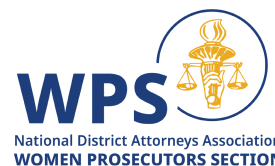


Victim Services and Victims' Rights: Elevating Victims' Voices at a Critical Time

Best Practices Guide

April 2021



The Victim Services and Victims' Rights: Elevating Victims' Voices at a Critical Time Best Practices Guide was developed by the National District Attorneys Association (NDAA) Women Prosecutors Section under the leadership of Summer Stephan, District Attorney, San Diego County, Vice President, National District Attorneys Association and Chair, NDAA Women Prosecutors Section.

The document is meant to be a dynamic, living Best Practices Guide, and will be revised when new practices are shared or developed.

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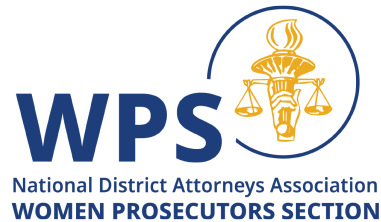


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INTRODUCTION AND PURPOSE

Victims endure the unthinkable and the unspeakable. They process not only the immediate aftermath of the criminal event, but courageously persevere through an often-difficult journey towards healing. Ensuring victims are made aware of their rights and are treated with dignity and respect is one of the great honors and privileges our profession bestows. It is important, now more than ever, in an era of unprecedented change in the criminal justice system, that we listen intently to crime victims and elevate their voices.

The primary goals of this document are 1) to increase awareness of the multitude of rights afforded to crime victims nationally 2) to stress the importance of elevating victims' voices in order to promote legislative efforts, and 3) to provide prosecutor agencies and victim service programs nationwide with a set of practices that can be employed when working with victims of crime.

Jurisdictional culture and individualized dynamics in each prosecutorial office will determine whether recommended practices should be employed. The recommended best practices are intended to be guidelines, and this document a dynamic and living one. Best practices necessarily evolve as communities evolve. Should any reader wish to suggest additional practices, they can contact Tracy.Prior@sdcdca.org.¹ The document strives to represent and support those that work day and night to serve survivors we are duty bound and privileged to meet.

HISTORY OF VICTIMS' RIGHTS

In the early 20th century, the American criminal justice system did not pay much credence to crime victims. The victims' role did not go beyond participating as witnesses in a hearing. However, starting in the late 1970's, this mentality began to shift. It was recognized that the American criminal justice system served lawyers, judges, and defendants, but treated victims with an "institutionalized disinterest."² Changes were made within each state and federally. We've achieved great promise and progress. All states have now enacted statutory provisions that grant crime victims various rights. Additionally, certain states have amended their constitutions to add provisions expressly granting rights to crime victims.

States placing a greater emphasis on victims' rights was a step in the right direction. However, more opportunity exists. More work needs to be done nationally to protect crime victims. The National Crime Victimization Survey (NCVS) is a self-reported survey administered each year from January 1 to December 31.³ NCVS estimates are based on the number and characteristics of each crime the respondents experienced.⁴ NCVS produces victimization estimate data. NCVS defines "victimization estimates" as "the number of times that people or households were victimized by crime."⁵ For personal crimes, the number of victimizations equaled the number of victims who experienced that crime.⁶ Each crime against a household is counted as having a single victim, which is the affected household.⁷ Based on the NCVS, in 2019, there were 5.8 million victims of violent crime nationwide.⁸ Of those victims, 459,310 were victims of rape/sexual assault, 534,420 were victims of robbery, and 4.8 million were victims of assault.⁹ There were nearly 1.2 million domestic

¹ Chief Deputy District Attorney, San Diego County. Secretary, National District Attorney's Association Women Prosecutors Section and Chair of the Domestic Violence Subcommittee. Gratitude and thanks go to San Diego District Attorney's Office Legal Intern Natalie Garcia for her assistance, preparation, and work on this project, as well as other members of the NDAA Women Prosecutor's Section for their contributions.

² Bobo, Carrington, Damos, et al., *President's Task Force on Victims of Crime* (1982), (<https://www.ojp.gov/pdffiles1/ovc/87299.pdf>).

³ Morgan, Rachel E. & Jennifer L. Truman, *Criminal Victimization*, 2019 (2020), (<https://www.bjs.gov/content/pub/pdf/cv19.pdf>).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

violence victimizations.¹⁰ Additionally, in 2019, it was estimated that 12.8 million U.S households experienced one or more property victimizations, which include burglaries, residential trespassing, motor-vehicle thefts, and other thefts.¹¹

According to the NCVS, less than half of violent victimizations were reported to police.¹² The NCVS defines victim service agencies as “public or private organizations that provide help to victims.”¹³ Despite a significant number of violent victimizations, only 8% of crime victims received assistance from a victim service agency.¹⁴

We are only seeing a fraction of those who endure the aftermath of crime. Many suffer in silence, and we must continually strive to identify, assist, and serve those who need us most.

VICTIMS’ RIGHTS ACROSS THE NATION

By 2005, state legislatures enacted more than 27,000 laws advancing the rights and creating services for crime victims.¹⁵ All fifty states have established statutory provisions that grant rights to victims of crime.¹⁶ To view a list of laws by state, [CLICK HERE](#). Thirty-six states have added victims’ rights amendments to their constitutions. (See Figure 1 and 2.)

California provides just one example of a state that has enacted statutory laws as well as amended its constitution to provide crime victim’s rights. The history of the legal changes below underscores the importance of elevating the victim voice vigilantly throughout local and state legislatures.

On November 4, 2008, California voters approved Proposition 9, the Victims’ Bill of Rights Act of 2008: Marsy’s Law. Marsy’s Law is named after a twenty-one-year-old who was murdered on November 30, 1983.¹⁷ Marsy’s family was not notified that the individual who killed their daughter was released on bail.¹⁸ Not only were they not notified, but their family was not granted any opportunity to state their opposition to his release from custody.¹⁹ Those accused of crimes are granted individual rights, while the surviving family members of murder victims, at the time, had none. Marsy’s Law is written on behalf of Marsy’s family and the millions of victims and family members who felt as if they had no rights.

Under Marsy’s Law, the California Constitution, Article I, §28(b) provides victims with the following rights:

- To be treated with fairness and respect for his or her privacy, and to be free from intimidation harassment, and abuse, throughout the criminal or juvenile justice process
- To be reasonably protected from the defendant and persons acting on behalf of the defendant
- To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the defendant
- To prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Sarah Brown Hammond, *Enforcing and Evaluating Victims’ Rights Laws*, National Conference of State Legislatures (2005).

