

**Establishing or Enhancing Law
Enforcement-Based Victim Services –
*Advocacy Parameters &
Documentation***

Law Enforcement-Based Victim Services— Advocacy Parameters & Documentation

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Introduction

Victim-centered responses and services are vital to the safety, stability, and healing of crime victims, as their use can ultimately reduce and prevent future victimization.¹ In 2018, to support the development of law enforcement-based victim services in the United States, to strengthen their capacity, and to support partnerships with community-based programs, the U.S. Department of Justice, Office for Victims of Crime (OVC) launched the Law Enforcement-Based Victim Services & Technical Assistance Program (LEV Program). Providing training and technical assistance for the LEV Program, the International Association of Chiefs of Police (IACP) aims to enhance the capacity of law enforcement-based victim services by providing guidance on promising practices, protocols, and policies to support victims' access to their legal rights and the services and responses they need.

The IACP is known for its commitment to shaping the future of the police profession. Through timely research, programming, and unparalleled training opportunities, the IACP is preparing current and emerging police leaders—and the agencies and communities they serve—to succeed in addressing the most pressing issues, threats, and challenges of the day.

This publication series identifies key considerations for establishing or enhancing direct services to victims within law enforcement-based systems. Currently, multiple models of service provision exist, and a familiarity with these different models can help provide an overall understanding of victim advocacy. The two basic categories that exist to differentiate between advocates are (1) system-based advocates, which are advocates employed by a public agency such as law enforcement, prosecutor's office, or another entity within government, and (2) community-based advocates, which are advocates who work for a private, autonomous agency within the community.



¹ Brian A. Reaves, [Police Response to Domestic Violence, 2006–2015](#) (Washington, DC: Bureau of Justice Statistics, 2017).

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Understanding these terms and the additional nuance that exists with law enforcement-based victim services adds both complexity and variety. These models of service provision include—

- **Law enforcement-based victim services**—victim services personnel are employed by or contracted to serve a law enforcement agency (this can include student interns and volunteers) and service provision is for victims, witnesses, survivors, and co-victims of crime within the jurisdiction. These personnel are subject to rigorous background check processes and training, receive access to the agency’s record management system (RMS) and Criminal Justice Information Services (CJIS), and are representatives of the law enforcement agency.
- **Hybrid community-based victim services**—victim services personnel are employed by a community-based agency that is engaged in a formal agreement (e.g., contract and/or memorandum of understanding or cooperative agreement) with a law enforcement agency to jointly dictate the role of victim services personnel in serving victims, witnesses, survivors, and co-victims of crime who are engaged with the law enforcement agency. These personnel may have access to RMS and CJIS after a proper background check is cleared but are not representatives of the law enforcement agency.
- **Community-based victim services**—victim advocates are employed by a community-based agency and the community-based agency may or may not have an agreement (e.g., memorandum of understanding or cooperative agreement) with a law enforcement agency dictating partnership contributions. These advocates do not have access to RMS or CJIS and are not representatives of the law enforcement agency.



Community-based advocacy benefits from decades of development, research, and formation of best practices. Law enforcement-based advocacy has experienced less research and development, leading to a need for more specific promising practices. This publication series seeks to enhance law enforcement-

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based victim services, and as a result, the overall field of victim advocacy. Community-based advocates reading these publications may need to account for statutory, legislative, and policy differences.

Additionally, differences in agency and community cultures, values, goals, service needs, and mandated responsibilities per state law (related to concerns of abuse, neglect, or exploitation of minors and elder or vulnerable adults) exist. Recognizing these differences, guidelines to standardize common practices of law enforcement-based victim services are needed.

Prior Publications & Accompanying Webinars

The LEV Program aims to guide agencies to provide high-quality services (coordinated, collaborative, culturally responsive, multidisciplinary, and trauma-informed) that address the broader needs and rights of all crime victims. The following publications can assist in these efforts.

- [*Establishing or Enhancing Law Enforcement-Based Victim Services—What Are the Key Considerations?*](#) and the accompanying [*Key Considerations Checklist*](#) provide provisional guidance to agencies establishing or enhancing services to victims. These two publications include an overview of foundational topics for law enforcement-based victim services. Future publications in this series will expand on each area of focus.
- [*Victims' Rights Jurisdiction Profiles*](#) provide state-specific information on the intersections of victims' rights and communication with victim services personnel.

To assist agencies in establishing or enhancing law enforcement-based victim services, the Template Package series provides sample victim services policies and forms that agencies can adapt to state, jurisdiction, and agency requirements. The template packages should be used in conjunction with the topic-specific resources listed above. The Template Package series includes—

- [*Template Package I: Getting Started*](#) provides job descriptions, interview questions, code of ethics, and personnel standards and responsibilities for victim services personnel.
- [*Template Package II: Protocols & Documentation*](#) provides sample victim services protocols and documentation samples.

To supplement the publications, IACP developed a virtual training series, which is accessible through the [LEV webpage](#). Each topic covered has content intended for sworn personnel and content intended for program personnel. This model promotes a thorough understanding of the intricacies of victim services at all levels of a law enforcement agency.

Definitions

Throughout this document series, the following definitions will apply. They were selected through a review of documents in the field including those from existing law enforcement-based victim services programs:

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- **Advocacy**—actions to actively support a cause, idea, policy, or position to assist victims
 - Individual advocacy—actions aimed at direct services to victims
 - Systemic advocacy—actions to improve overall system responses and outcomes for all victims
 - Community-based advocacy—actions by those who work for private, autonomous, often nonprofit agencies within the community
 - System-based advocacy—actions by those employed by public agencies such as law enforcement, prosecutor’s office, or some other entity within the city, county, state, or federal government
- **Agency**—the police department, sheriff’s office, campus police department, prosecuting attorney’s office, state attorney’s office, or other governmental criminal justice entity that is employing victim services personnel
- **Centralized Victim Services Model**—a model in which all victim services personnel report to the same supervisor, regardless of crime type, jurisdiction area, or other assignment (e.g., victim services personnel serving co-victims of homicide and victims of sexual assault all report to the same supervisor)
- **Community-Based Agency**—a nongovernmental or nonprofit organization that may provide services to victims
- **Crime Victim Compensation**—a state-based reimbursement program for victims of crime, found in every U.S. state and territory, but with eligibility criteria and specific benefits that are unique to each state
- **Decentralized Victim Services Model**—a model in which victim services personnel report to separate supervisors depending on crime type, jurisdiction area, or other assignment (e.g., victim services personnel serving co-victims of homicide report to a different supervisor than those serving victims of sexual assault)
- **Mandated Reporting**—obligations per state law about concerns of abuse, neglect, or exploitation of minors or elder or vulnerable adults
- **Professional Personnel**—non-sworn or civilian law enforcement agency personnel (e.g., victim services, front desk, crime scene, records, communications/dispatch)
- **Spontaneous Disclosure**—situations in which a victim, witness, survivor, or co-victim, unprompted, discloses details about criminal events to victim services personnel that were not previously shared with law enforcement personnel

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- **Student Intern**—someone who serves in an agency for a designated period with or without promise, expectation, or receipt of compensation for services rendered and is affiliated with an institution of higher education.²
- **Trauma-Informed**—an approach involving educating victims, service providers, and the general community about the impact of trauma on the health and well-being of victims; attending to victims’ emotional and physical safety; and using resources, services, and support to increase the ability of victims to recover.³ To fully develop a trauma-informed response, all disciplines must be involved in response efforts (dispatch, patrol, investigators, supervisors, nurses, advocates, prosecutors, legal services, victim services personnel, and others providing services to victims) and acknowledge the impact of historical, intergenerational, and personal trauma.
- **Victim-Centered**—an approach placing the victim at the center of all decisions regarding victim recovery and involvement with the criminal justice system, focusing on victim’s choice, safety, and well-being and how the needs of the victim are everyone’s concern⁴
- **Victims’ Rights**—language included in constitutions, statutes, rules, and policies that vary by state and define legal responsibilities related to victims of crime, affording them independent, participatory status in the criminal justice system⁵
- **Victim Services Personnel**—personnel (paid or unpaid) designated to provide law enforcement-based program oversight, crisis intervention, criminal justice support, community referrals and advocacy on behalf of crime victims, witnesses, survivors, and co-victims
- **Victim Services Unit (VSU)**—the unit within the law enforcement agency that houses the victim services personnel
- **Victim, Witness, Survivor, Co-victim**—any person (minor or adult) who directly experiences or is impacted by a crime or criminal activity.
 - **Victim** is an individual who is an independent participant in the criminal case under federal or state victims’ rights laws, denotes a person’s legal status (unavailable to the general public), and defines the level and extent of participation that the individual is entitled to in the criminal matter.
 - **Witness** is an individual who has personal knowledge of information or actions that are relative to the incident being investigated.

² International Association of Chiefs of Police (IACP) Law Enforcement Policy Center, [Concepts & Issues Paper: Volunteers](#) (Alexandria, VA: 2019).

³ National Institute of Justice (NIJ), [Notifying Sexual Assault Victims After Testing Evidence](#) (2016).

⁴ NIJ, [Notifying Sexual Assault Victims After Testing Evidence](#).

⁵ Office of Justice Programs, [“About Victims’ Rights,”](#) Victim Law, U.S. Department of Justice; National Crime Victim Law Institute, [“Law Enforcement-Based Victim Services: Victims’ Rights Jurisdiction Profiles”](#) (2020); Paul G. Cassell and Margaret Garvin, [“Protecting Crime Victims in State Constitutions: The Example of the New Marsy’s Law for Florida,”](#) *Journal of Criminal Law and Criminology* 100, no. 2 (2020): 99–139.

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- Survivor is often used interchangeably with “victim” when conveying context related to resilience and healing.
- Co-victim is an individual who has lost a loved one to homicide, including family members, other relatives, and friends of the decedent.
- **Volunteer**—someone who performs a service for an agency without promise, expectation, or receipt of compensation for services rendered.⁶

Advocacy Parameters

Law enforcement agencies are uniquely positioned to lead a multidisciplinary, trauma-informed response to victims that is coordinated, collaborative, and culturally responsive, ensuring that victims’ needs are prioritized. Including dedicated victim services personnel in law enforcement agencies can be a positive step toward achieving this goal. This endeavor does not take place without challenges. Agencies are encouraged to openly address historical relationships between law enforcement and victim advocacy. Mutual understanding must be established that the primary role of law enforcement is to be objective factfinders who conduct bias-free investigations of criminal activity. Likewise, understanding must be established that the primary focus of victim services personnel is advocating for the rights and needs of victims regardless of the outcomes of investigative processes. Defining these roles and establishing mutual respect for each discipline will support a shared understanding of how advocacy will be conducted within the agency and ultimately ensure optimal service to victims.

To reinforce established advocacy parameters, agencies should consider hiring and selection, reporting structure, supervision practices, span of responsibility, and ethical approaches associated with victim services personnel.

