

Establishing or Enhancing Law Enforcement-Based Victim Services –

Using Technology to Communicate with Victims

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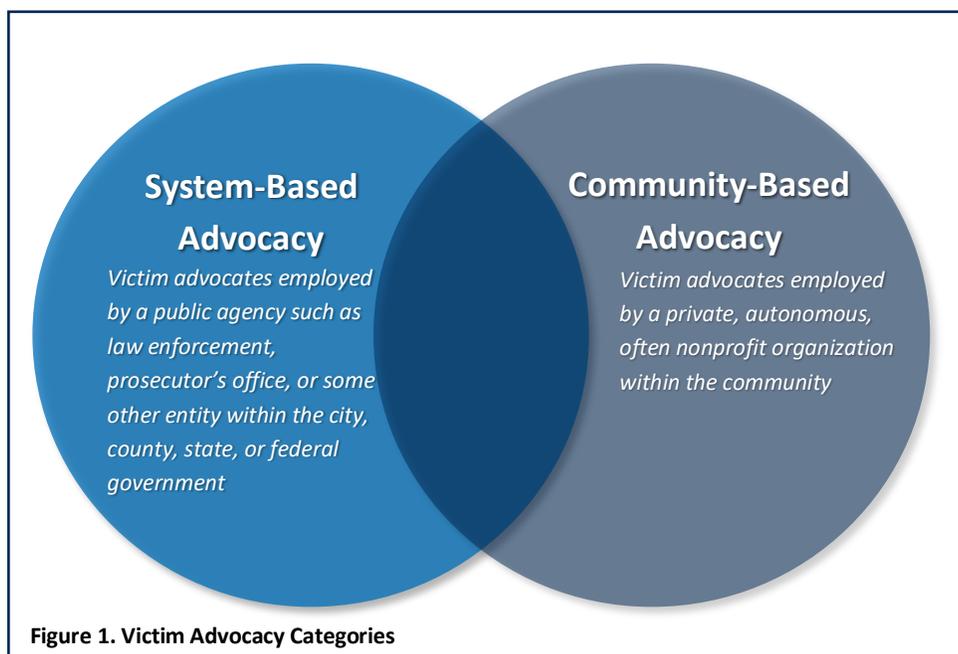
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LEV Introduction

In 2018, the U.S. Department of Justice, Office for Victims of Crime (OVC) launched the Law Enforcement-Based Victim Services & Technical Assistance Program (LEV Program) to support the development of law enforcement-based victim services, to strengthen their capacity, and to support partnerships with community-based programs. Providing training and technical assistance for the LEV Program, the International Association of Chiefs of Police (IACP) enhances 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 LEV publication series is based on the foundational knowledge of different categories of advocacy and different models of victim services provision. The two basic categories of advocacy are (1) system-based advocacy, where advocates are employed by a public agency such as law enforcement, prosecutor's office, or another entity within government, and (2) community-based advocacy, where advocates are employed by a private, autonomous organization within the community (see Figure 1).



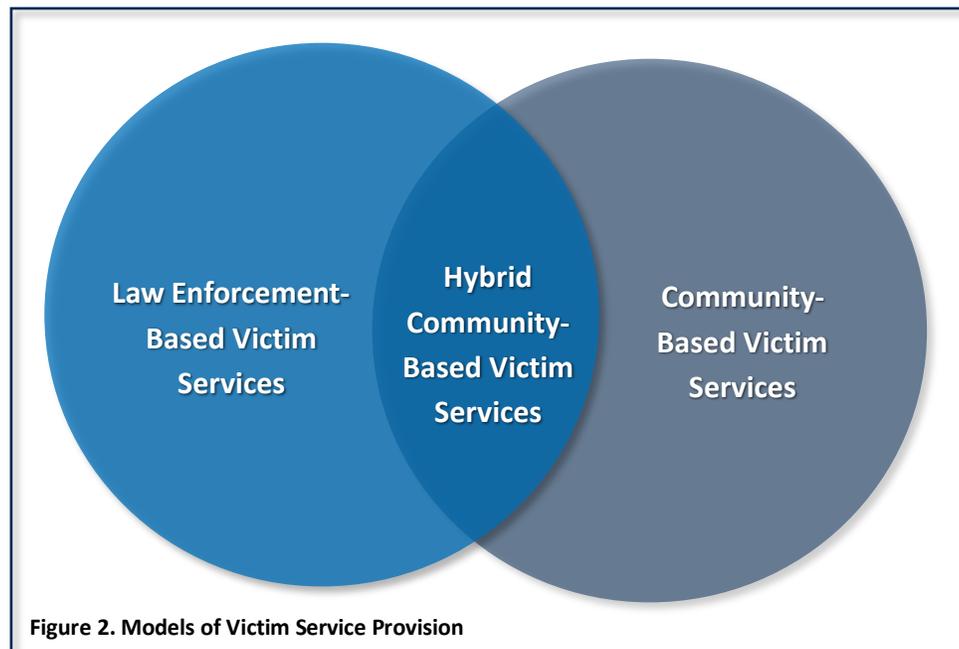
Whereas the advocacy categories provide a high-level understanding, the distinction between models of service provision provides a more nuanced view of victim advocacy. While other models exist, the most common models include the following (see Figure 2):

