

Fact Sheet: Collaborating with Victim Service Agencies

Enhancing victim safety is a central goal of domestic violence courts. One principal way that courts can work toward this goal is by linking complaining witnesses to victim advocacy services as quickly as possible.

Studies have shown that victims who have connected with an advocate are more likely to participate in prosecution and to feel that the court process has been safe, fair, and responsive to their needs. Advocacy services may be provided by a prosecutor's office or other justice agency (system-based advocacy), an independent, non-profit domestic violence agency (community-based advocacy), or, as in many jurisdictions, both entities. Although both types of providers offer important assistance to victims, such as safety planning, court accompaniment, and assistance with accessing benefits and services, there are significant differences in their purpose and approach. This document highlights these distinctions, which have clear implications for the role of victim service providers in relation to domestic violence courts and the larger coordinated community response to domestic violence.

Confidentiality

System-Based Advocates

Because of their affiliation with organizations mandated to investigate and prosecute criminal activity, advocates from prosecutors' offices and other justice agencies may be compelled to give to the prosecutor any information shared by the victim that is relevant to the criminal case—even if the victim does not want the information to be shared. This information may, in turn, be shared with the defense attorney (and, therefore, the defendant) due to rules of evidence and criminal penal law, which can endanger the victim. Knowing that they can't speak freely in confidence, some victims may not feel comfortable working with this type of advocate.

Community-Based Advocates

In contrast, advocates working for independent domestic violence agencies have the legally-protected ability to keep almost all information confidential.¹ These agencies typically operate with the mission to support and empower victims, and as such, victims' autonomy and choices are given paramount consideration. With this in mind, most independent victim service agencies have a written confidentiality waiver that must be signed by the victim before the advocate can share information with the court or any other person or organization.

Services

System-Based Advocates

One objective of an advocate working within a prosecutorial or justice system setting is to maintain a relationship with the victim during the pendency of the case. Therefore, these advocates primarily provide short-term services, such as crisis counseling, referral to emergency shelter, reimbursement for travel to court, restitution information, assistance with applying for crime victims benefits, and notification about orders of protection and case status. In addition, victim advocates from these organizations are typically not domestic violence specialists but generalists who are responsible for assisting all victims of crime.

Community-Based Advocates

Community-based advocates specialize in the field of domestic violence and traditionally have an on-going relationship with the victim independent of the status or existence of any legal cases. Domestic violence agencies provide a full range of both short- and long-term services,

including safety planning, court accompaniment and advocacy, shelter, support groups for women and children, 24-hour hotline, assistance with housing, long-term counseling, legal services, children's services, and referrals to other needed services.

Strategies for Collaboration between Independent and System-Based Victim Services Organizations

Because of their different approaches to victim assistance, and the importance of each of their roles, collaboration between system-based and community-based victim advocates is key to ensuring the seamless provision of services. This coordination is particularly important when victims are reluctant to participate in prosecution. Frequently these victims are willing to seek services from independent non-profit victim service agencies, but may be more reluctant to go into a police station or prosecutor's office for help. In such circumstances, independent victim advocates can help to facilitate communication between the justice agency and the victim, with the victim's consent, including by relaying important information from the prosecutor's office to the victim that she might otherwise not receive, such as about the status of the criminal case or order of protection.

Collaboration between the two types of advocates can take the form of meeting to discuss coordination of services, both in general and on particular shared cases, and creation of protocols for referring clients between agencies. It's not uncommon for a victim to have a relationship with both types of advocates. Coordination in these circumstances can help to ensure that all of the victim's short- and long-term service needs are met.

Domestic Violence Courts and Victim Services

Because of their critical role in supporting victims, each domestic violence court should

strive to learn about and build a strong relationship with the victim service agencies in their community. This can entail involving victim advocates in the planning and implementation of the domestic violence court, inviting victim services staff to provide training to court staff and stakeholders, having an advocate present in the courtroom, and supporting court accompaniment services. In addition, as part of the planning process, it is essential that domestic violence court staff collaborate with their victim advocacy partners to create a procedure whereby every victim with a case in the court has the opportunity to meet with an advocate and receive victim services.

Both independent and system-based victim service agencies play an invaluable role in supporting victim safety and well-being, a goal they clearly share with domestic violence courts. As such, it is important that ongoing partnership and formalized protocols for referrals to these organizations be established in each domestic violence court. (Examples of these protocols and related collaborative efforts can be obtained from the Center for Court Innovation.) Lastly, a frequent question from domestic violence courts, although beyond the scope of this fact sheet, is the role that victim advocates should play in the protection order process. For information on that issue, the Center recommends the AEquitas publication, "Model Policy for Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No-Contact Orders," accessible here: http://www.aequitasresource.org/model_policy.pdf

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Notes

1. One exception is mandatory reporting of suspected child abuse and neglect.