Personnel Hiring and Selection of Victim Services Personnel

Agencies are encouraged to begin with a review and assessment of current agency hiring and selection processes. Modifications to these processes may be needed for securing qualified and suitable candidates for victim services personnel positions. While some agencies can substantially change or modify the hiring and selection process, other agencies may be restricted to comply with local, state, and federal guidelines, regulations, or collective bargaining agreements.

Position descriptions that accurately describe the role, assigned responsibilities, and minimum requirements related to education and experience should be developed. Some agencies may be restricted to position titles and descriptions that are designated by the local governing body. If flexibility exists to tailor the position title and description, human resources personnel should be involved to ensure consistent compensation alignment with other similar positions. Agencies should also consider including skills needed to serve specific populations represented in the community (e.g., language/cultural fluency) in position descriptions. Blinding the application review process by removing applicants’ names and other

⁶ IACP Law Enforcement Policy Center, [Concepts & Issues Paper: Volunteers](#).

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potentially biasing information may add objectivity by focusing on skills and experience. Agencies should inform applicants how disputes resulting from screening processes may be resolved. In addition to initial screening of applicants, agencies are encouraged to perform repeat background checks at regular intervals (e.g., every two years).

If more than one victim services position will be staffed at the agency, consider creating a hierarchy structure. This establishes professional growth opportunities for victim services personnel to seek leadership positions and expand skill sets. While there are myriad ways to establish a multilayered victim services unit, some ideas include creating a victim services supervisor role tasked with overseeing general operation, functioning, and vision of the victim services unit; victim services volunteer and student intern coordinator role tasked to supervise and coordinate these personnel; and a victim services specialist senior position to designate experience. Agencies are encouraged to consider classifying supervisory positions in a manner that conveys value and legitimacy in the agency (e.g., victim services supervisor classified as a division director or equivalent to a command position). Sample position descriptions, including the layered positions described above, can be found in [Law Enforcement-Based Victim Services—Template Package I: Getting Started](#).

Whenever possible, open positions should be posted within the agency, to larger government systems, and externally to maximize the applicant pool. Consider working with local partners like prosecution offices, family justice centers, domestic violence and rape crisis centers, child advocacy centers, colleges and universities, and agencies that offer general mental health or trauma response services to further disseminate and post open positions. State Victims of Crime Act ([VOCA](#)) and Violence Against Women Act (VAWA) funding administrators can also be a source for dissemination and posting of information about open positions. Also, become familiar with human resources screening processes and expectations for the review of qualified applicants.

Have interview questions been modified to identify skills and abilities of ideal victim services personnel applicants?

After selecting candidates to interview from the initial application pool, structure interview questions that elicit information about knowledge, skills, and abilities necessary to complete the specific responsibilities of these positions, which may include language and cultural skills identified in the position description. Agencies are encouraged to incorporate questions that elicit relevant information from each applicant, such as education and summary of related experience. Also, include behavioral or scenario-based questions, showing each applicant's aptitude and approach to common tasks based on experience (e.g., "Can you tell me about a time when you experienced conflict at work?"). These questions may provide information about overall attitude and work ethic. Situational questions prompt how each applicant would respond to specific scenarios that are anticipated to occur (e.g., "You are assigned Task A, Task B, and Task C. How you would prioritize these tasks and why?"). These questions may provide information about instincts, confidence, and decision-making abilities. Including an exercise that demonstrates a skill associated with victim services personnel positions (e.g., ask applicants to write a sample note that reflects services provided after reading a scenario) is also helpful.

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When establishing a multilayered victim services unit, agencies should select questions that are appropriate for each role (e.g., focusing on budget management or previous supervisory experience for a victim services supervisor or inquiring about direct victim services experience for a victim services specialist role). Sample interview questions for victim services personnel positions can be found in [Law Enforcement-Based Victim Services—Template Package I: Getting Started](#).

Are professionals on the interview panel familiar with the role of victim services personnel?

Agencies commonly use panel interviews to make hiring decisions. Select panel members to include people who know the organization and its culture well. The interview panel should be diverse and include people who bring different experiences, thoughts, and perspectives to the interview process.

To select the best applicants, interview panels should include personnel who understand the role of law enforcement-based victim services personnel. Agencies are also encouraged to invite panel members from external organizations to ensure that a variety of competencies and perspectives are included on the interview panel. Reaching out to local community-based victim services agencies, the prosecution office victim/witness division, or universities with subject matter experts may meet this objective. This also supports relationships with community partners.

Have qualifications based on work history and relevance to core job duties been considered?

Demonstrated longevity with prior organizations is often seen as positive within law enforcement agencies. However, victim services personnel commonly change roles within and between organizations to expand professional capacity. Victim services personnel often list internships and volunteer roles as professional experience to meet requirements for their academic programs.

Applicants for victim services personnel positions often have educational backgrounds related to social or behavioral sciences (e.g., psychology, social work, sociology, counseling) or criminal justice administration. Upon speaking with an applicant, it may be helpful to ask questions related to terminology or titles provided in their resume. Different jurisdictions and states may use a different term to describe similar work such as a program specialist, ombudsman, or victim advocate. There are many degrees and positions that can effectively translate into positive victim services qualifications. Conduct research to understand the relevancy of applicants' experiences and be proactive about asking candidates for more information or supporting documentation. Working collaboratively with human resources personnel to develop a selection matrix related to the education and experience of applicants can be helpful.

Are job duties aligned with education and training requirements for this role?

Agencies are strongly encouraged to fully incorporate victim services personnel into both operational and administrative processes that reflect victim intersection points with the agency. Upon successful integration, assigned tasks and responsibilities for victim services personnel are often extensive. Some examples include—

- **direct services to victims** – crisis intervention, safety planning, assessment of needs, and connecting victims with resources and information;

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- **community and criminal justice partner agency advocacy** – crime victim compensation assistance and criminal justice system navigation assistance;
- **consultation with other professionals** – child and adult protective services, civil and criminal legal representatives, and health professionals;
- **development and provision of training** – agency personnel at multiple levels, community and partner agency personnel, and community members;
- **constitutional and statutory compliance** – victims’ rights education and opportunities to exercise rights;
- **agency representation** – multidisciplinary team participation, policy committee participation, and media communication;
- **complex program oversight** – personnel management, policy review, and program evaluation; and
- **financial and grant management** – budgetary compliance; identification, application, and management of external funding; and reporting (internal and external).

To support this expansive role, it is recommended that agencies introduce and continually regard victim services personnel as peer professionals who work in collaboration with other agency personnel. Agencies should align their high standards during the hiring and selection process with the assignment of responsibilities and provide appropriate training and support.

Have background checks and training for access to law enforcement records been completed?

Access to law enforcement records is essential to fully incorporate victim services personnel into agency processes. Success depends on understanding the context and specific details of circumstances impacting victims. Agencies should determine who will be responsible for providing access and training for identified systems (e.g., records management systems). Factoring in time frames for gaining access to records will allow for accurate expectations to be provided to applicants and newly hired personnel. This will also assist in programmatic planning.

Background check processes can encompass a variety of screening tools, such as—

- criminal history checks (local, state, and federal),
- sex offender registry checks,
- motor vehicle record checks,
- state child and adult welfare agency involvement (for each state of residence),
- drug testing,
- polygraphs,

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- reference checks (personal and professional),
- social media account checks, and
- verification of employment and education.

Agencies should determine which screening tools will be used, ensure legal compliance with each tool's use, and preserve applicants' rights. Agencies should ensure each screening tool is appropriately applied to the law enforcement-based victim services position (e.g., modifying polygraph questions if needed).

Agencies are familiar with Criminal Justice Information Services (CJIS) and utilize them routinely in daily operations. Access to CJIS information typically involves a contract between the agency and the federal government pertaining to "information security requirements, guidelines, and agreements reflecting the will of law enforcement and criminal justice agencies for protecting the sources, transmission, storage, and generation of Criminal Justice Information (CJI)."⁷

Agencies must require personnel with access to CJIS information to pass background checks and participate in regular training. The signed contract and associated federal policy guide the management and dissemination of CJIS information. Dissemination is typically reserved for information exchanges between agencies with originating agency identification numbers (ORIs). Audits are conducted periodically for agency compliance, and the ultimate consequence for mismanagement of CJIS information could be the loss of the agency's access to the system. Agencies should discuss background check processes with human resources and CJIS compliance with agency administration.

Records management systems (RMS) typically involve a system chosen by the agency to record and capture agency information pertaining to assigned responsibilities. There is some interface between CJIS information and RMS information, but CJIS information is typically redacted prior to dissemination to any parties without ORI numbers. Dissemination of RMS information is typically regulated through state Freedom of Information Act (FOIA) and other statutes. Consequences for mismanagement of RMS information are significant and could include criminal or civil litigation.

In considering access to records and other systems, agencies should compare the following models of service provision:

- **Law enforcement-based victim services** – typically subjected to the same background process and training requirements as other agency personnel. As a result, there is no concern with access to either CJIS or RMS information.
- **Hybrid community-based victim services** – the background process will depend on the legally binding agreement between the hiring agency and the law enforcement agency.
 - Access to CJIS and RMS information is reserved for specific personnel who pass the established background process and regularly participate in required training.

⁷ Criminal Justice Information Services Division, [Criminal Justice Information Services \(CJIS\) Security Policy](#), 5.9, CJISD-ITS-DOC-08140-5.9 (Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, 2020).

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- Agencies should include required background processes and training requirements for persons who are granted access in the agreement.
- Agencies should include consequences for sharing information with persons who have not completed required background and training requirements in the agreement. Consequences may include termination of the contract and possible criminal charges if supported by state statute.
- **Community-based victim services**— due to the informal nature of the relationship, typically law enforcement does not expect the completion of background processes for these advocates. As a result, access to CJIS and RMS information is not permitted.

Have selection processes been established for student interns and volunteers?

As agencies plan for programmatic activity and responsibilities assigned to victim services personnel, plans to include student interns and volunteers should also be considered. Agencies who elect to pursue grant funding to support victim services personnel should be aware that some grants require the use of volunteers. Often, this requirement can be met by student interns, volunteers, or a combination of both.

Agencies are encouraged to consider responsibilities that will mutually benefit the agency and student interns and volunteers. Developing position descriptions that accurately describe the roles, assigned responsibilities, and minimum requirements for both student interns and volunteers can establish a solid foundation for selection processes.

Establishing consistent selection criteria and background processes for student interns and volunteers will augment the high standards agencies set for victim services personnel. Agencies should review the motivation of applicants to become student interns or volunteers within a law enforcement setting.

Agencies must ensure that personnel who supervise student interns and volunteers have adequate credentials, experience, and time to provide oversight to protect agency interests, ensure effective grant funding management, and create a meaningful environment for shared contribution.

