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.
Objectives

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

• Prepare for application of Documentation Standards to jurisdiction.

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Documentation Standards
Advocacy Models

Community-Based Advocacy

Victim advocates who work for a private, autonomous, often non-profit agency within the community

System-Based Advocacy

Victim advocates employed by a public agency such as law enforcement, prosecutor’s office, or some other entity within the city, county, state, or federal government
Documentation vs Tracking Data
Documentation vs Tracking Data

Documentation
• Record service provision
• Record actions taken by personnel in their duties

Tracking Data
• Record data for internal reporting (CompStat)
• Record data for grant reporting
Victim Services Access to Police Reports

- Employed Personnel
  - Sworn Staff
  - Civilian/Professional Staff
- Contract Personnel
- Volunteer/Intern
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.
How did victim services professionals document within your agency? Who had access to this system? How were these decisions made?

When developing policies regarding documentation, who was involved in decision making?
Content
What information is included?

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

**Law enforcement documentation** = Case details
Training

- Documentation is a *skill*
  - Use of appropriate language
  - Disclosure of new information
  - Complex documentation
- Supervisor training
- Report review procedures
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?
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?
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?
Reminders

LEV Website


Sworn Personnel Virtual Training

Topic: Agency Incorporation of Victim Services
Date: September 2020
Questions?