS custody. The case is then assigned to a Victim Service Liaison.
2. The Victim Services Manager will collect all appropriate programmatic data and submit quarterly reports for the Victims of Crime Act (VOCA) grant funding.

D. Victim Services Liaison Duties

1. Identify all parties involved in the case and document their contact information in the Victim Services case note type in Guardian.
2. Conduct an Introductory Conference with the DCS Specialist to provide information regarding legal rights and protections, the criminal justice process, and the roles of the DCS Victim Services Liaison. The purpose of the Introductory Conference is to provide the DCS Specialist with the information needed to establish future communication with their assigned DCS Victim Services Liaison.
 - a. The victim advocate and DCS Specialist will receive an introductory email providing confirmation of the DCS Victim Services Liaison assignment and requesting an Introductory Conference.
 - b. An Introductory Conference will be scheduled whenever there is a reassignment of a DCS Specialist as part of the Victim Services Liaison's standard work.
3. The Victim Services Liaison shall educate victims and staff about options regarding participation in the criminal justice process.
4. Throughout the duration of the case, the Victim Services Liaison shall:
 - a. facilitate communication between various representatives of criminal justice agencies and DCS within the confines of [A.R.S.](#)

[§8-807](#);

- b. document contacts, referrals, and services in the Victim Services case note type;
- c. serve as a liaison between DCS Specialists, advocates, and consult with prosecutors' offices regarding trial preparation/victim input;
- d. develop and maintain effective working relationships with DCS staff and community justice partners such as law enforcement, county attorneys, courts, etc.;
- e. attend criminal court hearings, resources permitting;
- f. make efforts to ensure that minor victims are not directly questioned by pro se defendants during testimony, pursuant to [A.R.S. § 13-4254](#).

E. Dismissed and Declined Prosecutions

- 1. The Victim Services Liaison will document the dismissal, and confer with the assigned prosecutor if charges are declined. The Victim Services Manager shall seek documentation from the prosecutorial agency explaining their decision to decline prosecution or, if charges have been filed, to dismiss a case.
- 2. The Victim Services Manager shall notify the prosecutorial agency whether the Department has further information relevant to the decision to decline/dismiss prosecution. If the prosecutorial agency proceeds to decline/dismiss prosecution, Victim Services ends its involvement in the case.

F. Appointment of Additional Counsel

- 1. The Victim Services Manager may elect to seek additional counsel for the victim if DCS is concerned that a victim's rights are not being preserved.
- 2. The Victim Services Manager shall contact Arizona Voice for Crime Victims (AVCV) to staff the case. If accepted, AVCV prepares a letter for the Director's signature to retain AVCV.
- 3. The Victims Services Manager/Liaison shall advise field staff of AVCV's appointment and explain their role.

4. The Victim Services Liaison shall notify the prosecutorial agency's victim advocate of AVCV's appointment.
5. The Victim Services Liaison may share DCS information with AVCV pursuant to [A.R.S. § 8-807 \(B\)](#).

G. Transition of Victim Services

1. If a child or youth leaves DCS custody via adoption, family reunification, guardianship, or reaching the age of majority during the Victim Services process, the Victim Services Liaison shall notify the prosecutorial agency's victim advocate. Furthermore, the Victim Services Liaison shall provide the contact information for the Victim Advocate to the child or youth and/or their caretaker to monitor the status of the criminal case.
2. Offenders are prohibited by law from acting as the child's lawful representative. When DCS dismisses a dependency, and a child is reunified into a household where the parent is the alleged or confirmed offender, the Victim Services Liaison shall help identify a responsible adult to be the lawful representative.
3. If the victim leaves DCS care for any reason, the Victim Services Liaison shall help the victim and caretakers with victim support services and provide to any new representative an update on case and victim progress, with supporting documentation, before closing the case.

H. Complaint Filing

If a child or youth victim or employee alleges discrimination, a complaint may be filed with the following:

1. **DCS child or youth:** Level I: Complainants complete the Client Grievance as provided by the DCS Office of the Ombudsman. The form is signed, dated, and the original submitted to the DCS Office of the Ombudsman (see DCS 09-01 Office of the Ombudsman).

Complaints may also be filed with:

Office for Civil Rights

Office of Justice Programs U.S. Dept. of Justice

810 7th Street, NW

Washington, DC 20531

Website: <https://www.ojp.gov/program/civil-rights-office/filing-civil-rights-complaint>

Arizona Department of Public Safety

VOCA Administration, MD1335

Civil Rights Coordinator

P.O. Box 6638

Phoenix, AZ 85005-6638

Email: vocacivilrights@azdps.gov

2. **DCS employee:** To initiate the complaint process, the Employee Complaint form must be completed and submitted to the Department Equal Opportunity Officer, as soon as possible after the occurrence of the act and not later than 180 calendar days after the action giving rise to the complaint. The complaint shall include a description of the incident(s), list of individual(s) and witness(s) involved, date(s) of the discrimination, harassment, or retaliation occurred (if known), the resolution sought, and the state or federal law alleged to have been violated (if known). The Equal Opportunity Officer can be reached at:

DCS Equal Opportunity Officer

3003 North Central Avenue

Phoenix, Arizona 85012

P: 602-255-2903 F: 602-255-3241

(see DCS 04-04 Equal Employment Opportunity).

Complaints may also be filed with:

Equal Employment Opportunity Commission (EEOC).Website: eoc.gov/how-file-charge-employment-discrimination**Arizona Department of Public Safety**

VOCA Administration, MD3915

Civil Rights Coordinator

P.O. Box 6638

Phoenix, AZ 85005-6638

Email: vocacivilrights@azdps.gov**VII. FORMS INDEX**[Information Regarding Client Grievances \(CSO-1016A\)](#)