Law Enforcement-Based Victim Services Program

Documentation Standards
Housekeeping
Housekeeping

Audio:
• Click the audio icon and then choose “Select Speaker” to use your computer’s speakers for sound.
• Click the phone icon to use your telephone for sound. Then, dial-in using the information provided or a provide dial-out number.

Raise Hand:
• Raise virtual hand if you have a comment or when asked by facilitators. Select the dropdown for other options.
Housekeeping

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

Chat Box
• Visible to attendees and hosts/presenters
  • Use to chat to whole audience and to respond to presenter questions

Handouts:
• Handouts can be downloaded via the Files box.
Presenters

Heather Dooley
Project Manager
IACP

Amy Smith
Lead Facilitator
IACP – TA Track 3

Meg Garvin
Executive Professor & Clinical Professor of Law
NCVLI
Featured Guests

Shelby Hopson, Victim Assistance Coordinator
Fort Worth Police Department (TX)

Kimberly Donovan, Victim Specialist
Overland Park Police Department (KS)
Objectives

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

• Prepare for application of Key Considerations to jurisdiction.

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Documentation Standards
Community-Based Advocacy

Victim advocates employed by a private, autonomous, often nonprofit 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.
Community-Based Victim Services

Law Enforcement-Based Victim Services

Hybrid Community-Based Victim Services

Community-Based Victim Services
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?
• 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?

**Law enforcement documentation** = Case details

**Victim services documentation** = Services provided and actions taken between the advocate and victim
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?
  • What are the differences between community- and system-based advocates?
  • Has a prosecuting attorney’s office been consulted for protocol development?
Appropriate Language

Victim Blaming

Linguistic Avoidance

Language Of Consent
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?
HIPAA

• 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?
Complex Documentation—Additional Scenarios

Samples included in Template Package #2

- Medical condition disclosure—Strangulation 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 law enforcement-based advocate?

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

Quarterly Meetings

*Documentation Standards Application*

All 1p – 3p EST
TA Tracks 2 & 9: Monday, February 8
TA Tracks 3 & 4: Tuesday, February 9
TA Tracks 5 & 6: Wednesday, February 10
TA Track 7: Thursday, February 11

(Registration links sent previously)

Sworn Personnel Virtual Training

*Documentation Standards for Victim Services*

Date: Tuesday, March 16, 1p – 3p EST
(Registration link will be emailed soon)
Any Questions