Sample position descriptions and supplemental interview questions for student interns and volunteers can be found in [*Law Enforcement-Based Victim Services—Template Package I: Getting Started*](#).

What is the connection between victim services personnel and licensure standards?

Frequently, applicants for victim services personnel positions are professionals who currently have or are seeking to gain mental or behavioral health licensure through their employment. Licensure often includes an advanced degree in social work, counseling, or marriage and family therapy. Each of these disciplines has different codes of ethics and mandated reporting obligations, and licenses are regulated through authorized entities at the state level. Providing a clear understanding of the parameters of law enforcement-based victim services during the application and interview processes is critical. This clarity will assist applicants who are licensed or seeking licensure to make informed decisions about possible employment. For many applicants seeking licensure, the requirements include documentation of a

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designated number of hours of clinical work while seeking formal supervision under a licensed clinical professional. Agencies should be aware of these requirements and decide if victim services personnel who are seeking licensure are permitted to discuss cases and victim contact with external clinical supervisors. Distinctions between role parameters are also necessary when bachelor's and master's level student interns are interested in internships with the victim services program.

While many overlapping skills are used in licensed clinical disciplines and law enforcement-based victim services, there are clear distinctions. Providing clinical or therapy services requires both licensure (or supervision under a licensed professional) and malpractice insurance coverage. Because law enforcement-based victim services do not involve clinical or therapy services, licensure and malpractice insurance coverage are not required.

As law enforcement-based victim services is not a clinical role, including clinical credentials on outward facing communication (e.g., business cards, email signature, website) and introductions in verbal communication is discouraged. Ongoing oversight to ensure a distinction between the roles of clinical work and law enforcement-based victim services is essential. Consider the following example:

- Victim Services Specialist who is also a licensed social worker and provides therapy services through a private practice outside of routine business hours.
 - While performing assigned responsibilities as a Victim Services Specialist, no references to licensure are involved in any communication with victims, colleagues, and community agencies.
 - While performing therapy services, malpractice insurance is in place and no references to law enforcement agency affiliation are involved in any communication with clients. Victims, witnesses, survivors, and co-victims who received services through the law enforcement agency are referred to other therapy services.

Reporting Structure and Supervision Practices

When incorporating victim services into the agency, victim services personnel should be placed in the organizational chart in a position that conveys the importance and value of these services to the entire department. For example, if victim services personnel are placed within an investigative specialty unit

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- Communication with victims is NOT confidential (*depends on state legislation*)
- No malpractice insurance provided by agency
- Not permitted to diagnose mental health conditions
- Short- or long-term advocacy relationship

Community-Based Advocates

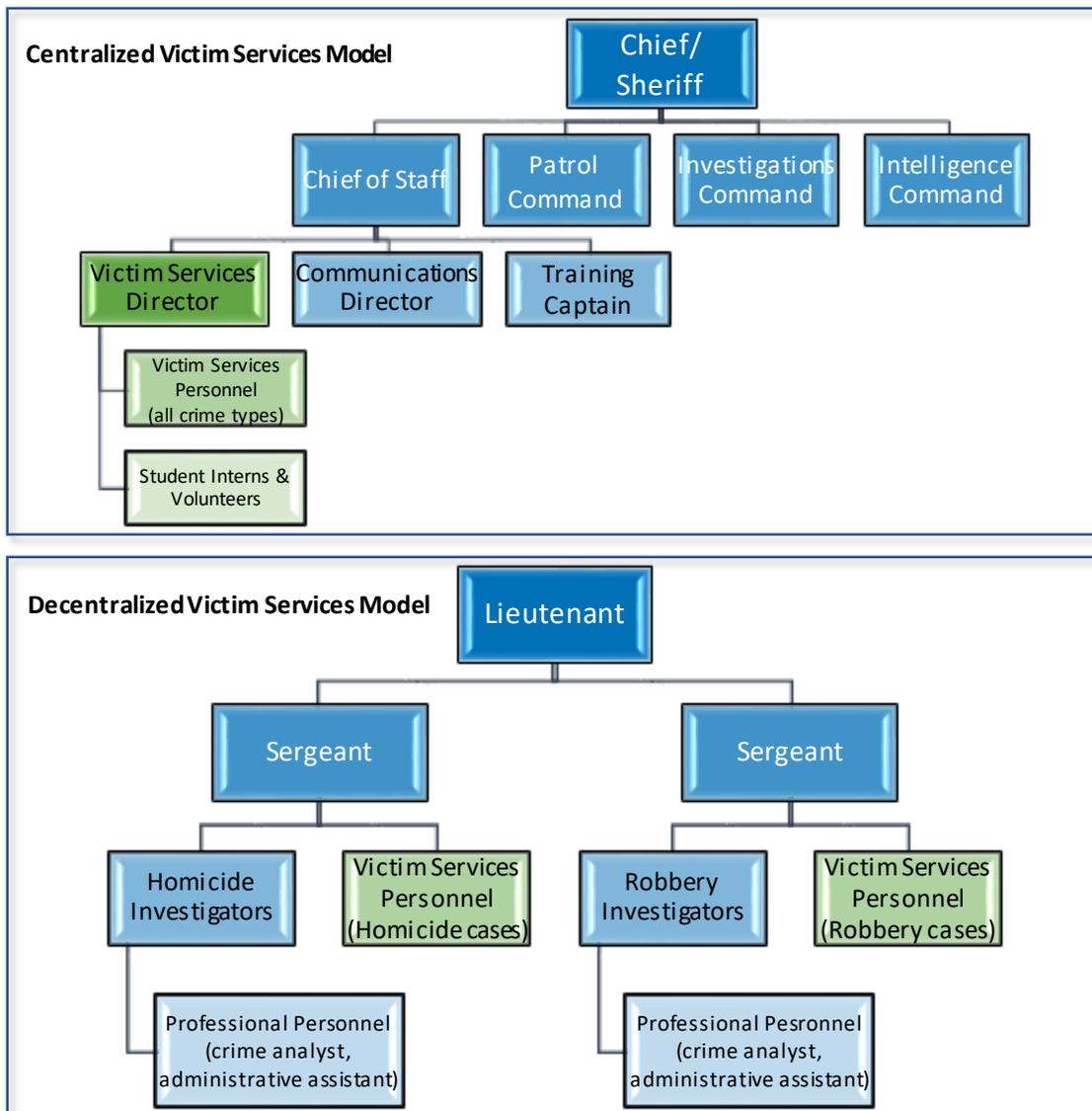
- Client communication is confidential or privileged
- No malpractice insurance provided by agency for advocates
- Not permitted to diagnose mental health conditions
- Short- or long-term advocacy relationship

Clinicians

- Client communication is confidential or privileged
- Covered by malpractice insurance
- Able to diagnose mental health conditions (*depends on licensure and state legislation*)
- Short- or long-term therapy relationship

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(decentralized model), many will assume that services are accessible only for cases assigned to that investigative unit. If victim services personnel are housed within a larger command or division (centralized model), then an assumption may be made that services can be used for all investigations. Even still, when victim services personnel are based within an investigative command, victim services may not be provided in all instances (e.g., cases that never get assigned to an investigator, cases involving charges that are filed on scene and forwarded to the prosecuting attorney's office). When determining where victim services personnel are placed within an agency, it is important to consider the message being sent to the agency, victims, and community and the implications for victim access.



Who will be the direct supervisor of victim services personnel?

The decision of who will carry the responsibility for direct supervision of victim services personnel is critical to successful implementation, development, and growth of the program. Regardless of whether a

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centralized or decentralized model is used, agencies should select a supervisor or supervisors that have the time, skills, and commitment necessary to support this endeavor. Many agencies select a sworn staff member as the direct supervisor while other agencies select a professional staff member for this responsibility. Though both options have the potential for positive and negative implications, agencies are encouraged to carefully weigh this decision. The direct supervisor of the victim services personnel will impact work performance, professional development, and their overall satisfaction with professional roles and responsibilities.

One factor to consider is ensuring the direct supervisor has the authority and ability to make timely and effective decisions related to victim services personnel and service delivery. Choosing a supervisor whose title and position classification support this level of responsibility is important. At the core of this decision, agencies should also ensure that the selected supervisor has a thorough understanding of the role of victim services personnel as they will be expected to make foundational decisions, guide personnel conduct, and ensure equitable and ethical service provision to victims. It is also important to ensure the direct supervisor selection supports the objective for victim services personnel to be incorporated as peer professionals within the agency. If a decentralized model is used, agencies should ensure ongoing communication and collaboration among the multiple victim services supervisors and personnel. This contributes to standardization of practice across units and equitable victim service provision.

What are the management and supervision expectations of victim services personnel?

If the direct supervisor of victim services personnel is also expected to supervise other units and personnel, ensuring that a workload assessment has been completed is important. The assessment should include an appropriate workload balance, factoring in realistic time frames for assigned tasks and reasonable expectations around productivity standards. This assessment should also include evaluation of the direct supervisor's ability to successfully supervise personnel from a different discipline when applicable. Consider the following examples:

- Lieutenant of the Major Crimes Division is selected as the direct supervisor for victim services personnel and is responsible for oversight of Child Abuse, Domestic Violence, Robbery and Sex Crimes Units.
 - In addition to sworn and professional personnel assigned to the Persons Crimes Division, the lieutenant should provide equitable access to victim services personnel for guidance around expected professional responsibilities.
 - The lieutenant should continually regard and present victim services personnel as peer professionals who work in collaboration with, not for, other personnel in the Persons Crimes Division.
 - The lieutenant must have the necessary skills to navigate discipline-specific approaches and ethical dilemmas among victim services personnel and other personnel in the Persons Crimes Division.

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- Strategic initiatives director is selected as the direct supervisor for victim services personnel and is responsible for oversight of Chaplain and Peer Support programs.
 - In addition to sworn and professional personnel assigned to Chaplain and Peer Support programs, the strategic initiatives director should provide equitable access to victim services personnel for guidance around expected professional responsibilities.
 - The strategic initiatives director should continually regard and present victim services personnel as peer professionals who work collaboratively with and separately from other personnel in the Chaplain and Peer Support programs according to their distinct roles.
 - The strategic initiatives director must have the necessary skills to navigate discipline-specific approaches and ethical dilemmas among chaplains, sworn and professional peer support personnel, and victim services personnel.

Victim services personnel are often expected to fill multiple levels of responsibility simultaneously. For example, many victim services personnel are expected to manage grant funding and act in a lead role for other personnel (both paid and unpaid) while also providing direct services to victims. Victim services personnel are commonly expected to expand services over time, often through securing and managing new avenues of grant funding.

Agencies are encouraged to engage in critical self-analysis and comprehensive planning to ensure that personnel are assigned responsibilities that align with their positions and skill sets. Agency's expectations of victim services personnel and their direct supervisors should consistently equate to expectations for other supervisory and frontline personnel. Just as sergeants or lieutenants are expected to have different skill sets and levels of responsibility from patrol officers, supervisors of victim services personnel should be expected to have different skill sets and levels of responsibility from victim services personnel providing direct services to victims. Agencies should support appropriate training in areas of victim services leadership and grant development and management for personnel assigned as direct supervisors of victim services personnel.