- **Law enforcement-based victim services**—victim services personnel are employed by or contracted by a law enforcement agency to serve victims, witnesses, survivors, and co-victims of crime within the jurisdiction. These personnel are subject to rigorous background check processes

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and training, receive access to the agency's record management system (RMS) and Criminal Justice Information Services (CJIS), and represent the law enforcement agency.

- **Hybrid community-based victim services**—victim services personnel are employed by a community-based organization that is engaged in a formal agreement (e.g., contract, memorandum of understanding) with a law enforcement agency to jointly determine 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 limited access to RMS and CJIS data after a background check is cleared but do not represent the law enforcement agency.
- **Community-based victim services**—victim advocates are employed by a community-based organization that may or may not have an agreement (e.g., memorandum of understanding) with a law enforcement agency defining partnership contributions. These advocates do not have access to RMS or CJIS data and do not represent the law enforcement agency.



The LEV publications enhance law enforcement-based victim services and the overall field of victim advocacy. Community-based advocates reading these publications may need to account for role differentiation as well as legal and policy differences.

Additionally, differences in agency and community cultures, values, goals, service needs, and state laws exist. Due to these differences, agencies are encouraged to consider these unique aspects when establishing or enhancing victim services.

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The LEV Program includes multiple publication series and accompanying webinars to assist law enforcement agencies to enhance or establish law enforcement-based victim services. All materials are accessible through the [LEV Program webpage](#).

Definitions

The LEV publications focus on law enforcement-based victim services, so the following definitions will apply.

- **Agency**—a 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.
- **Community-Based Organization**—a nongovernmental or nonprofit organization that provides services to victims
- **Digital Services**—any technology used to communication with victims (e.g., mobile or landline phone calls, text messages, video calls, web-based chats, emails)
- **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.
 - 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.

Digital Victim Services Introduction

Victim services personnel routinely use technology to communicate with victims, witnesses, survivors, and co-victims of crime. As technology advances, victim services personnel should determine if new or different modes of communication allow for better access for victims. The options of email, text messages, video calls, and web chats have become mainstream. Embracing new technologies requires more than just choosing the right software. Agencies should first invest time and energy to assess their readiness and develop strong policies and procedures. This preparation will ensure high-quality services that are centered in victim safety and privacy.

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Agencies are encouraged to consider digital services as a tool to enhance victim services delivery. For the purposes of this publication, the term “digital services” refers to any technology used to communicate with victims (e.g., mobile or landline phone calls, text messages, video calls, web-based chats, emails). When planning for the digital services component of a victim services program, agencies are encouraged to consider the unique community circumstances, applicable laws, available resources, current practices, and other local considerations.

To prepare agencies to assess policies, practices, and training related to digital victim service provision, a set of steps is provided below. These steps are adapted specifically for law enforcement-based victim services, and links are included to resources developed by LEV project partner National Network to End Domestic Violence (NNEDV) to provide additional information.

To address digital victim services, agencies should consider the following three steps:

- Step 1: Identify Policies & Practices
- Step 2: Make Key Decisions & Adapt Policies
- Step 3: Train Victim Services & Other Personnel

Step 1: Identify Policies & Practices

Start with what you know. Identify and review existing agency and victim services policies and practices for communicating with victims, and ask:

- “Do these policies exist?”
- “What type of communication is included in these policies? In person? Phone? Email?”
- “What would be different with chat, text, or video? What would be the same?”