¹⁶ *Id.*

¹⁷ *About Marsy’s Law*, https://www.marsyslaw.us/about_marsys_law

¹⁸ *Id.*

¹⁹ *Id.*

the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law

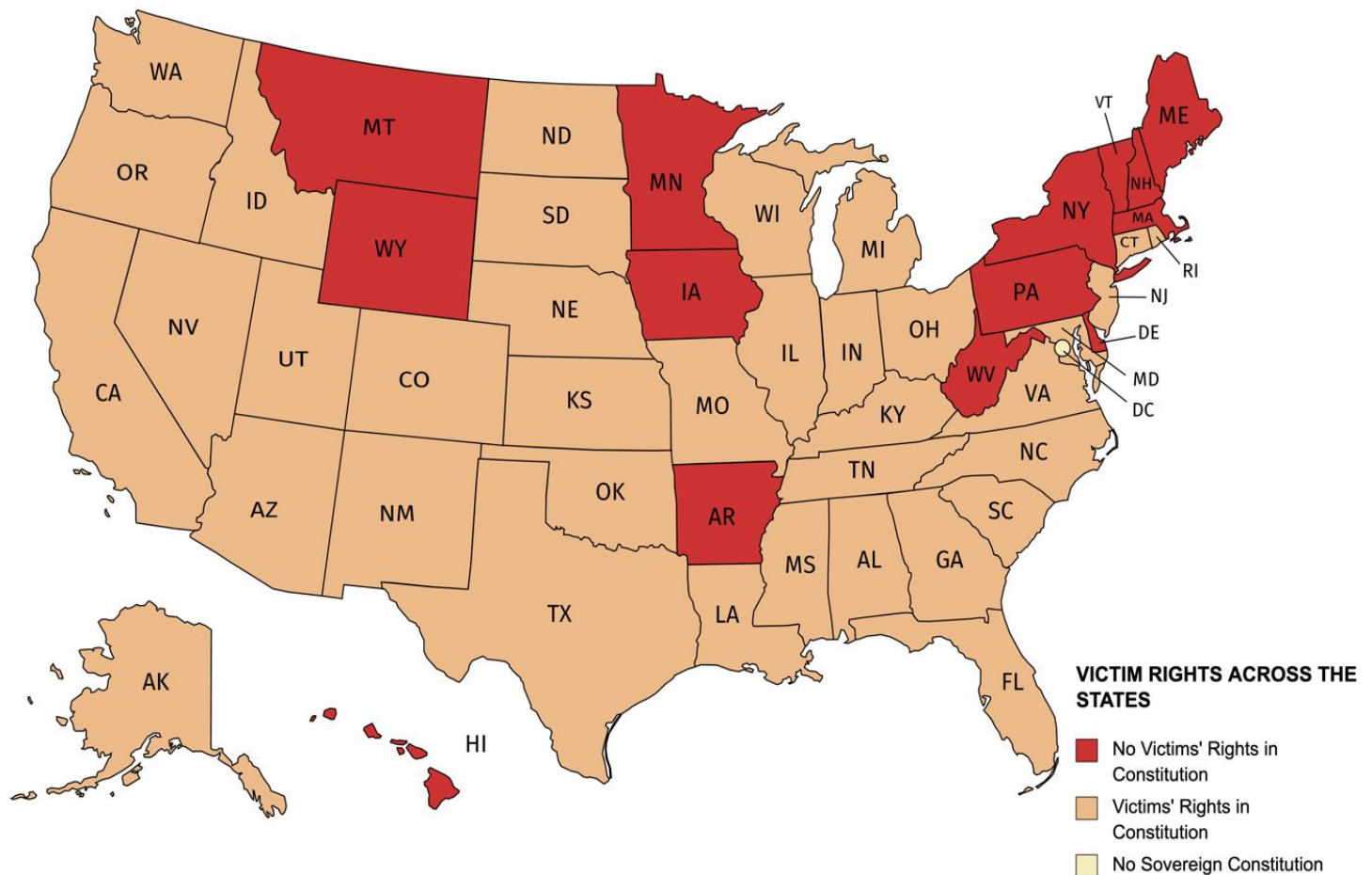
- To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents
- To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case
- To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings
- To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue
- To a speedy trial and a prompt and conclusion of the case and any related post-judgment proceedings
- To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant
- To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law
- To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody
- To receive restitution.
 - It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
- To the prompt return of property when no longer needed as evidence.
- To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
- To have the safety of the victim, the victim's family, and the public considered before any parole or other post-judgment release decision is made.

- To be informed of the rights enumerated in paragraphs (1) through (16).

FIGURE 1
STATES THAT HAVE VICTIMS' RIGHTS IN THEIR CONSTITUTIONS

STATE	ARTICLE
Alabama	Alabama 1901 Constitution Amendment No. 557
Alaska	Alaska Const. art I, §24
Arizona	Ariz. Const. art II, §2.1
California	Cal. Const. art. I, §28
Colorado	Colo. Const. art. II, §16a
Connecticut	Conn. Const. art. I, §8b
Florida	Fla. Const. art. I, §16b
Georgia	Ga. Const. art. I, §1, ¶ XXX
Idaho	Idaho Const. art. I, §22
Illinois	Ill. Const. art. I, §8.1
Indiana	Indi. Const. art. I, §13
Kansas	Kan. Const. art. XV, §15
Kentucky	Ky. Const. Bill of Rights, §26A
Louisiana	La. Const. Ann. art. I, §25
Maryland	Md. Const. Decl. of Rts. art. 47
Michigan	Mi. Const. art. I, §24
Mississippi	Miss. Const. art. 3, §26A
Missouri	Mo. Const. art. I, §32
Nebraska	Neb. Const. art. I, §28
Nevada	Nev. Const. art. I, §8A
New Jersey	N.J. Const. art. I, ¶22
New Mexico	N.M. Const. art. II, §24
North Carolina	N.C. Const. art. I, §37
North Dakota	N.D. Const. art. I, §25
Ohio	Ohio Const. art. I, §10a
Oklahoma	Okla. Const. art. II, §34
Oregon	Or. Const. art. I, §42
Rhode Island	R.I. Const. art. I, §23
South Carolina	S.C. Const. art. I, §24
South Dakota	S.D. Const. art. VI, §29
Tennessee	Tenn. Const. art. I, §35
Texas	Tex. Const. art. I, §30
Utah	Utah Const. art. I, §28
Virginia	Va. Const. art. I, §8
Washington	Wash. Const. art. I, §35
Wisconsin	Wis. Const. art. I, §9m

FIGURE 2
STATES WITH VICTIMS' RIGHTS IN THEIR CONSTITUTION



Prosecutorial offices and victim advocate leaders must not stop here. It is our privilege and duty to continually revisit the laws in our states and to identify opportunities for enhanced victim protections.

ELEVATING VICTIMS' VOICES

Importance

One of the purposes of this document is to emphasize the importance of elevating victims' voices. It is critical to remember, for every crime committed, there is almost always a victim and a "face behind the case." The interests of a crime victim are a crucial part of the justice seeking process.