How is supervision of victim services personnel structured?

Many victim services personnel are accustomed to collaborative supervision practices. This involves regular, open critiques on applying knowledge, competence, and ethical service provision with the ultimate focus on those being served. Regular supervision meetings between the direct supervisor and each victim services staff member are recommended. This will provide consistent opportunities for conversations about assigned responsibilities, professional development, and performance standards. It will also ensure that supervision occurs beyond incident-based discussions and corrective action. Direct supervisors of victim services personnel should have a working knowledge of behavioral health professional requirements (e.g., licensure, continuing education) and codes of ethics. Victim services personnel should also receive feedback about positive contributions to agency objectives and areas for improvement.

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In addition to individual meetings, agencies are encouraged to implement regular unit or team meetings that include all victim services personnel. These meetings will provide opportunities for dialogue around building supportive relationships (internally and externally); learning from the experiences of colleagues; program expectations; growth plans; and ideas for continued support of agency mission, vision, and values through quality services to victims.

Does the victim services supervisor have adequate credentials and experience to supervise student interns and volunteers?

Agencies who pursue grant funding to support victim services personnel should be aware that some funding sources require use of volunteers. This requirement can often be met by student interns, volunteers, or a combination of both.

Agencies must be familiar with internship requirements through local colleges and universities. Student intern supervisors are often required to have a graduate level degree and, for some programs, licensure in a behavioral health discipline. Agencies may be eligible to receive interns from these educational programs by selecting sworn and professional supervisors for victim services personnel who have the required degrees or licensure. Another common requirement of many internships programs is mutual benefit for both the agency and the student intern through an executed learning contract. Agencies need to plan for realistic time commitments related to overseeing learning objectives, assigned tasks, and required evaluations for student interns.

While volunteers often prove to be valuable assets in support of victim services personnel and service delivery, agencies should understand that establishing and maintaining a volunteer program is not a cost-free endeavor. Volunteers require task assignments that convey value for their donated time. This often translates into personnel time to ensure specialized training and provide meaningful oversight to mitigate risks and ensure quality task completion. Additionally, agencies are encouraged to consider the specialized skills needed to motivate and manage volunteers.

Span of Responsibility

Agencies should focus on manageable goals and objectives when establishing or enhancing victim services programs. Early goals should focus on policy development and consistent service delivery. Agencies are encouraged to start small and build over time.

What mode of service delivery is expected for victim services personnel?

Thoughtful consideration should be given to expectations around service delivery to victims. Decisions should include a balance of what is practical for current victim services personnel capabilities, what mode of contact will provide equitable access to services, and what represents safe and ethical contact with victims based on identified needs. Regardless of mode of contact, agencies should ensure language access needs are addressed. Agencies are encouraged to review the Language Access Protocol in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

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Agencies considering including on-call response by victim services personnel should think about whether those responses will be in the field, by phone, or a combination. Some situations could more readily prompt in-person on-call responses. Trauma-informed response to victims in crisis and delivery of time-sensitive criminal justice system information may be enhanced through in-person contact. While safe and ethical services to victims should always be prioritized, agencies also need to consider—

- compensation for personnel taking on this responsibility,
- access to needed equipment,
- response time to identified locations,
- need to develop protocols for multiple simultaneous requests,
- safety of victim services personnel while in the field,
- appropriate training for intersections with crime scene and investigative practices, and
- impacts of in-person service delivery associated with other assigned responsibilities (e.g., regular case assignments, follow up from on-call responses).

Likewise, some situations may more readily prompt on-call responses by phone. Victims may be more willing to engage over the phone to enhance privacy considerations around law enforcement involvement and enhance their ability to manage multiple personal responsibilities.

For most agencies, phone contact with victim services personnel will represent the largest mode of service delivery. Training should include developing active listening skills; using plain language and personalized communication; providing adequate, balanced information to facilitate informed choices; explaining complex processes and procedures; making referrals beyond expertise, when necessary; maintaining ethical standards; and summarizing conversations. Consistent training will promote a mutual understanding and increase professionalism. Agencies should assess workspace logistics to provide the necessary levels of privacy.

When considering service delivery through office appointments, agencies should incorporate trauma-informed processes for entrance into the building, access to private meeting space, and scheduling meetings that occur or extend after traditional work hours. Including safety considerations for both victims and victim services personnel is essential.

Services can also be delivered through written communication including letters and electronic communication (e.g., email and text messages). When considering this mode of service delivery, agencies should think through associated safety and privacy factors for victims. Using agency letterhead, providing position titles, and including report information can pose safety risks for victims of certain crimes (e.g., domestic violence, sexual assault, child abuse). Written communication can also be received or intercepted by people other than the victim. Agencies should consider the age of victims, preference of victims, and victims' access to needed equipment when delivering services in this way. Guidelines for written communication should be included in documentation policies.

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Another related consideration is whether services will be initiated proactively by victim services personnel (e.g., assigned for contact after reading reports) or reactively upon victim request. Agencies are encouraged to establish standardized triage and assessment criteria that prompt victim services personnel involvement. Thoughtful consideration toward consistency of services and capacity of victim services personnel is vital. Agencies are strongly encouraged to include victim services personnel in all decisions around response modes, capacity thresholds, and triage and assessment standards.

Agencies should develop contingency plans for victim service delivery during unexpected or crisis events (e.g., natural disasters, mass casualty events, pandemics). These events may require a different mode of service delivery and use of technology (e.g., virtual communication among victims, investigators, and victim services personnel; virtual attendance at court hearings) to ensure continued service provision. Agencies must consider victim safety and privacy when using technology.⁸

Is there a specific time frame for services provided to victims?

Contact with victims, both initially and periodically, may promote continued engagement with the criminal justice process.⁹ Agencies should determine when initial contact will be attempted, how many contact attempts will be made, the frequency of contact, and when contact will be discontinued. These decisions will support equitable, ethical, and professional service delivery.

Are victim services personnel expected to provide services to more than one law enforcement agency or jurisdiction?

Agencies that engage in a shared service provision model should have extensive conversations that include cost sharing, agency-specific policies and practices, access to agency records, personnel schedule and leave practices, shared use of equipment, availability of workspace, and training for victim services personnel. After the initial agreements are reached, agencies are encouraged to have regular conversations that include factors of jurisdictional change (e.g., population growth, crime occurrence changes, budgetary impacts). Agencies should develop detailed agreements that cover processes for cross-agency delineation of contributions, responsibilities, and actions in writing and ensure all associated personnel are familiar with the shared expectations.

Consider providing victim services personnel with agency-owned cell phones and laptops/tablets.

- This allows for an increased level of accessibility to contact victims (e.g., text or email) while removing privacy concerns for victim services personnel (e.g., personal cell phone subpoenaed after texting a victim in a case).
- This allows for easy transition to work off-site (e.g., in-field response, on-scene response, temporary remote work).

⁸ For additional information, access the [Digital Services Toolkit](#).

⁹ Debra Patterson and Brenda Tringali, "Understanding How Advocates Can Affect Sexual Assault Victim Engagement in the Criminal Justice Process," *Journal of Interpersonal Violence* 30, no. 12 (July 2015): 1987–1997; Karen Rich and Patrick Seffrin, "Police Officers' Collaboration with Rape Victim Advocates: Barriers and Facilitators," *Violence and Victims*, 28, no.4 (2013): 681–696.

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Are victim services personnel expected to provide services to victims of all crime types and those impacted by crisis circumstances?

Agencies respond in some way to all crime types and routinely respond to crisis circumstances (e.g., suicides, traffic fatalities, disputes that are not deemed criminal). Plans for victim services personnel and associated service delivery should be developed. Agencies should consider financial resources (both agency budget and grant funding), realistic personnel roles, and data-supported victimizations reported within their jurisdictional boundaries.

Grant funding may require service provision for specific victimization categories and often prohibits use of funding for activity associated with noncriminal events. As a result, agencies should ensure that expectations for victim services personnel align with funding requirements that support those positions. Agencies can use victimization data to help with prioritization and breadth of response by victim services personnel and to support the need for appropriate staffing levels.

As part of the planning process, agencies are encouraged to proactively determine expectations of victim services personnel during complex situations. Statutory obligations, agency policies and practices, and code of ethics for victim services personnel should be taken into account. Consider the following examples:

- During a regular day off, an officer was assaulted by their spouse resulting in physical injuries requiring medical treatment and the arrest of the offender.
 - It is important to consider how to provide safe and ethical contact with the officer who also meets the statutory definition of a victim with attached victims' rights and services.
 - It is important to establish equitable response expectations that are congruent with response expectations for other victims of physical violence by a spouse.
- During the execution of a search warrant, an investigator exchanged gunfire with a suspect resulting in critical injuries to the suspect and the death of a third party who was in the home.
 - It is important to consider how to provide safe and ethical contact with family members of the deceased who also meet the statutory definition of a victim with attached victims' rights and services.
 - It is important to establish equitable response expectations that are congruent with response expectations for other victims of gun-related incidents.

“By initially providing services to victims of gun-related crimes in identified neighborhoods, we were able to establish effective practices and build solid partnerships – both internally and externally. With that foundation in place, we’ve now expanded services to gun-related crimes citywide including homicides. Luckily, my agency provides the support needed to make effective programmatic decisions.”

Maggie Barone
Victim Advocate
Gun Crime Intelligence Center
Saint Louis Metropolitan Police
Department
St. Louis, MO

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Has a clear delineation been established between victim services and other agency programs?

Many agencies are demonstrating increased focus on overall wellness of employees through agency-supported programs and actions to include employee assistance programs (EAP), insurance plans with behavioral health components, leave policies, peer support programs, chaplain programs, formal debriefings following identified incidents, and routine discipline-specific supervision. This increased focus has also prompted agencies to explore avenues to maximize the skills and expertise of existing personnel.

While victim services personnel may seem like natural employees to task with actions and contact aimed at employee wellness, they are often affected by the very stressors that impact sworn personnel. They may benefit from participating in wellness initiatives and should be included as recipients. Victim services personnel often experience challenges setting limits when asked to assist colleagues in ways that are outside the scope of their role (e.g., peer support, behavioral health referrals).

Agencies should establish and communicate a clear delineation between victim services and other agency programs throughout all ranks and disciplines of the agency. This clarity will ensure that agencies are considering the long-term professional wellness of all employees and will allow victim services personnel to reinforce agency expectations when approached individually.