Here are some key items to keep in mind as you do the review:

- Providing multiple options of communication to victims may remove barriers and promote increased access to and engagement within the criminal justice system. Examples include:
 - Some victims prefer forms of digital communication (e.g., text or email) which allow for responding on their own time. This increased flexibility can help victims communicate around their work and personal lives. Additionally, this may allow victims to identify support people when they read and respond to communication.
 - Generational differences may impact a victim’s preference in communication (e.g., younger adults may prefer texting while older adults may prefer speaking in person).
- Risks to consider:

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- The conversation could be intercepted by someone else including an abusive person, an abusive person could impersonate a victim, or a victim's privacy could be undermined.
- A record of the electronic communication and content exists and may be subject to *Brady* disclosures.¹ This may allow for other information (e.g., call history, photos, text communication, emails, files) contained on the mobile phone or computer used by the victim or victim services specialist to be subject to *Brady*. If agency-issued devices are not provided, staff using personal devices may be subject to subpoenas and be required to turn over all their personal information, including existing content on their mobile phone or computer.
- As communication technology advances, society's expectation for the speed of response has also increased. Previously, a phone call or email response within 24 – 48 business hours may have been standard practice. Now, victims may expect a quicker response via chat or text communication. Expectations for the speed of response and the hours of operation should be clear for both victim services staff and victims.

Read more about risks and approaches to [chat](#), [video](#), and [text messaging](#).

- Text and chat conversations tend to include more numerous and more graphic disclosures (e.g., a victim may also include a photograph), and they might need to be treated as evidence. Victim Services supervisors are encouraged to plan for additional time to debrief victim services personnel and provide guidance on evidence transfer and documentation.
- Text and chat conversations tend to take place over a longer period of time. As a result, victim services staff schedules may need to be adapted. Other considerations will include whether staff will hold more than one conversation at a time (e.g., engaging in chat conversations with multiple victims simultaneously), how conversations are handed off at the end of shifts, and how to support staff in maintaining work-life balance.

Agencies are encouraged to discuss policies and procedures with agency legal counsel and the prosecuting attorneys' office to protect both the agency and victims' rights.

Step 2: Make Key Decisions

After reviewing existing policies and practices, there are many decisions to make as agencies embrace new digital services. Determine who should be involved in the decision-making process (e.g., victim

¹ This refers to the U.S. Supreme Court ruling *Brady v. Maryland* (commonly referred to as *Brady* or *Brady* disclosure), which dictates what information and records must be shared between prosecution and defense during discovery and disclosure processes. A central component 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. As law enforcement-based victim services personnel are employed by law enforcement, they are considered state actors and are likely subject to *Brady* disclosure. See National Crime Victim Law Institute's [Law Enforcement-Associated Victim Advocates and Brady Disclosures: Legal Background and Considerations](#) for additional information.

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services specialist, victim services supervisor, victim services chain of command) and who should be involved in review of decisions and policies (e.g., agency legal counsel, prosecuting attorney's office).

Capacity

- What days and times will the digital service be available (e.g., web chat is available Monday through Friday 9 a.m. to 4 p.m.)? What message will a victim receive after hours? On holidays?
- Will the service be marketed to specific communities, populations, or through community partners?
- What will happen when someone contacts your agency from outside of your jurisdiction, including another state or country?
- Does the agency or victim services unit have the financial capacity to purchase and maintain technology platforms (e.g., cellphones, chat platform) and storage (e.g., cloud-based storage)?

Read more about [Assessing Capacity for Digital Services](#) and [Providing Quality Digital Services](#).

Managing Services

- When and how will a call/case be transferred to someone else in the unit, if needed? [Learn more in Best Practice Principles](#).
- How will your agency collect data about digital services (e.g., do three emails to one victim in a day count as one contact or three)? What data will you collect? How will success be measured in digital service provision (e.g., victim responds to message)? [Learn more about protecting victim privacy when collecting data](#).
- Can a third party (e.g., sign language interpreter, support person) be included in the communication platform? If so, how does a third party join? Is permission given by the victim through a release of information?

Conversations

- How will text and chat conversations be documented? Will conversations be documented in full (i.e., transcript) or paraphrased?
- How and where will texts and chats be stored (e.g., cloud storage)?
- How long will texts and chats be saved? Can texts and chats be deleted?
- How will victim service personnel do standard safety and privacy checks? [Learn more about talking with victims about safe ways to communicate](#).