As prosecutors and victim service providers, it is vital to have a conversation with victims in each case and reinforce the notion that their voice matters. This conversation needs to happen nationally as well. All victims' voices are significant and must not be dismissed. In an era of rapidly evolving legislation, victims' perspectives are paramount and must be at the forefront of a healthy national dialogue on responsible criminal justice reform.

Identifying Gaps and Promoting Future Legislation²⁰

One way to learn how best to serve victims is to hold a mirror to current practices. This can be done easily through surveys, or by convening stakeholders including victim and survivors of abuse to directly hear the gaps and needs that may exist.

One recommended practice is amassing an Advisory Board made up of victims and survivors who are in a place of healing and that feel in a safe place to develop dialogue around victims' rights.

Additionally, offices could convene survivors and stakeholders to strategically identify practices that would improve local victim service programming as outlined and described below.

In 2020, one prosecutorial office in San Diego, CA, hosted a one-of-a-kind Virtual Crime Victim and Survivor Summit. The Summit brought together crime victim survivors, prosecutors, health-care professionals, community leaders, and non-profit leaders. The summit focused on identifying and filling in gaps relating to victims' rights and access to justice, as well as ways to elevate a victim's voice through their journey in becoming a survivor.

The Summit included a series of "Hope Talks" (based on the concept of a "Ted Talk"²¹) specifically designed to educate the audience and center the conversation to the victim voice. Several survivors spoke out about their experiences, addressed the gaps in the victim service provider system, and provided solutions.

One survivor of child sexual abuse identified best practices that included the need to understand cultural competencies for victims of color and victims who grew up in poverty. The survivor explained that for many who grew up in poverty, disclosing abuse or identifying an emotional toll that abuse has caused is difficult because the survivor does not want to further burden their family or their community.

Survivors of human trafficking shed light on identified gaps that included the lack of trust between service providers and the unique population of trafficked survivors and the lack of shelter beds and housing earmarked for survivors of trafficking.

A domestic violence survivor explained another important gap, specifically, that some service providers refer victims to organizations that do not have the bandwidth to meet the specific needs of that victim. The identified best practice was to make sure advocates do their research about where they refer victims and provide a warm hand-off to that organization that is detailed, personal, and authentic.

Immigrant survivors lent their perspective and identified the lack of understanding about cultural barriers that exist of immigrant victims of abuse and the lack of access to free or affordable legal services for immigrant victims of abuse. Advocates must treat victims with human decency and respect regardless of whether they are a citizen or "documented"²² and must verify that wrap around services at family justice centers are equipped with agencies who help immigrants.

Convening a victim summit can also serve as an important vehicle to identify gaps and to provide legislative recommendations that enhance victims' rights.

The San Diego Summit attendees provided recommendations such as 1) the need to promote legislation that provides more transparency in "Sexually Violent Predator"²³ proceedings where a recent trend had formed

²⁰ Summer Stephen, *Blueprint for Transforming Victim services. A Strategic New Approach: Enabling Victims to Survive and Thrive* (2021).

²¹ <https://www.ted.com/talk>

²² It is important to remember that some "undocumented" individuals have paperwork describing their residency or legal status. The phrase, "undocumented, unauthorized, or unlawfully present immigrant" may be more inclusive and accurate.

²³ California Welfare and Institutions Code section 6601 et. Seq.

involving courtroom closures of related hearings and 2) the need for legislation providing better notice to the parties about potential court room closures so that that victims can be appropriately notified.

Recommendations also included increased protection for victims in the parole hearing process. Victims stated they felt re-traumatized by the current parole process. Some specific solutions included:

- Victims who are registered with a particular state’s prison notification system should receive notification regarding any changes in the law that will affect the offender’s parole eligibility.
- Victims should receive immediate notification regarding any change to the offender’s parole status including an explanation for the change.
- When there is a parole hearing scheduled, the Notice of Hearing that is sent to the victim should explain *why* the inmate is being given a parole hearing (especially if the hearing is being given earlier than the original sentence term had dictated).
- Victim names should be redacted from documents contained in an inmate’s prison record, court documents, probation officer’s report, and any police reports/arrest records before being accessible to the offender *at any time*—especially in cases where the offender is a stranger to the victim.
- A monitoring system should be put in place to ensure the protection of victim identity.

The willingness to look inward at current practices as an avenue for systemwide change and improvement is a **best practice we all should follow. Letting the victims themselves identify the gaps and needs properly** considers and elevates further the victim voice.

BEST PRACTICES

Develop, Define, and Maintain Victim Advocacy and/or Victim/Witness Programs within Prosecutorial Offices

Prosecutorial offices should invest in the development of victim advocacy and or victim/witness programs to best serve victims and witnesses and to connect them to important services and support. Victim advocates should be involved at every stage of the case in order to ensure that victims are educated about victims’ rights, are made aware of what to expect in the criminal justice process, and are connected to victim compensation information and local therapeutic resources. While some grant requirements limit victim advocates to only work with victims, as opposed to witnesses to crimes, prosecutorial agencies should have a strategy and plan in place to assist witnesses as well. Many witnesses also suffer emotional trauma as a result of witnessing crime, and like victims, should be educated on what to expect from the criminal justice system as a subpoenaed witness.

What Research Says About the Impact of Victim Advocates

While the research in this area is somewhat limited, the consistent conclusion is that advocacy services facilitate victim recovery and increase access to other services in the community response system; this includes the criminal justice system as well as other social services.²⁴

For example, one study was conducted by a prosecutorial agency to evaluate the effect that various forms of communication had on victim satisfaction with the prosecutorial office. In the small number of cases where victims spoke with a victim advocate, their reported satisfaction with the prosecutorial office was highest (88%)

²⁴ Lonsway, K. A., Archambault, J. (2020). *Effective Victim Advocacy in the Criminal Justice System*. End Violence Against Women International.

when compared to communication via speaking with a prosecutor or getting a voicemail from a prosecutor (72%), receiving a text message (68%), or receiving a letter in the mail (57%).²⁵

In another study, Wasco, Campbell, Barnes, and Ahrens (1999) found that victims who worked with an advocate experienced less distress after contacting the legal and medical systems.²⁶

One study was conducted with victims of sexual assault who presented to the Emergency Department of local hospitals to specifically address the question of how exactly advocates facilitate victim recovery by increasing their access to other services in the community response system, including law enforcement.²⁷ Results of that study indicated that victims who had the assistance of an advocate received medical services at higher rates than are typically documented in the research literature.²⁸ Specifically, 82% received a medical forensic exam, 70% received information on pregnancy, 38% were provided emergency contraception, 67% received information on STDs, and 79% on STD preventive antibiotic treatment.²⁹