For many agencies, the goal of peer support is to provide agency employees the opportunity to receive emotional and tangible support through times of personal or professional crisis. Ideally, peer support programs will have clinical oversight from licensed mental health professionals and will augment other agency wellness initiatives. Peer support programs often encompass individual meetings with personnel and group debriefings following identified incidents. Agencies are encouraged to review [IACP Peer Support Guidelines](#) and Victim Services Code of Ethics in [Law Enforcement-Based Victim Services—Template Package I: Getting Started](#) when establishing policies and practices related to how victim services and peer support programs intersect and will work collaboratively and separately as appropriate.

Chaplain programs established within agencies often provide support and assistance through a faith-based lens to agency personnel and their family members. Some agencies that carry responsibility for management of corrections facilities use chaplains to provide support and assistance to incarcerated offenders. Other agencies have expanded their chaplain programs to include providing support and assistance to victims. When establishing policies and practices, agencies should thoughtfully consider how chaplain-provided contact will be received from those in non-Christian faith communities, those with no formal faith community, and those who identify as agnostic or atheist. Agencies are also encouraged to review Victim Services Code of Ethics in [Law Enforcement-Based Victim Services—Template Package I: Getting Started](#) when establishing policies and practices related to how victim services and chaplain programs intersect and will work collaboratively and separately as appropriate.

Ethical Approaches

A long-standing police practice has been to develop and maintain a shared set of ethical standards. This helps guide decisions regardless of personal beliefs or relationships. These ethical standards acknowledge

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the badge officers wear is a symbol of public trust.¹⁰ Similarly, law enforcement-based victim services personnel maintain professional standards of conduct, including collaboration with other professionals and institutions to effectively advocate for the rights and needs of victims regardless of the outcomes of investigative processes. The separate but complementary codes of ethics can positively contribute to agency-wide victim-centered practices.

Are victim services personnel prepared to engage in victim advocacy without alienating other professionals?

Advocacy, as defined throughout this publication series, includes actions aimed at actively supporting a cause, idea, policy, or position. This includes direct services to victims and actions aimed at improving overall system responses. Victim services personnel may demonstrate this by providing an interface between victims and the criminal justice system by explaining concepts, language, options, and possible outcomes. Victim services personnel provide active support related to victims' rights including options for exercising those rights and possible resolution options when rights are overlooked. In their roles, victim services personnel can facilitate information exchange between victims and key partners (e.g., investigators, prosecuting attorneys) to support the expressed needs, choices, and desired outcomes of victims over the course of their involvement with the criminal justice system.

When engaging in advocacy within law enforcement settings, it is critical for victim services personnel to understand that advocacy must occur in partnership—not in opposition. Advocacy and partnership do not mean agreement on all issues. Just as agencies continually regard victim services personnel as peer professionals who work in collaboration with others, victim services personnel must continually behave as peer professionals in the same manner. Law enforcement-based victim services personnel are encouraged to focus on addressing fears, concerns, and barriers (individual and systemic) so victims who want to engage with the criminal justice system can do so effectively. Recognizing that professionals from other disciplines are essential partners in this endeavor will enhance outcomes for victims and reinforce the value of victim services as a profession.

Do victim services personnel understand the distinction between advocacy and activism?

While activism and advocacy are connected concepts and often used interchangeably, agencies and law enforcement-based victim services personnel must understand them as distinct. Activism is grounded in taking a personal position while advocacy rests on supporting the positions of persons served.

Activism is defined as a doctrine or practice that emphasizes direct vigorous action or involvement, especially in support of or opposition to one side of a controversial issue.¹¹ Activism is focused on social change. Forms of activism may include efforts to engage the media, petitioning elected officials, preferential patronage of businesses, and demonstrations or protests.

¹⁰ For additional information, visit [Law Enforcement Code of Ethics](#).

¹¹ *Merriam-Webster Online Dictionary*, s.v. "[activism](#)."

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Agencies who elect to pursue grant funding to support victim services personnel should also be aware of the possible connections between activism and lobbying activities. Lobbying activities that directly or indirectly support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government are expressly prohibited under most federal grants.¹² Law enforcement-based victim services personnel should not engage in advocacy in a manner that would impact future efforts (e.g., grant funding, stakeholder relationships).

Agencies should consider establishing policies regarding employee engagement in activism and lobbying activities. Policies may include restrictions regarding agency affiliation during these activities (e.g., identifying as an agency employee on a social media post expressing a personal political opinion¹³; submitting a letter to the editor on agency letterhead expressing a personal opinion without agency authorization).

Have clear expectations been set for confidentiality limitations of victim services personnel communication?

Agencies must clearly understand the parameters of confidentiality related to communication between victims and victim services personnel. Victims' rights related to privacy, confidentiality, and privilege, as well as the right to protection, should serve as the foundation for expectations and practices of victim services personnel. The following definitions can be found in [Victims' Rights Jurisdiction Profiles](#):

- **Privacy** – a fundamental right, essential to victim agency, autonomy, and dignity that—among other things—permits boundaries that limit who has access to communication and information
- **Confidentiality** – a legal and ethical duty not to disclose victim's information learned in confidence
- **Privilege** – a legal right of victims not to disclose—or prevent the disclosure of—certain information in connection with court and other proceedings

Understanding how the agency's chosen model of service provision intersects with communication parameters is essential. **Law enforcement-based victim services, hybrid community-based victim services, and community-based victim services** must all clearly explain communication parameters and associated consequences to victims at the earliest point of contact. Providing written material on this subject and being prepared to repeatedly reaffirm parameters for victims are necessary. Law enforcement-based victim services generally do not have confidential or privileged communication.¹⁴

Agencies are encouraged to review [Victims' Rights Jurisdiction Profiles](#) for state-specific information related to the intersection of victims' rights and communication with victim services personnel.

¹² See [Lobbying Restrictions](#) in "General Conditions" for OJP Awards in FY 2020," U.S. Department of Justice, Office for Justice Programs (2020).

¹³ IACP Law Enforcement Policy Center, [Concepts & Issues Paper: Social Media](#), (Alexandria, VA: 2019).

¹⁴ Refer to state statutes, agency policies, and grant funding related to victim services personnel confidentiality or privilege.

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Do victim services personnel understand their mandated reporting obligations under state law?

As victim services personnel interact with victims during their assigned responsibilities, having knowledge of applicable laws and policies related to mandated reporting and communicating with victims about these obligations are important. Agencies need to be clear on whether victim services personnel are defined by statute as mandated reporters, whether any personnel’s professional certification or licensure mandates reporting (e.g., social workers), and whether these reporting statuses apply to suspected activity related to children and/or adults. Beyond statute, agencies should review internal practices to reduce duplicate mandated reports when both sworn personnel and victim services personnel are involved with response to victims. Agency policies related to collaborative cross-reporting and investigation practices between law enforcement agencies and state child/adult welfare agencies may also need to be reviewed with the incorporation of victim services personnel in mind. Agencies are encouraged to review the Mandated Reporting Protocol in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

Have clear expectations been set related to language access and use of interpreters?

Agencies should establish consistent expectations related to contact with victims who have identified language access needs. Civil rights and language access laws must be considered.

Victim services personnel who have secondary language capabilities may seem like natural employees to task with interpretation. Agencies must consider how their chosen model of service provision intersects with interpretation requests. For example, professional interpreters often rely on an ethical standard to maintain neutrality and focus solely on the facilitation of communication between individuals who do not speak the same language. In contrast, victim services personnel rely on ethical standards focused on supporting the needs and desires of victims. It is also important to understand the previously described communication parameters between victims and victim services personnel prior to initiating interpretation requests. Agencies that elect to pursue grant funding to support victim services personnel should also be aware that grant funding may be limited to activity involving services to victims of crime. At no point should victim services personnel with secondary language capabilities be tasked with interpretation for suspect contact.

Agencies should also establish clear expectations regarding the use of family members or third parties for interpretation services. This is especially important around the practice of using minors for interpretation services. Crime victimization is complex, and the associated response from system professionals often depends on objective, unbiased communication. Crime victimization and the act of interpreting detailed information to authority figures may be traumatic for minors, especially in circumstances involving known or related persons.

Additionally, there may be multiple circumstances requiring varying levels of interpretation needs. For example, setting an appointment may require a different level of interpretation need than conducting an interview with a victim, witness, or suspect. Court testimony may also require a different level of interpretation need. Agencies should review needs surrounding translation of written information in

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addition to oral interpretation practices. To provide equitable and ethical service to victims, agencies should establish reliable ways to fulfill language access needs. Agencies are encouraged to review the Language Access Protocol template in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

Have clear expectations been set around access to and disclosure of restricted records generated by criminal justice professionals?

Agencies should be mindful of how the chosen model of service provision intersects with access to restricted records. Additionally, victim services personnel need to understand information sharing practices with other governmental agencies—including policing agencies, prosecution offices, parole/probation offices, and state child/adult welfare agencies. Agencies should provide training on these topics with agency personnel who are responsible for records management.

Agencies should also understand information sharing practices with community agencies. Victim services personnel should develop collaborative relationships with multiple community agencies to form a comprehensive understanding of available services and processes that may benefit victims. Appropriate information sharing is a foundational element of these relationships, and victim services personnel often serve a vital role in facilitating collaboration between community and policing agencies.

Information sharing practices pertaining to victims, witnesses, survivors, and co-victims need to be clearly understood by victim services personnel—in the context of both open and closed cases. Agencies should also understand how and when victims' rights may mandate no-cost access to reports. Even where laws do not exist, agencies are encouraged to reduce or eliminate financial costs to victims and co-victims. In addition to individuals who have an identified role in a case, victim services personnel should understand information sharing practices with members of the public. Agency personnel responsible for records management will likely be able to provide helpful information and should be included in policy and practice development.

Access to, and compliance with, information sharing practices are critically important for victim services personnel. Unauthorized disclosure may present serious consequences for agencies; professional relationships; and, ultimately, the ability to effectively provide equitable and ethical services to victims.

Do all agency personnel understand that the role and primary responsibility of victim services personnel is to recognize the interests of the persons served?

Agencies are strongly encouraged to reinforce the primary focus of victim services personnel as advocating for the rights and needs of victims—regardless of the investigation outcomes. This represents a commitment to victim-centered practices and a genuine understanding that the needs and desires of victims may differ from the expectations of the criminal justice system and associated professionals. Victim services personnel are expected to support victim self-determination, when possible, and should honestly convey information to victims, including all available options, choices that are within their control, and decisions that will be made by others. Victim services personnel can play a vital role in helping

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victims manage their responses to information and navigate their essential relationships with criminal justice professionals. Victim services personnel are also expected to identify how and by whom victims' rights and needs will be met. It is important to recognize that this may be best accomplished through services provided by others. By maintaining a focus on victim-centered practices, victim services personnel can reinforce their role as peer professionals who can comfortably work in collaboration with others.

Has a code of ethics for victim services personnel been developed?

Agencies choosing to establish or enhance law enforcement-based victim services are faced with reconciling the chosen model of service provision, variances in agency goals and service needs, and differences in state law. Though this may seem daunting, agencies are encouraged to develop a code of ethics for victim services personnel that will contribute to the standardization of common practices, demonstrate competent and responsible practice, and maintain the value of victim services as a profession.

