Law Enforcement-Based Direct Victim Services Program

Documentation Standards
Housekeeping

Orange Arrow:
• This will minimize and maximize your control panel

Audio:
• Choose “Computer Audio” to use your computer’s speakers for sound.
• Choose “Phone Call” to use your telephone for sound, then dial in using the information provided.
• Click “Sound Check” if you have any issues.
Housekeeping

Poll Questions:
• Select your answer(s) on screen

Raise Hand:
• Raise virtual hand if you have a comment or when asked by facilitators

Questions:
• Submit questions and comments via the questions panel.
Presenters

Heather Dooley
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Lead Facilitator
IACP – TA Track 3

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Executive Professor & Clinical Professor of Law
NCVLI
Featured Guests

Maurisha Bishop-Salmon
*Jacksonville Sheriff’s Office*

Jessica Shriner
*Chattanooga Police Department*
Objectives

• Demonstrate knowledge regarding foundational elements and legal implications of documentation standards related to law-enforcement based victim services personnel.

• Prepare for application of *Key Considerations* to jurisdiction.

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Location & Access
POLL
Location

• Can victim services personnel documentation be in the same system as law enforcement personnel?

• Should a separate system be created and maintained for documentation of victim services personnel?
Access

• System-based personnel:
  • Advise victims of wide access (public, prosecutor, perpetrator, etc.).
  • How is victim safety protected with policies for access to documentation?
Access

- Community- or university- based personnel:
  - Agency guidelines should be followed and explained to victims.
  - May not be accessible to other agencies, including law enforcement.
Discussion

• What policies and practices have been established for victim services personnel documentation?

• How is it working? What are the challenges?
What information is included?

Victim services documentation = Services provided and actions taken between the advocate and victim

Law enforcement documentation = Case details
Appropriate Language

- Victim Blaming
- Linguistic Avoidance
- Language Of Consent
New Information

• If a victim discloses details about criminal event to victim services personnel that were not disclosed previously, how will this disclosure be handled and documented?
  • Has a prosecuting attorney’s office been consulted for protocol development?
  • What are the differences between community- and system-based advocates?
Legal Intersections
Notifying Victims

- Have protocols been put in place to notify victims regarding documentation policies as well as requests for information?
Brady disclosure

• Have protocols been developed for documentation that impacts Brady disclosure?
• Has a prosecuting attorney been involved in development and/or review of these protocols?
• Have protocols been developed for documenting self-reported victim diagnosis information that may be sensitive and/or protected by HIPAA?
FERPA

• Have victim services personnel received training on FERPA and developed protocols for intersections with law enforcement records?
FOIA/Open Records

• Have victim services personnel received training on the process for Open Records/FOIA requests?
Subpoena Concerns
Subpoena Concerns

• Have victim services personnel received training on the process for subpoenas?

• Do victim services personnel have a clear understanding of fact and expert witness definitions?
Complex Documentation
POLL
Complex Documentation– Complaints/Grievances

• Are processes for reporting concerns or grievances established and communicated to victims (bulletin boards, website, etc.)?

• Documentation should include a summary of the victim’s expressed experiences; carefully think through using the victim’s words vs. not. For example, “The victim reported...”

• Are victim services personnel familiar with supervisory contact, complaint, or grievance processes for:
  • Officers? Investigators? Other law enforcement personnel?
  • Victim services personnel?
  • Other system professionals?
Samples included in Template Package #2

- Medical condition disclosure—Strangulation sample
- Mental health disclosure—Assault/Aggravated Assault sample
- Information pertinent to child custody/CPS case—Child abuse sample
- Recantation by victim—Sexual assault sample
Discussion

• What was it like shifting from clinical documentation to documenting as a system-based advocate?

• What are examples of complex documentation situations your team has encountered? How have you handled it?
Reminders

**Quarterly Meeting**
Topic: *Documentation Standard Application*
- TA Track 1: Thur, Feb 6
- TA Track 2: Fri, Feb 7
- TA Track 3: Wed, Feb 5

**Sworn Personnel Virtual Training**
Topic: *Documentation Standards for Victim Services*
Date: Wed, March 25
Questions?