The objectives of this study were then expanded by directly comparing rates of service delivery for victims who worked with an advocate as compared with those who did not.³⁰ With respect to law enforcement, results indicated that when an advocate was involved: victims were more likely to have a police report taken (59% vs. 41%) and the case was more likely to be investigated further (24% vs. 8%).³¹

Regarding medical services, a similar pattern of increased service delivery was also seen when advocates were involved: victims were more likely to receive information on STDs (72% vs. 36%) and HIV (47% vs. 24%), as well as prophylactic treatment for STDs (86% vs. 56%); victims were more likely to be tested for pregnancy (42% vs. 22%) and receive emergency contraception to prevent pregnancy (33% vs. 14%); medical professionals were less likely to refuse to conduct the examination because the assault occurred “too long ago” (24% vs. 36%); victims were less likely to be treated “impersonally or coldly” (36% vs. 69%).³²

As a result of their contact with police and physicians, most of the sexual assault victims in this study experienced considerable distress.³³ However, some responses were seen less often among those victims who worked with an advocate (e.g., feeling bad about themselves, guilty, depressed, or reluctant to seek further help).³⁴ Victims who worked with an advocate were less likely than others to blame themselves for the sexual assault and less reluctant to seek further help from community response systems.³⁵ As a result, they received more services from community professionals and had better recovery outcomes.³⁶

²⁵ Prior, T., Schmerler, K., & Wartell, J. (2021, February). *Texting Initiatives: San Diego County District Attorney's Office*. Presentation during February 19, 2021 National Prosecutors' Center for Excellence Call.

²⁶ Campbell, R., Sefl, T., Barnes, H. E., Ahrens, C. E., Wasco, S. M., & Zaragoza-Diesfeld, Y. (1999). Community services for rape survivors: Enhancing psychological well-being or increasing trauma? *Journal of Consulting and Clinical Psychology*, 67(6), 847–858.

²⁷ Lonsway, K. A., Archambault, J. (2020). *Effective Victim Advocacy in the Criminal Justice System*. End Violence Against Women International.

²⁸ *Id.*

²⁹ Campbell, R., & Bybee, D. (1997). Emergency medical services for rape victims: Detecting the cracks in service delivery. *Women's Health: Research on Gender, Behavior, and Policy*, 3, 75–101.

³⁰ Lonsway, K. A., Archambault, J. (2020). *Effective Victim Advocacy in the Criminal Justice System*. End Violence Against Women International.

³¹ Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence Against Women*, 12, 30-45.

³² *Id.*

³³ *Id.*

³⁴ Lonsway, K. A., Archambault, J. (2020). *Effective Victim Advocacy in the Criminal Justice System*. End Violence Against Women International.

³⁵ *Id.*

³⁶ *Id.*

Defining the Victim Advocate Role

Because every agency has different resource opportunities and challenges, it is important to first thoughtfully and strategically define the type of employee who will fill the victim advocate role. Victim advocates can range from a college graduate to a fully trained and licensed therapist. While many offices cannot employ social workers or highly credentialed individuals to serve in the advocate role, it is important that at a minimum the victim advocate receive training described below and later in this paper, that includes being trauma-informed and victim-centered. Advocates must also receive training on or research themselves what local community service providers exist in order to make meaningful referrals. Finally, advocates must be specially trained on the various local, state, or federal claim programs to which victims can apply for reimbursement or support.

The next important step is to define the various tasks that victim advocates will perform. While best practices are defined below, it is important that whatever duties the victim advocates are given, that those duties be performed with a recognition that the victims and witnesses may have suffered great amounts of trauma.

A Victim Advocate's Role within a prosecutorial agency should include but not be limited to:

- Assisting prosecutors if a victim is in crisis and needs immediate connection to local services and supports
- Speaking with victims about their rights within the criminal justice process
- Accompanying victims to court to provide emotional support
- Assisting victims in obtaining a restraining order
- Providing victims with information on their state victim compensation programs
- Assisting victims in registering with state prisons for potential notification of release
- Providing an individualized safety plan for the victim and victim's family
- Maintain current contact information and communication strategies that are safest for and most successful for the victim. For instance, the advocate can be given a check-list of questions to ask a victim to maintain solid contact, e.g. names and phone numbers of friends/family, Facebook page or social media contacts, and asking the victim, "How do you communicate?" The answer may be something different than email and texting.
- Working with law enforcement to obtain necessary documentation to potentially assist victims with state victim compensation relocation funds if victim's safety is at risk.
- Researching and vetting local agencies to which referrals are made so that these referrals are meaningful and customized to meet the victim's actual needs.
- Notifying victims about the restitution process and educating them about how to gather necessary documentation for later claim submission.
- Notifying victims when feasible of any early releases made known to the prosecutorial agency and working with victim to develop strategy for safety.

- Utilizing evidence-based strategies such as the *Jacquelyn Campbell Danger Assessment tool* to assess risk.³⁷

If resources or other logistical challenges limit the duties of victim advocates, it is imperative that victim advocates be provided resources and training on local victim service agencies, shelters, therapy opportunities, and other connective services a victim may need. This could be accomplished by hosting other non-government agency advocates or police advocates for series of lunchtime learning sessions, or a virtual “thinktank” where other local advocates come and share information about local resources.

Services for Witnesses

It is important for prosecutorial offices to have a plan in place for individuals who may have experienced trauma as a result of witnessing crime or who may have anxiety about or questions about what to expect when testifying in court. Whether it is an advocate, or some other staff member or a prosecutorial agency, witnesses should be educated about local benefits that may exist for witnesses, such as mileage fees, public transportation vouchers, food vouchers, or general education about what to expect when testifying in court.

Continuity of Care between Other Community Victim Advocates and Police Victim Advocates

Often, non-governmental agencies have their own advocates that sometimes serve victims in a criminal case. Police agencies also sometimes employ advocates. It is important for prosecutorial agencies to know what other advocates exist in the community, and to coordinate care with those advocates so that the victim is not overwhelmed with so many professionals reaching out for information. For instance, prosecutorial agency victim advocates could host a quarterly “meet and greet” where other local advocates come and share information about what services they offer, in efforts to not duplicate efforts by other advocates in the region. Protocols could be developed with “warm hand off” to advocates that can assist in specific areas, such as crime victim compensation, or connecting a victim with specific community supports such as tribal liaisons, or LGBTQIA+ community centers.

Importance of Training

Specified training is imperative to the success of a Victim Advocacy Program. Prosecutorial agencies should research and review reputable training programs and require all advocates be trained on the essentials of victim advocacy.³⁸ Becoming well versed and trained in threat assessment provides an excellent foundation for a victim advocate.³⁹

It is important to properly train advocates on any potential discovery obligations that may arise based on their status as an advocate within a prosecutorial agency. While advocates can and should encourage a comfortable and confidential relationship with victims, it is important to clearly define the role of an advocate if legal impeachment material or legally exculpatory information arises in the context of their work with victims. Prosecutorial agencies should have a protocol in place for receipt of this information so that discovery obligations can be met.

