**Law Enforcement-Based Victim Services (LEV)**

*Victim Services Documentation*

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**Documentation**

Victim services documentation is the written record of contact with and on behalf of a victim. It is a required part of the victim services role. The key concepts related to documentation are:

- **Access**
- **Location**
- **Content**

Decisions related to these concepts rely on the model of victim services provision at your agency.

**Access**

- **Law Enforcement-Based Victim Services**
  - Employed by a law enforcement agency
  - Can victim services access law enforcement records management system (RMS)? Yes
  - Can law enforcement access victim services records? Yes
  - Are victim services records accessible to other parties? Yes, records may be accessible through discovery processes (e.g., to prosecutors, defense attorneys) and open records requests. ¹

- **Hybrid Community-Based Victim Services**
  - Employed by a community-based organization
  - Can victim services access law enforcement records management system (RMS)? Sometimes, these advocates may have limited or read-only access
  - Can law enforcement access victim services records? Yes
  - Are victim services records accessible to other parties? Sometimes, depending on program structure, these records may be accessible through discovery processes and open records requests. They may also be accessed with victim consent to release or through a court order.

- **Community-Based Victim Services**
  - Can victim services access law enforcement records management system (RMS)? No
  - Can law enforcement access victim services records? Sometimes, these records are stored within the community-based organization. They may be accessed with victim consent to release or through a court order.
  - Are victim services records accessible to other parties? Sometimes, these records may be accessed with victim consent to release or through a court order.

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1. For additional information on models of victim services provision, see [LEV Quick Reference—Victim Services Role](#).
2. This table provides general information, and agencies should ensure policies follow federal, state, and tribal statutes; rulings; and agency policies. For more information, see National Crime Victim Law Institute’s [Law Enforcement-Associated Victim Service Providers and the Brady Rule: Legal Background and Considerations](#).
3. For more information, see [LEV - Documentation Standards](#).
4. For additional information, see [Law Enforcement-Associated Victim Service Providers and the Brady Rule: Legal Background and Considerations](#).
Location

Victim services records are stored based on the model of victim services provision:

- **Law Enforcement-Based Victim Services:** Either in the shared law enforcement records management system (RMS) or a separate internally accessible system.

- **Community-Based & Hybrid Community-Based Victim Services:** In a separate system stored within the community-based organization.

Content

The language used in documentation has the potential to directly impact victims of crime. This impact can be negative and lead to secondary victimization. Careless documentation can harm victims, whether intentional or unintentional.

Law enforcement-based victim services documentation should **NOT** include:

- **Case details**—Victim advocates do not investigate crimes. Restating facts of the case can lead to discrepancies and can harm victims.

- **Subjective information or opinion**—It is inappropriate and outside the role of victim services to document personal opinions about a victim or case.

- **Medical or mental health diagnostic information as determined by the victim advocate**—Victim services personnel cannot diagnose, assess, or provide mental or physical health treatment.

- **Audio/video recordings**—Victim services personnel do not function in an investigative capacity. Capturing audio or video recordings of their interactions with victims is outside the scope of their role.

Common language pitfalls include:

- **Victim Blaming**—language that objectifies or blames the victim (e.g., instead of “Marcus isn’t cooperating with police.” use “Successful contact has not been made with Marcus.”)

- **Linguistic Avoidance**—language that minimizes violence or creates an “invisible perpetrator” (e.g., instead of “Cheyenne was raped.” use “Herrold raped Cheyenne.”)

- **Language of Consent**—language that describes assaultive acts as consensual (e.g., instead of “They fought.” use “Jake punched and strangled Kian.”)

- **Non-inclusive Language**—statements and expressions that exclude or minimize the experiences of individuals or groups of people (e.g., instead of “Maya is wheelchair-bound.” use “Maya uses a wheelchair.”)

While this publication specifically focuses on written documentation, language used in conversation with victims and between colleagues should be given the same level of consideration.

5. For more information, see *Raped or “Seduced”? How Language Helps Shape Our Response to Sexual Violence*, National Judicial Education Program, 2013 and “UFCJC Inclusive Language Guide,” University of Florida College of Journalism and Communications.
Policy, Training, and Supervision

Documentation is a technical skill that should be guided by policies, informed by statute, and reinforced through training and supervision.

Developing the structure:

- Review federal, state, and tribal statutes; rulings; and agency policies.
- Develop policies and practices outlining how, when, and where victim services documentation will be kept.
- Ensure policies are reviewed by agency legal counsel, records division personnel, and the prosecuting attorney’s office.

Establish training and ongoing supervision around documentation. Training should include:

- The purpose of documentation;
- Where and how documentation is stored;
- Who has access to documentation;
- What should and should not be included;
- When and how records are released; and
- How to talk to victims about these practices.

6. For a documentation training sample, see LEV – Template Package V: Training, Module 11.

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For more information, visit the LEV Program website.