An established code of ethics is a useful tool to delineate the role of victim services personnel and provide guidance when questions arise about what actions are within the scope of that role. It can be used as a training document for newly hired victim services personnel, student interns, and volunteers to help with onboarding and ongoing training reinforcement. It can also provide a framework for training to sworn personnel and community agencies around the role of victim services personnel. Having an established code of ethics can also be useful for performance conversations with victim services personnel. Agencies are encouraged to review the sample Victim Services Code of Ethics in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

“Through an established code of ethics, victim services personnel now have structured guidance to rely on for key decisions and complex victim interactions. It provides a solid foundation for ensuring consistent services, providing a professional way to say ‘no’ to requests that fall outside our role, and a way to reinforce healthy collaborative relationships with our community partners.”

Kandi Hause
Victim Services Program
Coordinator
Little Rock Police Department
Little Rock, AR

Have policies and practices for victim services personnel been developed?

To further reinforce making common practices standard, agencies should develop formal policies that will guide the conduct of victim services personnel and ensure that victims receive ethical and equitable services, whether a centralized or decentralized victim services model is used. In addition to a code of ethics, established policies and practices can help with onboarding and ongoing training reinforcement and during performance conversations with victim services personnel. Having established policies and practices will also help victim services personnel manage requests that fall outside documented procedures.

Identifying and exploring any potential biases or conflicts of interest is critical. While not always present, when primary interests of the agency (e.g., service to victims) intersect with secondary interests of victim

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services personnel (e.g., prior employment, personal victimization, prior contact with the agency), biases or conflicts of interest can occur. Transparent disclosure and candid dialogue provide context for effective management of these concerns. Consider the following examples:

- During a monthly meeting with his supervisor, a newly hired victim services specialist identified that his sister recently had a negative experience with agency officers responding to a domestic violence incident in which she was assaulted by her husband. He says he would prefer not to have contact with the responding officers. As part of his assigned responsibilities, he is expected to provide victim services training during roll calls for all agency officers.
- A victim services specialist told her supervisor that she was robbed at gunpoint three years ago. She stated she sought therapy and has since dedicated her life to helping other victims of crime. She expressed concern about working with victims of robbery due to her personal experience. As part of her assigned responsibilities, she is expected to work with victims of all crime types.
- A newly hired victim services volunteer and student intern coordinator shared with her colleagues that she is excited to be working alongside her spouse who is a sergeant in the Internal Affairs Unit. She expressed being able to talk about her work with someone who understands law enforcement practices will help her respond to victims more effectively. As part of her assigned responsibilities, she is expected to maintain privacy standards related to victim information.

Agencies should proactively plan for effective management of biases or conflicts of interest. Decisions should be based on victim-centered, trauma-informed practices, ensuring that the rights and needs of victims are placed at the forefront of all activity.

Sample policies for victim services personnel can be found in [Law Enforcement-Based Victim Services—Template Package I: Getting Started](#), and sample protocols can be found in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

Have policies and practices been established for referrals to other service providers?

Victim services personnel should develop practices for referrals to other service providers that are easy for victims and promote the seamless transition of services. Referrals may be necessary to ensure that victims are able to explore options and services with providers who offer varying degrees of confidentiality and privilege. The foundation for appropriate referrals includes victim services personnel participating in routine conversations to maintain current information about agency service parameters and to include transparent and supportive handoff practices.

Documentation Practices

Victim services personnel (including student interns and volunteers) should be prepared to fully and accurately document activities performed during their assigned responsibilities. The first step in meeting this expectation is to consider the chosen model of service provision—**law enforcement-based victim services**, **hybrid community-based victim services**, or **community-based victim services**. This distinction

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carries weight in terms of what is documented and who has access to the documentation. It also dictates the legal and ethical obligations of victim services personnel regarding privacy, confidentiality, and privilege and the scope of services offered. This distinction should be explained to victims at the first encounter or earliest possible contact to support informed decision-making by victims in the criminal justice process. Prior to sharing information, victims should be notified of what, when, and how information is shared in addition to the potential consequences (e.g., lack of control over information once it is shared or defendant gaining access to the information).

Documentation is a powerful communications tool. Regardless of the medium—a long report, a short email, or a quick note—documentation should represent a clear, appropriately detailed memorialization of events. In fields like policing and victim services, documentation is one of the more critical components of the job. Documentation goes well beyond statistical reports showing the number of contacts made, crimes investigated, and referrals provided. Documentation in these settings should clearly capture the content and context of interactions, decisions made, and services rendered, regardless of how the information is received (e.g., in person, by email or phone, or captured by body-worn cameras).

Documentation also serves to support effective service to victims, witnesses, survivors, and co-victims. It creates a record of contact and provides useful information for others who work with the same victim (when sharing such information is consented to and permissible under the law), including but not limited to agency personnel, prosecutors, and crime victim compensation workers. It also provides a way to verify actions taken or services provided in the event a question or concern is raised. Thorough and factual documentation often assists victims, witnesses, survivors, and co-victims with the qualification process for services and resources they need including protection orders, public housing, public assistance, health and life insurance, crime victim compensation, immigration assistance, and landlord-tenant dispute resolution, among others. Accurate, succinct, and trauma-informed documentation can also reduce inadvertent harm to victims, witnesses, survivors, and co-victims.

Agencies should develop documentation policies and practices using a collaborative approach. Consider including the following internal and external partners in development and review processes:

- agency records personnel,
- agency legal counsel (attorneys who represent the interests of the agency),
- victims' rights attorneys (attorneys who represent the interests of the victim),
- prosecutors (attorneys who represent the interests of the criminal case), and
- agency information technology (IT) personnel.

Agencies are encouraged to review [Victims' Rights Jurisdiction Profiles](#) for state-specific information related to the intersection of victims' rights and communication with victim services personnel.

Sample documentation protocols, case scenarios, and documentation can be found in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

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Location

Agencies should determine whether documentation will be kept only electronically or if paper records will also be maintained. The availability of both electronic and physical storage space will impact this decision. Agencies should research various options including the pros and cons of each, with the understanding that documentation of services and actions by victim services personnel is not optional. Agency IT personnel, facilities personnel, agency legal counsel, and prosecutors can also be helpful in determining the best option for the agency.

Can documentation of victim services personnel be contained in the same RMS system as documentation by other agency personnel?

Many agencies maintain records management systems (RMS) that provide for the storage, retrieval, retention, archiving, and viewing of information, records, documents, or files pertaining to policing operations. These systems typically capture written, photographic, and video/audio recorded documentation of calls for service, incident reports, investigative case management, field contacts, internal affairs, and other routine policing activities. Most RMS can be customized to fit the needs of individual agencies, including the addition of victim services documentation management.¹⁵

When possible, agencies should consider allowing law enforcement-based victim services to document in the same RMS as sworn personnel. Shared access increases transparency and supports collaboration between victim services personnel and sworn personnel. It can reduce time lags due to slow information sharing processes (e.g., requesting information via email or waiting for colleagues to be in the office to discuss a case). It also reduces personnel time as information is available in real time and follow-up contact between professionals can focus on clarification or future-focused case planning. This can also improve effectiveness and efficiency for victim services and sworn personnel. Policies should be put in place to ensure supervisors are engaging in routine review of victim services documentation.

How and where unpaid student interns and volunteers will document should be determined. Documentation of actions taken and services provided by these personnel is also required and should follow established agency policies. These policies should include routine supervisor review of student intern and volunteer documentation.

“Throughout my career, advocates have always been present as employees of the department. As a Chief, it’s important to me that all the staff understand that advocates are on our team and they are here to help victims. What better way to show that than integrating their documentation into our RMS system?”

Shawn Schwertfeger
Chief of Police
Wheeling Police Department
Wheeling, WV

¹⁵ Law Enforcement Information Technology Standards Council, [Standard Functional Specifications for Law Enforcement Records Management Systems \(RMS\), VII](#) (U.S. Department of Justice, Office of Justice Programs, 2008).

Should a separate system be created and maintained for victim services documentation?

When a shared RMS is not feasible, a separate documentation system can be established and maintained for **law enforcement-based victim services** documentation. These systems should include the ability to capture both statistical/demographic information and case information. There are multiple programs available to choose from, and many can assist with documentation management and compliance with grant reporting requirements (e.g., Victims of Crime Act [VOCA] funding). However, most require both start-up and ongoing subscription costs. Cloud-based programs may also require additional data storage costs. Agencies should be aware of requirements for cloud-based storage security and take the necessary steps to ensure information is secure. Supervisors of **law enforcement-based victim services** should have access to these programs to ensure they can engage in routine review of documentation.

If agencies are using **hybrid community-based victims services**, documentation should be maintained separately to ensure compliance with confidentiality standards. This could impact transparency and collaboration with sworn personnel. Requirements for releases of information (ROI) signed by victims could also impact information sharing practices. Practices should be established to ensure routine review of documentation by supervisors at the employing agency.

As with shared RMS, agencies should consult with agency legal counsel, prosecutors, and victims' rights attorneys to identify and address any potential negative consequences from using a separate documentation system. Both sworn leadership and victim services personnel should have a clear understanding of how their documentation intersects with discovery processes, processes for requests for documentation, and other ways their documentation may be accessed.

Community-based victim services have not completed background processes through the law enforcement agency and do not have access to CJIS and RMS; therefore, all documentation will be maintained through their employing agency. Any information shared with law enforcement requires signed releases of information (ROI) by victims.

Content

While the role of victim services personnel will differ from that of a law enforcement officer, the extent to which they accurately and thoroughly document services provided and actions taken should not. It is critical that documentation of victim services personnel include only information regarding actions taken by victim services personnel related to service provision and not a detailed restatement of the facts of the case, actions taken by others, or personal opinions. The incident itself should be documented in detail by law enforcement personnel who receive the information first-hand. Any discrepancies may cause confusion during subsequent action steps and potential prosecution of the case and may ultimately cause harm to victims.

How will spontaneous disclosures be handled and documented?

Victim services personnel should be transparent with victims from the earliest possible point of contact about how new information will be documented, with whom it will be shared, and ways the information

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may be used in the case. To ensure victims remain fully informed, all victim services personnel should review the limitations of confidentiality and documentation practices every time contact is made. It is acceptable to stop victims in the middle of conversations to remind them of these important parameters.

It is extremely important to develop clear policies for documentation of spontaneous disclosures made by victims to victim services personnel. Due to the nature of the professional relationship and frequency of contact, victims frequently disclose information to victim services personnel that they have not shared with law enforcement personnel. Agencies should include their legal counsel, prosecutors, and victims' rights attorneys in developing these policies to ensure legal requirements are met.