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- Text and chat conversations can sometimes be more informal. What tone do you want staff to take? How important is spelling and grammar? Should they use emojis or acronyms? [Learn more about clear communication.](#)
- How will you provide referrals and links? Will those referrals be different from the list you already provide?
- Will conversations be automatically closed after a certain amount of time with no reply from the victim, or if they indicate that an abusive person has entered the room? [Read more about closing conversations.](#)
- If written consent is needed, how will that be obtained? Read more about [Digital Written Consent.](#)
- How will your agency respond to incoming messages via [text message](#), [social media](#), or other formats that are less secure or not secure? How will your agency screen for and respond to inappropriate calls, texts, or chats (e.g., robocalls, spam)?
- How will your agency respond to messages in different languages? [Learn more about clear communication.](#)
- What will happen if there is a threat of harm to self or others? [Read more about supporting victims' informed choices.](#)
- How will victim services personnel manage communication that requires emergency response (e.g., a victim discloses a suicide plan)? Who will be contacted to assist and how?

Supervision & Challenging Situations

- How will supervisors help staff adapt to digital services?
- Will supervisors review chats and texts for quality assurance?
- How will supervisors give support after conversations with intense content?
- How should abusive callers/chatters or suspected impostors be handled?
- Will digital services be available in crisis circumstances (e.g., natural disaster)?

Read more about [Supporting Advocates](#) and [Planning for the Unexpected.](#)

Scripted Messages

Scripted messages are standard phrases, links, or information that can be copied and pasted into text and chat conversations. These can be helpful to provide consistent information to victims. Here is a suggested list of messages to draft:

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- Safety check, including safety of devices and accounts. [Learn more about talking with victims about safe ways to communicate.](#)
- Victims' rights and what to expect from your agency and digital services.
- What will happen or what to do if there is an interruption in the conversation due to technology or other reasons.
- Alternative contact information (e.g., 911, nonemergency phone line) if the digital service is not available.
- Pre-translated messages for victims who speak languages other than English.
- Tips and information to share with victims about how to use the chosen tools. (These could be from the company providing the technology if that information is clear and in plain language.)

Step 3: Train Victim Services & Other Personnel

Training for victim services personnel and other agency personnel should be provided after decisions have been made and policies have been created or updated related to digital victim services provision. This training should include both foundational information related to use of the tool(s) and documenting the services and more advanced components related to adapting skills and practices to digital services and knowledge of applicable laws. Training on the digital services tools should be tailored to the specific tools your agency is using, including:

- How to open the program. How to start and end a conversation.
- How to send messages, use scripted messages, and share links and referrals – including how a victim accesses links once the conversation closes.
- How to transfer a call/case (e.g., to another victim services staff member or an investigator).
- How to protect sensitive information in devices and accounts.
- How to document the service provision with a balance of victims' privacy and agency policy.
- Whom to contact for help (e.g., customer service or agency's IT staff).
- How to transfer the service to other services in the event of a disaster.
- Importance of using agency-issued devices and the risks of using personal devices.

Training on how to adapt skills and practices to digital services should be based on the decisions the agency made in Step 2 and include

- chat and text etiquette;

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- how to do a safety check, every time;
- informed consent online;
- active listening and the elements of a conversation (responding promptly; asking open-ended and closed-ended questions; using reflection, empathy, paraphrasing, and validation; use of sarcasm);
- a reminder to not collect evidence for victims and what to do if new evidence (i.e., narrative or images) are provided;
- how a victim can save conversations for future reference;
- what to do in emergencies, including how to remind victims of mandatory reporting or other reporting requirements;
- when and how to close a conversation when time has elapsed without a response;
- how to deal with abusive contacts or suspected impostors;
- how and what to share if information is requested (e.g., FOIA requests, discovery); and
- how to reach out for debriefing or supervision check-ins.

Finally, staff should be given opportunities and reminders to practice the new tools and skills with each other and to see what tools look like from the victim’s point of view, including victims who use assistive technology such as screen readers.

Learn & Evolve

As a field, we are learning how to weave new technologies into advocacy work. We are all learning and evolving. Discuss what you’re learning about best practices within your agency and with colleagues.

Additional Resources

For more information, please see additional resources on the [TechSafety.org](https://www.techsafety.org) website, [Digital Services Toolkit](#):

- Assessing capacity and readiness—[Guide](#)
- Deciding on tools to use, such as chat or video—[Guide](#)
- Best practice principles and technology-specific recommendations—[Guide](#)
- Considerations for the COVID-19 Pandemic—[Guide](#)

Created with the National Network to End Domestic Violence, Safety Net Project and partially adapted from the resources at [TechSafety.org](https://www.techsafety.org).



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