Train All Prosecutorial Team Members about Services Victim Advocates Can Provide

Every member of the prosecutorial team (prosecutors, investigators, process servers, staff, paralegals, legal interns, and volunteers) should be trained on the role that advocates play within the office so that no team members overpromise help or neglect to provide help where it is available. This can be accomplished by

³⁷ Jacquelyn Campbell Danger Assessment www.nursing.jhu.edu.

³⁸ www.ovcttac.gov; www.trynova.org; www.thenacp.org; www.ivatcenters.org; www.evawintl.org; www.allianceforhope.com; <http://victimsofcrime.org>.

³⁹ See, Association of Threat Assessment Professionals www.atapworldwide.org.

developing “frequently asked question” fact sheets or other training materials and delivering a presentation to the office at various times throughout the year. When new prosecutors or new investigators join the office, part of their training curriculum should be a presentation by the victim advocate program or victim/witness program director in order to get educated on the services the office can provide.

Implement Vertical Advocacy

Victim advocates are crucial to every case. Their primary focus is on the safety, well-being, and interest of the victims.⁴⁰ While others involved in the case such as law enforcement and prosecutors do have the best interest of the victims in mind, they have to balance that with other aspects of the criminal justice system and interests of public safety.⁴¹ For example, prosecutors and law enforcement officers may have to make decisions that part company with the wishes of the victim.⁴²

Many communities have worked toward vertical advocacy.⁴³ The goal of vertical advocacy is to have victims work with the same advocate throughout all stages of the criminal justice process. This is modeled after “vertical prosecution” which is used to make sure victims do not have their cases handed off to several prosecutors throughout the duration of their case.

The objective of vertical case management is to build rapport and trust with the victim and to avoid any unnecessary disruption for victims.⁴⁴ Some victims may not want to share their stories at all, let alone share to multiple strangers. Ensuring there is one prosecutor, one investigator, and one advocate makes the criminal justice process easier on the victim.

Furthermore, when assigning cases to victim advocates, it is important to keep cultural competency in mind. Victims may come from different cultural backgrounds, may be children, or may be a part of tribal or LGBTQIA+ communities. While all advocates should be trained on cultural competencies that are inclusive of all communities they serve, it may serve the victim better to assign an advocate that is a member of the victim’s own community.

While vertical advocacy is considered a best practice, it is important to recognize in some jurisdictions, 100% vertical advocacy may be impracticable.⁴⁵ 100% vertical advocacy requires a single advocate or victim service provider to be available twenty-four hours a day, seven days a week. It is easier for victim advocates located in criminal justice agencies to assign one advocate for the entirety of the case. However, even in criminal justice agencies it may not be guaranteed that one advocate will be available at all times of the day.

Thus, when 100% vertical advocacy is not practicable, jurisdictions should elect a primary advocate who will be responsible for handling a majority of the case from beginning to end.⁴⁶ In this scenario, it is important to explain to the victim that if the primary advocate is unavailable, another highly qualified and trusted advocate will step in without making the victim feel like he or she is being passed around.

Provide Resources to Victims on Filed and Non-Filed Criminal Cases

It is important that victims receive the same amount of dedication and devotion whether or not their case can be filed for prosecution. Victims in non-filed cases likely will still have experienced trauma. Victim advocates should reach out to victims before the case is even assigned to a prosecutor. It must be a priority for the victim

⁴⁰ Lonsway, K. A., Archambault, J. (2020). *Effective Victim Advocacy in the Criminal Justice System*. End Violence Against Women International.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

advocate to explain that the agency's number one concern, over filing charges, is the victim's safety, well-being, and making sure the victim receives the assistance they need. Additionally, it is important to make sure services are on-going, just as they would be in a filed criminal case.

When prosecutors make the decision that a case cannot be proven beyond a reasonable doubt, or that a case will not be filed for prosecution, they should notify the victim and explain, although they applaud the victim for reporting the abuse, the standard in the criminal justice system is exceptionally high. While the victim has been through a traumatic event, it may not be something that can be proven beyond a reasonable doubt. However, prosecutors must still provide a victim-centered approach and ascertain what services will be most beneficial to the victim and refer victims to an advocate immediately.

Implement an Advocate-Liaison Program with Local Child Advocacy Centers, Trauma Recovery Centers, and Rape Trauma Centers

Often, victims are served at local Rape Crisis Trauma Centers or Child Advocacy Centers. These centers provide services that include sexual assault or domestic assault forensic interviews or forensic medical examinations. The services at these centers are inextricably linked to prosecutorial victim advocacy services because at a minimum, they can result in a criminal case submission, but more generally, require the services that prosecutor advocates can provide such as victim compensation application or claim assistance.

It is recommended that prosecutorial agency advocates develop interagency protocols with their local Rape Crisis, Trauma Recovery Centers and Child Advocacy Centers. Appointing a victim advocate "liaison" to these agencies can help to ensure referrals are made in an efficient and prompt fashion.

For agencies that can, co-locating a prosecutorial office victim advocate in these centers is the best way to provide seamless referrals and to give victims all the supports they need. This alleviates a victim having to travel to different locations for help and ensures connectivity between services provided.

Because the forensic interview process can be overwhelming for some victims, it is recommended that, depending on the circumstances, the case be assigned to a prosecutorial victim advocate even before the interview takes place. Victim advocates' presence before and immediately after the forensic interview ensures a warm hand off that will not only help make victims feel supported but will also prevent victims from having to tell their story multiple times.

Co-locate in Family Justice Centers or Local Law Enforcement Agencies

Victim advocates located onsite and embedded in Family Justice Centers allow victims the greatest opportunity to get the most valuable and needed assistance.

Family Justice Centers are an international best practice for victim services because they integrate and connect all victim service providers under one roof. These wrap-around victim services centers are recognized in the Violence Against Women Act (VAWA) and are now a "purpose area" for which grant funding can be dispersed under VAWA.⁴⁷ Documented and published outcomes of Family Justice Centers include: reduced homicides, increased victim safety, increased autonomy and empowerment for victims, reduced fear and anxiety for victims and their children, reduced recantation and minimization by victims when wrapped in services and support, increased efficiency in collaborative services among service providers, and dramatically increased community support for services to victims.⁴⁸

⁴⁷ https://www.justice.gov/archive/ovw/docs/family_justice_center_overview_12_07.pdf *The President's Family Justice Center Initiative Best Practices*, February 2007.