Documentation and sharing of spontaneous disclosures will differ based on the chosen model of service provision. **Law enforcement-based victim services** generally do not have confidentiality or privilege with victims,¹⁶ and additional information received must be documented and shared with law enforcement personnel. In most cases, **hybrid community-based victim services** retain confidentiality or privilege with victims, and new information will not be shared with law enforcement personnel unless certain criteria are met (e.g., information that would trigger mandated reporting). **Community-based victim services** should document new information according to their agency's established policies.

Have victim services personnel received training on documentation?

Documentation is an important skill that can be developed over time and for which all personnel—victim services and sworn, paid and unpaid—should receive regular training. Victim services personnel within a decentralized victim services model should receive cross-training to ensure all victim services personnel are documenting consistently. Documentation that is incomplete or does not meet established standards can have a significant impact on case progression and may even limit the viability of the case for prosecution. Onboarding and ongoing training should include review of agency policies around documentation, legal intersections with documentation (e.g., *Brady* disclosures and subpoena response), common errors, and requirements for documenting when information is shared due to mandated reporting laws (e.g., when child/adult abuse or neglect is suspected). Moreover, supervisors of victim services personnel, including supervisors for student interns and volunteers, should engage in routine review of documentation, provide feedback, and require needed corrections as soon as possible to ensure the accuracy of the case information. Personnel should be trained to document according to the agency's established policies, and cross-discipline training is strongly encouraged.

Is appropriate language being used in documentation?

Victim-centered language should be incorporated in all reports. Word choice matters, and how information is documented can impact how others interpret events and details. Language used in documentation can also impact victims' eligibility for state victim compensation programs and other resources including some immigration benefits.¹⁷ Common language pitfalls include—

¹⁶ Refer to state statutes, agency policies, and grant funding related to victim services personnel confidentiality or privilege.

¹⁷ For additional information, visit [Law Enforcement's Role in Victim Compensation](#) and [U Visa Law Enforcement Resource Guide](#).

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- **Victim-Blaming Language**—It is sometimes stated in law enforcement incident reports that the status of cases or lack of investigation are a result of “victim cooperation,” or lack thereof. This use of language in the investigative process places blame on the victim without asking the reasons they decline or are unable to participate in investigations or exploring other investigative techniques.
- **Linguistic Avoidance**—This common language pitfall occurs when language is used to deflect responsibility away from the perpetrator or diffuse responsibility by documenting in a way where there is no perpetrator (e.g., “Mary was punched and strangled” vs. “Mary said that Dan punched and strangled her”).
- **Language of Consent**—Statements that imply consent without the context of physical or emotional force (e.g., “He had sex with her” vs. “He forcefully penetrated her vagina with his penis”) often portray an incomplete and inaccurate picture of what occurred.¹⁸

Another common documentation challenge is deciding whether to directly quote victims in reports. There can be benefits and unintended consequences for this practice. For example, direct quotes can provide clarity. They may also put victims at risk when offenders obtain copies of the report. If victim services personnel include direct quotes from victims in documentation, it is important for this to be done in partnership with the victim. This can include reading the quote back to the victim to ensure accuracy, clarifying details if needed, and explaining to the victim that their words will be documented verbatim.

Access

Access to documentation of victim services personnel will be directly related to the chosen model of service provision. As government entities, case-related documentation by law enforcement agency personnel (sworn, professional, paid, and unpaid), to include **law enforcement-based victim services**, will likely be widely accessible to multiple parties, including other law enforcement personnel, victims, prosecutors, defense attorneys, suspects, media, and the public. **Hybrid community-based victim services** and **community-based victim services** often retain confidentiality or privilege with victims and access to their documentation is much more limited. Agencies should conduct cross-training on access to documentation to ensure all personnel understand the processes and limitations involved.

Agencies should also carefully consider and establish policies outlining who and when internal agency personnel will have access to victim services personnel documentation. For example, an agency may decide to restrict access to only those personnel assigned to a specific case and access by others will be determined on a case-by-case basis. Access may also depend on the location documentation is stored (e.g., a shared or separate RMS), and the chosen model of service provision will dictate whether documentation is confidential or not. Access may also depend on victim services personnel’s employment status in the agency. For example, student interns and volunteers may have a different level of access to Criminal Justice Information Systems (CJIS) information and RMS documentation than paid personnel.

¹⁸ [“Raped or ‘Seduced’? How Language Helps Shape Our Response to Sexual Violence,”](#) webinar, Legal Momentum (June 2013).

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Agencies should work in partnership with agency legal counsel, prosecutors, and victims' rights attorneys to develop policies around access to documentation.

It is vitally important for victims to be informed about who may have access to agency documentation both within the agency and externally. **Law enforcement-based victim services** should be clear about the potential for their documentation to be widely accessible to all parties of a case and even the public. **Hybrid community-based victim services** and **community-based victim services** must be clear with victims about reasons confidential documentation may have to be disclosed, including the types of information that trigger mandated reporting (e.g., when a person is thought to be a danger to themselves or others). These discussions should occur during each contact, and this information should also be provided to victims in writing for future reference.

When victim safety or other concerns are present, have policies been established to ensure victims receive services and ensure documentation abides by policy and victims' rights, including redaction prior to disclosure?

Because disclosure of documentation may be necessary, regardless of the chosen model of service provision, agencies should work with agency legal counsel and prosecutors to establish clear redaction policies. In some cases, specific information can be redacted (e.g., removed or obscured) and still meet the legal requirements for disclosure. For example, identifying information such as names,¹⁹ dates of birth, social security numbers, and addresses can be redacted under certain circumstances. In addition, agencies should include victim safety considerations in policies if disclosure of information could put a victim at risk. For example, if a defendant or the media make a request for all records pertaining to the case, the agency may argue to redact information about the victim's safety plans and alternate living arrangements and location prior to disclosure. Victim services personnel should receive regular training on this topic and develop practices to minimize risk to victims while still meeting the legal and ethical responsibilities of maintaining complete documentation according to their agency's established policies.

Legal Intersections

Other common documentation considerations include intersections with legal requirements such as *Brady*, *Giglio*, Health Information Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and Open Records/Freedom of Information Act (FOIA) requests. Some funding sources commonly used to support victim services programs, including but not limited to Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) funding, have additional legal requirements related to documentation (e.g., disclosure of individual information without written consent is prohibited). These and other federal, state, and local legal requirements and rules may impact documentation of and access to victim services personnel documentation.

¹⁹ Under specific circumstances, victims in some jurisdictions have the right to use pseudonyms. Agencies must be familiar with the parameters in their jurisdictions and their responsibilities to ensure required processes are completed.

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Documentation should be completed with these intersections in mind, including long-term implications of documentation content. It is incumbent upon law enforcement agencies to work cooperatively with agency legal counsel, prosecutors, and victims' rights attorneys to understand local, state, and federal rules that impact access to documentation of victim services personnel. Because the legal intersections are often complex and impact victim services personnel to varying degrees, regular training on these topics and access to legal consultation are of paramount importance.

Comprehensive information about federal legal intersections and state-specific laws, statutes, and rules that govern privacy, confidentiality, and privilege can be found in the [Victims' Rights Jurisdiction Profiles](#).

What is Brady and how does it impact my work?

Brady v. Maryland, 373 U.S. 83, 87-88 (1963), (commonly referred to as *Brady* or *Brady* disclosure) is a case that was heard by the U.S. Supreme Court and identifies what information and records must be shared between the prosecution and defense during discovery and disclosure processes. A primary tenet of *Brady* states that prosecutors must turn over any information that is potentially exculpatory, or indicates the defendant might not be guilty, to the defense. This requirement also extends to others working on behalf of the prosecutor, potentially to include victim services personnel.

The application of *Brady* to law enforcement and victim services personnel can be complex. Depending on whether victim services personnel are system-based (generally considered to be agents of the prosecution) or community-based (generally not considered to be agents of the prosecution), their documentation may have to be shared with the defense in part or in full. Agencies should work closely with agency legal counsel and prosecutors to determine how *Brady* is being interpreted and expectations for turning over information.

What is Giglio and how does it impact my work?

Giglio v. United States, 405 U.S. 150 (1972), is a case that was heard before the U.S. Supreme Court. The court's ruling on this case is applicable to victim services personnel as it addresses the definition of "material evidence." A clear understanding of how the victim services personnel's role is or is not related to the prosecutor's office is critical. This determination, along with any additional state or local laws, will dictate when and what information must be turned over to the prosecuting attorney's office.

What is HIPAA and how does it impact my work?

The Health Insurance Portability & Accountability Act (HIPAA), 42 U.S.C. § 1320d et seq. and 45 C.F.R. §164.500 et seq., is a federal law that outlines the protections governing the handling of health records. HIPAA protections may include but are not limited to information about medical conditions, medications, HIV status, mental/behavioral health conditions, and substance use/abuse/treatment. Victims may disclose information to victim services personnel that may still be protected under HIPAA in the course of their work. For example, many victims engage in therapeutic services in the aftermath of a crime. A victim may disclose to victim services personnel the name of the therapist they are seeing. Under HIPAA, the victim's therapy records would likely be protected. Victim services personnel must understand how

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information protected under HIPAA should be documented and under what circumstances the information can, cannot, or must be shared and with whom.

What is FERPA and how does it impact my work?

The Federal Educational Rights & Privacy Act (FERPA), 20 U.S.C. § 1232g, is a federal law that outlines the protections governing the handling of education records. It protects the privacy of student education records maintained by educational agencies and institutions that receive funding under any U.S. Department of Education program and the personally identifiable information contained in these records.

As with HIPAA-protected information, victim services personnel may receive or have access to information and records during their work with victims that may be protected under FERPA. Though records of campus-based law enforcement agencies are not generally considered educational records, some information collected by law enforcement personnel from education records (e.g., personally identifiable information) likely maintains its protected status. Victim services personnel must understand how this information should be documented and under what circumstances the information can, cannot, or must be shared and with whom.

“Providing law enforcement response as an agency and incorporating victim services personnel required a huge lift to understand the complex layers of Title IX and FERPA. As a Chief, I am the one held accountable to do the right thing and I never want to be viewed as someone who doesn’t do their part.”

Todd Renwick
Chief of Police
University of Nevada, Reno
Police Services
Reno, NV

What are FOIA/Open Records requests and how do they impact my work?

The federal open records law, known as the Freedom of Information Act (FOIA), 5 U.S.C. §552, was enacted in 1966 and provides for the legally enforceable right of any person to obtain access to federal agency records subject to FOIA, except to the extent that any portions of such records are protected from public disclosure by one of the nine exemptions (e.g., information about child victims). Open records laws—commonly referred to as public records or sunshine laws—allow any person to request government documents and, if the government refuses to turn them over, to file a lawsuit to compel disclosure. Every state and the federal government have such laws, and all local, state, and federal government records are presumed open for public inspection unless an exemption applies. Victim services personnel must understand the open records laws in their jurisdictions, processes related to open records requests in their agencies, and the extent to which their documentation is or is not exempt from such requests.

