Clarifying the Role

The primary role of law enforcement-based victim services personnel (victim advocates employed by a law enforcement agency) is to advocate for the rights and needs of victims of crime as they navigate the criminal justice system. This unique role is commonly confused with the roles of community-based victim services, other helping professionals (e.g., social workers, mental health professionals), and law enforcement (e.g., investigators).

Role confusion can lead to miscommunication and damage to professional relationships and, ultimately, misunderstanding or harm to victims.

**What Is Law Enforcement-Based Victim Services?**

<table>
<thead>
<tr>
<th>Law Enforcement-Based Victim Services Is...</th>
<th>Law Enforcement-Based Victim Services Is NOT...</th>
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</thead>
<tbody>
<tr>
<td>Criminal Justice Support—providing information on victims’ rights, compensation, and other processes</td>
<td>Administrative Support—not intended to be used as investigative or clerical support</td>
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<td>Criminal Justice Accompaniment—presence and support during investigative process (e.g., interviews) and court events</td>
<td>Confidential—subject to Brady disclosures, law enforcement-based victim services are not confidential</td>
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<tr>
<td>Crisis Intervention—temporary support during times of distress for victims</td>
<td>Diagnosis &amp; Treatment—cannot diagnose or treat medical or mental health conditions</td>
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<td>Safety Planning—working collaboratively with victims to identify ways to increase safety and reduce risk of harm</td>
<td>Investigative—cannot take statements, direct interviews, or collect/preserve evidence</td>
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<td>Referrals to Community Agencies—connection to other service providers</td>
<td>Peer Support—while victim services professionals may participate in a peer support program, their primary role is not to serve as peer support</td>
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<td></td>
<td>Serving Suspects—cannot serve individuals identified as suspects in the current investigation</td>
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</table>

1. Most states do not designate law enforcement-based victim services personnel as confidential or privileged advocates. Agencies are encouraged to complete a full review of appropriate federal, state, and tribal statutes; rulings; and agency policies.

2. This refers to the U.S. Supreme Court ruling *Brady v. Maryland*, 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. Law enforcement-based victim services personnel are employed by law enforcement agencies, so they are likely subject to *Brady* disclosure. See National Crime Victim Law Institute’s *Law Enforcement-Associated Victim Service Providers and the Brady Rule: Legal Background and Considerations* for additional information.
Common Areas of Role Confusion

Model of Victim Services Provision

Different models of victim services provision exist. Identifying which model is used has a direct impact on the victim services personnel’s role and function as it relates to confidentiality, access to and sharing of information, and documentation.

- **Law Enforcement-Based Victim Services**: advocates employed by a law enforcement agency
- **Hybrid Community-Based Victim Services**: advocates employed by a community-based victim services organization, but co-located at a law enforcement agency
- **Community-Based Victim Services**: advocates employed by a community-based victim services organization
Common Areas of Role Confusion (continued)

Victim Services & Licensure

Victim services personnel may have professional licensure (e.g., counseling, social work, nursing) from previous work and education. Professionals with these backgrounds may have transferrable skills appropriate to the victim services role, however, licensure is not necessary for the job. Mental and physical health diagnosis and treatment are not part of the victim services role. To avoid misunderstanding, consider the following:

- **Title:** Victim services professionals who hold licensure are discouraged from listing credentials (e.g., LCSW) on public-facing documents (e.g., email signature).³

- **Victims’ Understanding of the Role:** Victims should be informed that victim services professionals do not provide short- or long-term therapy or diagnoses.

- **Function:** Victim services professionals with professional licenses should not function any differently than victim services professionals without professional licenses (i.e., there is no difference in confidentiality limitations).

Victim Services While Wearing the Badge

Some law enforcement agencies have sworn personnel who function in a victim services role. This can lead to confusion for advocates, sworn personnel, and victims. If unavoidable, the role of a sworn advocate should be clearly defined through policy and training. To avoid confusion, consider:

- **Title:** Will the sworn employee identify as victim services or as sworn? Will the sworn employee use the same job title as the other victim services personnel or a different one (e.g., Victim Liaison Officer)?

- **Victims’ Understanding of the Role:** Victims should be informed if victim services personnel are sworn or professional staff and the potential impact of this distinction. If an advocate is sworn, victims should be informed if the sworn advocate is also acting as an investigator in the case.

- **Function:** Will the sworn advocate function like a victim advocate or as a sworn employee (e.g., interacting with victims, recording interactions, documentation)?

- **Appearance:** Will they wear a uniform or other agency gear (e.g., badge)? Will they carry a weapon? Will they wear a body-worn camera?

- **Training:** What type of advocacy training has the sworn advocate received?

³ For more information, see LEV - Advocacy Parameters and OVC’s Model Standards (specifically, Ethical Standards 1.1 and 1.2):³

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For more information, visit the LEV Program website.