⁴⁸ Gwinn, Casey, & Strack, Gael (2006). *Hope for Hurting Families: Creating Family Justice Centers Across America*. Volcano Press.

It is best practice, when possible, to co-locate prosecutorial agency victim advocates within Family Justice Centers so that victims are immediately connected to victim compensation application information and quickly introduced to the services that the prosecutor's office provides. Victims should not have to travel from an integrated services "hub" like a Family Justice Center to the local prosecutorial office. Having victim advocates stationed within Family Justice Centers is the best and most trauma-informed way to ensure victims receive integrated services that truly consider the most efficient and supportive victim experience.

In regions without Family Justice Centers, it is recommended victim advocates co-locate at local law enforcement agencies. Law enforcement is often the first to interact with victims at the scene of a crime. Moreover, victims often reach out to law enforcement after they experience a crime. Unfortunately, law enforcement officers are not always fully equipped or able to spend the time needed to work with victims of crime. Police necessarily must move to the next call for service. Having trained victim advocates embedded in law enforcement agencies would take the burden off law enforcement and provide extra support to victims who interface with law enforcement. For example, if a victim contacts law enforcement over the phone, law enforcement officers should have a victim advocate to transfer the phone call to and provide a warm handoff to talk with that victim who may be in crisis. It is important to have a quick and uninterrupted transition; this will not only make the victim feel more comfortable by getting assistance quickly but will also aid the police with their investigation. Both law enforcement officers and victim advocates play vital roles in protecting victims, and having an integrated system is paramount to best serving victims' needs.

Dispatch Victim Advocates Within Multi-Disciplinary Crisis Response Teams and to Mass Critical Incidents

Crisis Response Teams (CRT) are typically a team of qualified volunteers trained to assist victims. CRTs are considered a best practice for various reasons. First, CRTs ensure victims that they are not alone early in the criminal justice process. Second, CRTs allow victims the opportunity to work with a qualified individual, such as a specially trained victim advocate or social worker, while law enforcement officers conduct their investigation. Finally, CRTs connect victims to local resources that the victims may need.

In 1993, the city of Portland formed the North/Northeast Crisis Response Team (NECRT).⁴⁹ NECRT was formed due to the increased deaths as a result of gang violence, drug-violence and other traumatic incidents.⁵⁰ Within the first year, NECRT, responded to approximately 28 calls.⁵¹ Due to the success of NECRT, three other CRTs in Portland were formed, they include: Asian/Pacific Islander CRT, Hispanic CRT, and Sexual Minorities CRT.⁵² Portland was one of the first police departments in the nation to form partnerships with its culturally diverse communities.⁵³ CRTs are called to assist in incidents such as: homicide, suicide, serious assault, accidental death, and more.⁵⁴ Further, Asian/Pacific Island and Hispanic CRTs also respond to sexual assaults, domestic violence, and search warrants.⁵⁵ Sexual Minorities CRT will respond to hate and bias motivated crimes and sexual assaults.⁵⁶ The purpose of CRT's is to ensure that the victims do not feel isolated after traumatic events. CRTs can assist in lessening the effects of the trauma by:⁵⁷

- Providing immediate on-site support to those affected by the incident

⁴⁹ *Portland Police Bureau Crisis Response Team Brochure*, <https://www.portlandoregon.gov/police/article/302771>; See also, <https://www.portlandoregon.gov/police/article/620057>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

- Assisting with coordination of additional support and services as needed
- Acting as a liaison between the community at large, and family
- Notifying family, friends, school, work, and any other appropriate persons or agencies
- Accompanying injured persons to emergency facilities
- Assisting with follow-up referrals to appropriate agencies including victim assistance programs
- Assisting with funeral arrangements and attend related services
- Following up with victim(s) and family

Domestic Violence Response Teams (DVRT) are teams of advocates and other qualified victim service providers that can be dispatched to a domestic violence incident to complement and enhance the law enforcement response.

Implementing Domestic Violence Response Teams has been shown to improve outcomes and services for survivors of domestic violence. West Milford, New Jersey, implemented a DVRT. The volunteers on the DVRT go through a state mandated training in domestic violence.⁵⁸ DVRT volunteers are contacted when a victim reports an incident of domestic violence to the police.⁵⁹ The DVRT volunteers are there to provide victims with a sense of comfort and security. They assist the victims with creating a personalized safety plan, explain what a temporary restraining order is, and provide information for any crisis services and local services available.⁶⁰

Los Angeles, California, established a Domestic Abuse Response Team (DART). DART has been extended to all twenty-one divisions of the Los Angeles Police Department. DART provides a multitude of services to victims such as counseling, crisis intervention, referrals to shelters, and assistance in obtaining restraining orders.⁶¹ In 2016, DART served more than 6,500 survivors of domestic violence.⁶²

Victims themselves suggest that Critical Response Teams are a best practice. Alliance for Hope International conducted a thirty-day anonymous web-based survey of the VOICES⁶³ Survivor Advocacy Network as well as a focus group made up of survivors of abuse.⁶⁴ An anonymous web-based survey was provided to 24 VOICES Chapters⁶⁵ with a total of 153 participants.⁶⁶ The participants were asked seven questions, one of which was whether the survivors believed that advocates or community members should respond to domestic violence calls with law enforcement.⁶⁷ The survivors had an overwhelming belief (91.5%) that victim advocates or community members should accompany law enforcement.⁶⁸

It is recommended that Critical Response Teams also be dispatched to mass critical incidents such as mass-shootings, school-shootings, or public gathering shootings occurring at schools, churches, or public venues because victim advocates can have a powerful impact in helping larger communities heal.

⁵⁸ *Domestic Violence Response Team*, <http://westmilford.org/cn/webpage.cfm?tpid=2832>.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Domestic Abuse Response Team*, <https://mayorsfundla.org/program/domestic-abuse-response-teams-dart/>.

⁶² *Id.*

⁶³ VOICES committees are groups of survivors who serve as a support network and as an advocacy resource to local Family Justice Centers.

⁶⁴ Casey Gwinn and Gael Strack and Chan M. Hellman, *Domestic Violence Report* (2021).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

One prosecutorial agency received extra funding from the state's Office of Emergency Services to develop and implement a Mass Violence Crisis Response Team made up of specially trained victim advocates and a facility dog that is dispatched after a critical incident to provide trauma-informed services and support to victims and survivors.⁶⁹ The team provides services in the field, at a reunification center, or at a family assistance center. Services include needs assessments, emergency assistance, individual and group crisis intervention/debriefing, referrals to community resources, and assistance filing applications with the state Victim Compensation Board. When incidents result in prosecution, the team offers interview accompaniment, explanation of the criminal justice system, victims' rights education, and case status updates. The team meets regularly on a local and regional level with other similar critical incident teams to ensure its members are current with best practices and to share information and resources. The team conducts outreach to and is prepared to work in partnership with the many local, state, and federal agencies.