Have policies been put in place for notification of the victim regarding requests for information?

Victims should be informed that the laws, statutes, and rules associated with disclosure requirements may impact the privacy of their information. They should also be informed about when and how this information may be shared. Victim services personnel must have a clear understanding of these parameters to have meaningful discussions with victims about their participation options. Victim services personnel should routinely talk with victims about the limits of confidentiality throughout their

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involvement, not just at the beginning of their contact. Moreover, victim services personnel should notify victims as soon as possible each time a request for information or records is received. This includes requests for information by victim services personnel, sworn personnel, prosecutors, suspects, defense attorneys, the media, and other agencies (e.g., state child/adult welfare agencies, U.S. Citizenship and Immigration Services). There may be steps victims can take to further protect their information (e.g., contacting their medical or behavioral health providers to request notification if the provider receives a request for information and to be given time to oppose the request). Policies should be enacted to streamline victim notification and should include requirements for documenting when notifications occur.

Have policies been developed for legal intersections with law enforcement records and have all personnel received training?

In partnership with agency legal counsel and prosecutors, agencies should develop robust policies around legal intersections with victim services personnel documentation, response to requests for disclosure of information and/or records, processes for victim notification, and when and how legal consultation should occur. Additionally, onboarding and ongoing training for all personnel around these topics and how they apply to individual roles should occur. Differences in application of the above and other federal, state, and local laws, statutes, and rules should be clearly delineated based on the chosen model of service provision and included in training for both sworn and professional personnel.

Subpoena Concerns

Agencies with victim services personnel often cite subpoena concerns when discussing documentation of service provision. It is important to note that any citizen who may have relevant information related to a criminal or civil case is subject to subpoena if they are within the jurisdiction of the court.

There are two main types of subpoenas victim services personnel may receive:

- **Person subpoena**—requires the individual to appear before the court (or another location) to provide a sworn statement or testimony.
- **Subpoena duces tecum**—requires the individual to appear before the court along with specified documentation, records, or other tangible items.

Policies and procedures for documentation should be developed with an understanding of subpoena law in the jurisdiction and its application to the chosen model of service provision. All victim service personnel should be prepared to testify within these parameters. Training of victim services personnel around these issues is critical to ensure competent execution of these job duties.

Do victim services personnel have a clear understanding of the difference between fact witnesses and expert witnesses?

Another important distinction for victim services personnel to understand is the difference between fact witnesses and expert witnesses:

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- **Fact witness**—an individual who has personal knowledge of events pertaining to the case and can testify as to the things they have personally observed or witnessed. Fact witnesses may not offer opinions.
- **Expert witness**—an individual who offers opinions that may assist the court in understanding technical knowledge to aid in a decision or judgement. Expert witnesses do not necessarily have personal knowledge of the facts of the case but can make statements about aspects of the case in which they have specialized training.²⁰

In most cases, victim services personnel will be providing services in connection to reports of criminal incidents. In these cases, they are considered fact witnesses and testimony will be limited to their personal interactions with victims, the services they provided, and actions they took. Victim services personnel may also be subpoenaed to provide testimony in civil cases that result from contact with the criminal justice system. It is important to understand that victim services personnel are inherently aligned with the desires and needs of the victims they serve and often do not have access to the full set of facts and historical information related to the presenting civil issue. Therefore, victim services personnel involved in the case are not able to provide objective opinions and recommendations about common civil issues for victims they serve, including suitability of parents and decisions related to custody and visitation.

With requisite experience and appropriate training, victim services personnel can be recognized as expert witnesses—often around trauma response. However, expert witness testimony should not be provided by victim services personnel in any case where they personally rendered services to the identified victim.

Have policies been put in place for notification to the victim when a subpoena is received by victim services personnel?

As with requests for information or records, victims should receive timely notification when victim services personnel receive subpoenas. Victim services personnel should take this opportunity to review limitations of confidentiality and the potential consequences of the subpoena, disclosure of information, and testimony. Community-based victim services personnel who generally retain confidential communication with victims should also remind victims that there may be legal exceptions that, under certain circumstances, would require the victim services personnel to break confidentiality. Timely notification is critical so the victim can choose whether to oppose the subpoena. Transparency should be prioritized so victims remain fully informed and can make choices regarding their participation.

Have policies been developed for subpoena response and have all personnel received training?

Regardless of subpoena type or the issuing party, careful consideration should be made when developing subpoena response policies, and this process should be undertaken in partnership with agency legal counsel and prosecutors. They can provide guidance around what information must be disclosed under the law and appropriate procedures for responding to subpoenas. Victim services personnel may be subpoenaed by the prosecution, defense, and in connection with civil cases that result from contact with

²⁰ Psychological Center for Expert Evaluations, "[Expert Witness vs. Fact Witness](#)" (2014).

the criminal justice system. Subpoena response policies should include instructions for timely legal consultation and response. Victim notification requirements should also be included. All personnel should receive training on subpoena response policies and practices.

Have victim services personnel received training on providing testimony?

Providing testimony, whether as a fact witness or expert witness, can be complex and challenging. Victim services personnel should be provided with ongoing training on providing testimony, so they are familiar with the processes and expectations involved before they are required to perform this job duty. Effective training can include scenario-based learning and mock direct and cross-examination exercises to increase comfort with answering questions in this setting and support practical competency.

Additionally, providing expert testimony requires extensive knowledge and preparation. Victim services personnel who wish to become expert witnesses should engage in comprehensive training that includes testimony observation, coaching, and ongoing training around current research and evidence-based practices in the subject matters for which they will be providing expert testimony. Consideration should also be given to whether providing expert testimony will be considered part of regular job duties for victim services personnel (e.g., can be completed during work hours) or considered outside the scope of their role with the agency and must be done on personal time.

Complex Documentation

It is the responsibility of victim services personnel to accurately capture experiences of victims and respond to needs resulting from system interactions.²¹ At times, this may include providing victims with information about how to address outcomes that do not meet their expectations. This information might be complaints about the agency or personnel working on a case, but it still must be documented. This information can be received during informal encounters (e.g., during a phone conversation, by email, during an in-person conversation on scene, or during an office visit) as well as through formally established grievance procedures (i.e., complaints filed through Internal Affairs). It is important to capture this information as victim experiences rather than factual determination of events. Agencies are encouraged to consider the following examples:

- If a victim expresses displeasure to victim services personnel following an interaction with an investigator, victim services personnel should document “Victim reported (victim’s description of events)” rather than “The investigator disregarded the victim and treated him rudely.”
- If a victim discloses concerns related to language access following an interaction with a victim services student intern, victim services personnel should document “Victim reported that an interpreter was not made available by victim services student intern” rather than “The victim services student intern refused to use an interpreter assuming the victim understood enough of the information.”

²¹ “[Achieving Excellence: Model Standards for Serving Victims and Survivors of Crime](#),” U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime, June 2020.

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Complaints from victims can arise due to miscommunication or confusion about what is happening in their cases. All personnel are encouraged to view victim complaints as opportunities for further dialogue and engagement and one of many ways victims can exercise their rights in the criminal justice system. There should be mutual expectations between victim services personnel and sworn personnel that victim concerns will be addressed transparently and in partnership with one another (within the boundaries of confidentiality requirements).

Other complex documentation situations may include how to properly document medical or behavioral health information, recantations, or new information disclosed to victim services personnel. Seeking supervision for assistance in navigating challenging situations and documenting this information is strongly encouraged. Complex documentation samples can be found in [Law Enforcement-Based Victim Services—Template Package II: Protocols & Documentation](#).

Are processes related to agency and personnel complaints or concerns publicly posted?

To further promote transparency and support victim engagement, information outlining processes that victims can use to provide feedback (positive or negative) should be publicly posted at the agency and on the agency website. This should include available opportunities to provide informal feedback (e.g., sending an email, speaking with a staff member's supervisor, or completing a victim satisfaction survey) and information about formally established processes such as filing a complaint through Internal Affairs. This information should also be included with written information and provided to victims at the earliest opportunity. It should be made clear that the procedures are applicable to concerns related to all personnel, both sworn and professional.

Are victim services personnel familiar with appropriate and established supervisory contact, complaint, or grievance processes for internal and external partners?

All personnel, sworn and victim services, should have a clear understanding of the supervisory structure and contact options as well as established complaint or grievance processes for both internal partners (e.g., sworn personnel at all levels, victim services personnel, communications personnel, crime scene personnel) and external partners (e.g., other system- and community-based victim services personnel, prosecutors, defense attorneys, court staff, forensic nurses). It is not enough for personnel to know that these processes exist, but they must have sufficient knowledge to accurately describe these processes and provide information to victims when needed.

Agencies should train all personnel on policies and expectations for handling and documenting complaints. This topic area can create valuable opportunities to engage in internal and external cross-training and can involve victim intersection mapping to ensure all opportunities for victims to provide feedback throughout the criminal justice system are identified and understood.

Are victim services personnel familiar with statewide victims' rights compliance systems?

Victims are not parties to the criminal case—criminal cases are typically brought by federal or state governments against defendants (e.g., State of Texas v. Defendant not Victim v. Defendant), and it is the

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government and the defendant who are legal “parties.” Victims’ rights do, however, afford victims a legal status—that of participant. All fifty states, the District of Columbia, and the federal government have some combination of constitutional, statutory, and/or rule-based protections for crime victims. These rights are generally personally enforceable by the victim within the criminal case. When a victim seeks enforcement of their rights in the criminal case, accessing a victims’ rights attorney can be beneficial.

The federal government and many states also established compliance processes or offices. Compliance processes provide recourse to crime victims who feel their legal rights have been violated and provide guidance for federal and state agencies to improve compliance with victims’ rights. The federal victims’ rights compliance office ([Federal Crime Victims’ Rights Ombudsman](#)) and each state’s compliance programs are different in scope and in the activities that can be undertaken on behalf of victims. For example, some programs focus on taking corrective action against employees of agencies who are found to be out of compliance with victims’ rights laws or rules. Other programs include processes for assessing victims’ rights complaints, taking legal action to remedy complaints, or issuing corrective action recommendations to agencies. Victim services personnel should understand the victims’ rights compliance processes in their state, and this information should be provided to all victims as part of standard practice.

Closing

Victims of crime are tasked with navigating complex systems in which they did not ask to participate. Their ability to meaningfully participate in the justice process is often further challenged by the short- and long-term impact of trauma. Victims are afforded legal rights and deserve high-quality services (coordinated, collaborative, culturally responsive, multidisciplinary, and trauma-informed) to assist them in exercising their rights. Agencies establishing or enhancing law enforcement-based victim services can support this effort through the integration of victim services personnel as peer professionals who work in collaboration with other agency personnel. Shared understanding of the separate but complementary role of victim services personnel will serve as a foundation for agencywide victim-centered practices.



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