Advocates can play an important role in the immediate aftermath of crime. Dispatching victim advocates within Critical Response Teams can go a long way for the individual victims and the larger communities we serve.

Train New Recruits at Local Police Academies

Generally, new recruits at police academies participate in classroom and practical components. Recruits learn various skills such as state laws, criminal investigations, patrol procedures, firearms training, traffic control, defensive training, and self-defense. However, one critical aspect that needs to be emphasized is effective communication with crime victims.

New recruits should have a module on how to communicate with victims of crime. That is not to say that officers do not know how to engage with victims. However, it is important officers learn how vulnerable victims are after a crime has occurred and aspects of the neurobiology of trauma. Officers need to learn that body language when listening to crime victims matters, and that responding to the scene of a crime is more than just a criminal investigation. Not only do suspects need to be held accountable, but victims who may be in a highly vulnerable and emotional state need thoughtful and compassionate care.

Participate in Multidisciplinary Teams

Multidisciplinary teams (MDTs) are defined as groups of individuals from diverse organizations and agencies who come together to review cases and address systematic problems.⁷⁰ Although each region may name the teams differently, common examples of MDTs include High Risk Domestic Violence Teams, Domestic Violence Fatality Review Teams, Child Abuse Prevention Teams, Elder Abuse Prevention Councils, Sexual Assault Review Teams, and Domestic Violence Stalking and Homicide Prevention Teams. MDTs should include, but not be limited to, law enforcement, medical and mental health communities, victim and witness services, probation and parole, corrections, and child welfare services. What makes MDTs successful is, although all organizations have different perspectives, the team is bound by a common goal.⁷¹ MDTs benefit victims by enhancing access to coordinated services, reducing the number of services victims may have to navigate, creating an integrated array of services tailored towards victims' needs, and promoting creative solutions that no one agency could produce on its own.⁷²

It is important to include victim advocates in multidisciplinary teams for all types of crime. Victim advocates have a pulse on what the best resources are for crime victims and how to gain access to those services. Specifically, victim advocates are trained on crisis intervention, emergency assistance, community resource

⁶⁹ Harrell, A. (2021, April). Personal communication [email regarding San Diego County Mass Violence Crisis Response Team]. Contact Tracy.Prior@sdcdca.org for example protocol.

⁷⁰ *15 Lessons learned from Child Advocacy Centers*, Department of Justice, <https://www.justice.gov/file/1035106/download>.

⁷¹ *Introduction to Multidisciplinary Teams*, Department of Justice, <https://www.justice.gov/elderjustice/1-introduction-multidisciplinary-teams>.

⁷² *Id.*

referrals, assistance with filing crime compensation claims, and information about the criminal justice system including case status, impact statements, and restitution.⁷³

Develop Victim Advocate Emergency Fund for Rent, Food, Prescriptions and Other Emergency Needs

It is recommended that prosecutorial offices create an emergency fund for victims from a portion of granted funds. One prosecutor office recently used grant funds to create the Direct Assistance Fund (DAF). DAF funds are used for emergency expenses that incurred within two weeks of the crime. There are several examples in which victims can receive funds. The examples include relocation, rental assistance, food, emergency medical expenses, towing and storage fees, and home security. Relocations fund examples include bus tickets, plane tickets, hotel stays, and first month's rent for a new home or apartment. If a victim is seriously injured and unable to work and they are in danger of eviction, funds for rental assistance for up to one month's rent will be given. A grocery store gift card is an example of food funds that the office will give. Emergency medical funds will be provided for expenses such as prescription eyeglasses and medical prescriptions. Towing and storage fee funds will be given for up to a maximum of \$500. Lastly, funds will be given for home security items such as window, door, or lock replacement to ensure a victim's safety.

Lead and Engage Community Outreach

Many victims do not know the multitude of services offered to them. It is important for victim advocates and their agencies to promote their local services offered. Every year, National Crime Victims' Rights Week (NCVRW) is celebrated in April. According to the Office of Victims of Crime, NCVRW is a time to renew our commitment to serving all victims. During NCVRW many states engage in community outreach. We can take ideas from NCVRW and employ them in our communities throughout the year. During NCVRW, states engaged in community outreach by:⁷⁴

- Collaborating with the county sheriff's office, city officials, and a local business to host an "evening of awareness." This event included victim service organizations working booths, food vendors, and different speakers
- Hosting events that include victims' rights training session for law enforcement, service providers, and community members
- Hosting events that include resource tables from collaborative agencies and roundtable discussions
- Setting up information tables outside the courthouse
- Holding trauma-informed yoga classes for the public and each participant received a reusable NCVRW-themed grocery bag that also included information about local resources, a rack card with information about victims' rights and NCVRW, and a water bottle
- Holding classes to inform community members on what to do if they become a victim of identity theft
- Distributing resource guides and victim service information to local businesses and churches
- Holding interacting forums on the impact of all types of crime on victims.

⁷³ *Advocates*, San Diego County District Attorney, <https://www.sdceda.org/helping/victims/victim-advocates>.

⁷⁴ 2020 NCVRW Resource guide, Ideas for Special Events, 1-12.

Serve with a Trauma-Informed Approach

Per the Substance Abuse and Mental Health Services Administration (SAMHSA), trauma is a widespread and harmful health problem.⁷⁵ Trauma occurs after experiencing violence, abuse, and other emotionally harmful experiences.⁷⁶ The impacts of trauma often place a heavy burden not only on the victim but also on the victim's family.

Victim advocates and prosecutors must be well versed in how to handle different types of trauma. They must realize the widespread impact of trauma and its recovery paths and recognize the signs and symptoms of trauma in victims.⁷⁷

Key principles of a trauma informed approach include:⁷⁸

- Making sure the victim feels safe in sharing his or her trauma
- Ensuring victim advocates build trust and rapport with victims as well as being fully transparent with the victim regarding the criminal justice process and court proceedings
- Connecting victims with peers who will support them
- Collaborating with other organizations and recognizing many organizations play an important role in the healing process
- Empowering victims to speak and make informed choices
- Recognizing cultural, historical, and gender issues

By adhering to these principles, victims are more likely to engage with you and thus, you can provide quality services to prevent further trauma.

Serve with a Victim-Centered Approach

A victim-centered approach places great emphasis on the idea that each victim is different and has different needs. There is no one-size fits all approach when it comes to assisting crime victims. There may be different mechanisms in place when providing support to victims during their healing process. For example, one victim may want to be a part of the criminal proceedings, but another may not. As victim advocates and prosecutors, we must stop and ask the question, "How do I handle this from a victim's perspective?" It is not our job to impose our views on victims, but to always keep the victim's interests and safety at the forefront of our decision making. It is paramount that the needs and safety of the victim remain central throughout the process.

Victim service providers and advocates must be trained in the various aspects of supporting victims on their road to becoming a survivor. Those areas include the best ways to communicate with victims, which resources are offered to victims in a particular locality, and cultural competency. These skills are the steppingstone to building rapport and trust with victims, meeting their needs, and creating a sense of security.

⁷⁵ Substance Abuse and Mental Health Services Administration. SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

Proactively Reach out to Victims During a Global Pandemic

Due to the global pandemic, 2020 was no doubt an unprecedented year that created a new normal for us all. While we are trying to grasp this new normal, we must remain cognizant that crime is still occurring, and it is imperative that any organization working with victims should remain dedicated to proactively reaching out to victims. COVID-19 has provided more isolation which in turn causes an increase in victims not to be seen. As a general population, we must be concerned.

In the United States, many state's law enforcement agencies saw an increase in domestic violence calls starting in March 2020.⁷⁹ Houston police had a 20% increase in domestic violence calls.⁸⁰ Charlotte-Mecklenburg, North Carolina, had an 18% increase.⁸¹ Law enforcement in the following agencies also reported an increase in domestic violence calls: Boston; Milwaukee; Seattle; San Antonio; Salt Lake City; Utah County, Utah; Fresno County, California; Montgomery County, Texas; East Baton Rouge Parish, Louisiana; Buffalo, New York; Sparks, Nevada; Portland, Oregon; Nassau County, New York; Cherokee County, South Carolina; and Charleston, South Carolina.⁸²

During this new normal, technology can provide accessibility to victims. However, many victims may not be able to access help via technology safely due to their living situation. Margo Lindauer, director of the Domestic Violence Institute at Northwestern's School of Law and Morgan Wilson, a legal fellow at the Domestic Violence Institute, developed technology interventions. One type of technological intervention is a client intake form on their website, with an "escape site" button. The option of an escape button allows users to quickly exit the site if they need to protect themselves from the eyes of their abusers. Wilson also recommended "vault apps." Wilson explained, "upon first glance, these might appear to be simple calendar or calculator applications, but when the user punches in a code, the app allows for safe and private storage of files, photos, and messages."⁸³

Further, cities such as San Diego⁸⁴ and San Francisco⁸⁵ now allow victims to text 9-1-1 rather than call. The goal of this feature is to allow victims to text and receive a rapid response from law enforcement when they do not feel comfortable or are not in a safe space to dial 9-1-1.

Additionally, victim service providers have enacted 24-hour chat functions on their websites which allow victims who cannot call in to send a message to a qualified advocate to get the assistance they need.

One prosecutorial office employed a text message survey system. The text message let the victim know, "The District Attorney's Office is working to protect the safety of victims. We want to know how the COVID-19 stay at home order has affected you. Please click here to let us know." They were then directed to a survey. After receiving responses, the victim advocates reached out to victims who requested help. The survey included the following questions:

1. Since the COVID-19 stay-at-home order, how would you say you're doing overall?
2. Do any children under 18 live with you?

⁷⁹ Kingkade, Tyler (April 5, 2020) Police See Rise in Domestic Violence Call Amid Coronavirus Lockdown, <https://www.nbcnews.com/news/us-news/police-see-rise-domestic-violence-calls-amid-coronavirus-lockdown-n1176151>.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ Allie Nicodemo (March 2, 2021) *Covid-19 Made it Harder to Escape Domestic Violence. Technology Offers some tools to help Victims*, <https://news.northeastern.edu/2021/03/02/the-pandemic-has-made-it-harder-to-escape-domestic-violence-technology-can-offer-some-tools-to-fight-back/>.

⁸⁴ *Texting 911 for Help now Available in San Diego County* (2021), <https://fox5sandiego.com/news/local-news/text-to-911-now-available-in-san-diego-county/>.

⁸⁵ *San Francisco Launches Text to 9-1-1 Service* (2020), <https://sfmayor.org/article/san-francisco-launches-text-9-1-1-service>.

3. What is your current work situation?
4. Do you live with a partner?
5. Since the COVID-19 stay-at-home order, some households have experienced less domestic violence, some have seen no change, and some have experienced more domestic violence. For your household, would you say things have gotten better, worse, or are about the same?
6. Right now, is there anything that could help you stay safe from DV?"

Employing technology, such as "vault apps," chat functions, and text message systems, is essential to convey to victims that although we cannot meet in person, our main priority is still their safety and well-being.

Develop and Distribute a Comprehensive List of Reputable Community Victim Resources

The prosecutorial office and the victim advocates should work together to research, survey, and assess the effectiveness of available community resources and routinely update a master referral list for victims. The prosecutorial office is a natural convener of the various multi-disciplinary agencies who serve victims of crime, and can convene regular meetings of these groups so that the prosecutor's office and victim advocates learn the various services available, and understand where there are gaps. The master list of community referrals can be placed on the office website, or distributed to victims in the form of a website link or brochure, and should be updated regularly.

Develop Innovative Strategies to Relieve Heavy Advocate Caseloads

Feedback from prosecutorial office victim service programs has described the immense burden that victim rights obligations have on working advocates, and the challenges that smaller offices face. Some have described that so much time and energy is spent on fulfilling statutory obligations to notify victims about their rights, that little time is left for the authentic advocacy required in moments of crisis moments or when victims are triggered.⁸⁶

Striving towards automating some of the required duties, such as sending notification letters and victims' rights information via email or text message and developing brochures or pamphlets that outline victims' rights may help to ease the burden on advocates. Developing a website where all victims' rights information is captured, as well as links to obtain case status and register for victim notification regarding the defendant's custody status can provide victims with the required information as well as give them an important safety planning tool. This will enable victim advocates to fulfill their statutory obligations as well as focus on providing crucial services to the victims they serve.

Advocates should also work collaboratively with police agencies to find efficient ways to notify victims of their rights and encourage counseling and support. For instance, advocacy work can begin with first responding law enforcement who hand out a small resource pamphlet or referral palm card that is developed by prosecutorial agency victim advocates. The notification process can be tracked by documenting this referral in the police report. This may ease the burden on smaller prosecutorial agencies or those with few advocates.

⁸⁶ A "trigger" is something that reminds a victim of the assault or the crime. It may be auditory, visual, tactile, and/or olfactory links to something related to the abusive event. <https://www.ncjrs.gov>, *SART Toolkit, Resources for Sexual Assault Response Teams*, March 2011, OVC.

CONCLUSION

Prosecutorial agencies and victim advocates have a tremendous opportunity to help victims become survivors and then thrivers. We should strive to continually identify and implement best practices, so we serve with the excellence and compassion our victims deserve. We hope this document serves as a framework and a guidepost for all privileged to work in this space.

Please refer questions, suggestions, and comments to:

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