



Breaking Barriers: *The Role of Community-Based and System-Based Advocates*

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Course Description

As anyone working in this field knows, the unique dynamics of sexual assault all too often prevent victims from reporting the crime or participating fully in the process of investigation and prosecution. Victim advocates can be extremely effective in addressing these problems, by providing victims with the information, emotional support, and proactive assistance they need. Yet it is important to understand how advocacy services were developed in order to better appreciate **who** victim advocates are, **how** they do their jobs, and how their role interfaces with the criminal justice system. This module thus begins in Part 1 with a discussion of the origins of victim advocacy and the general role of victim advocates, before going into more concrete discussion in Part 2 of the module regarding the specific strategies that advocates use to successfully work on behalf of sexual assault within the criminal justice system. The training is especially focused on clarifying the similarities and differences between community-based victim advocates and system-based victim advocates, terms that are defined in the module.

Estimated time for completion: 9 hours

Please note: This module is a condensed version of *EVAWI 12: Effective Victim Advocacy within the Criminal Justice System: A Training Course for Victim Advocates*. While that module was created specifically for advocates, this module is intended for other professionals who may, in the course of their duties, work with victim advocates. This course will provide you with information that will help you to better understand the roles and responsibilities of the victim advocate. If you have already signed up for or completed the course work for *EVAWI 12*, you do not need to complete this module as the course material is essentially the same.

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Expert Contributions

OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.

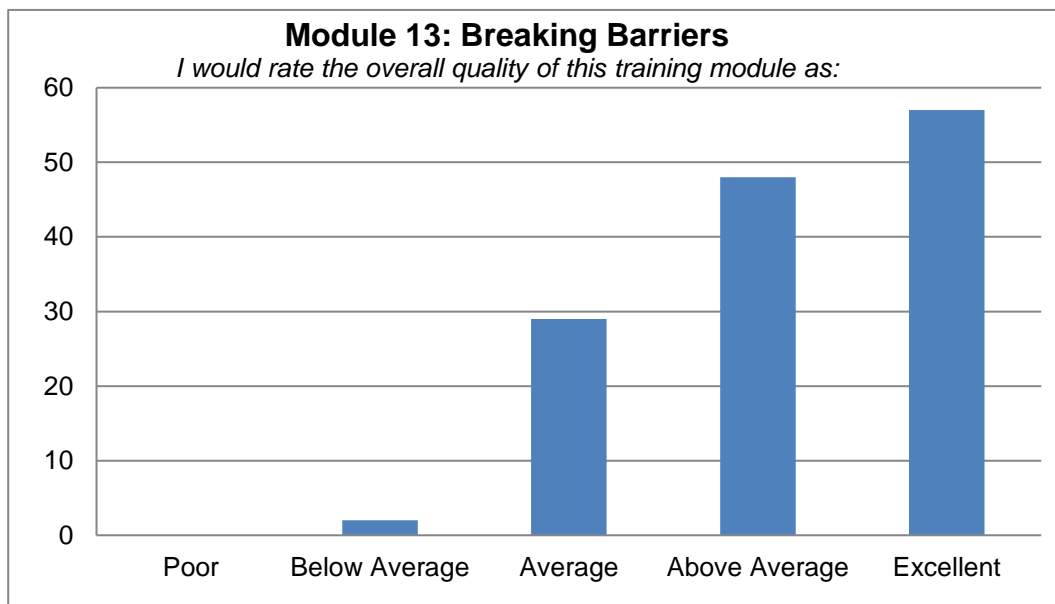
Course Evaluations

At the end of each module participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts, and illustrated with the quotes.

What did you find most helpful in this module?

The information provided in various cases was most important to me. The module also made me more aware of the differences that can occur between professionals in the community and advocates.

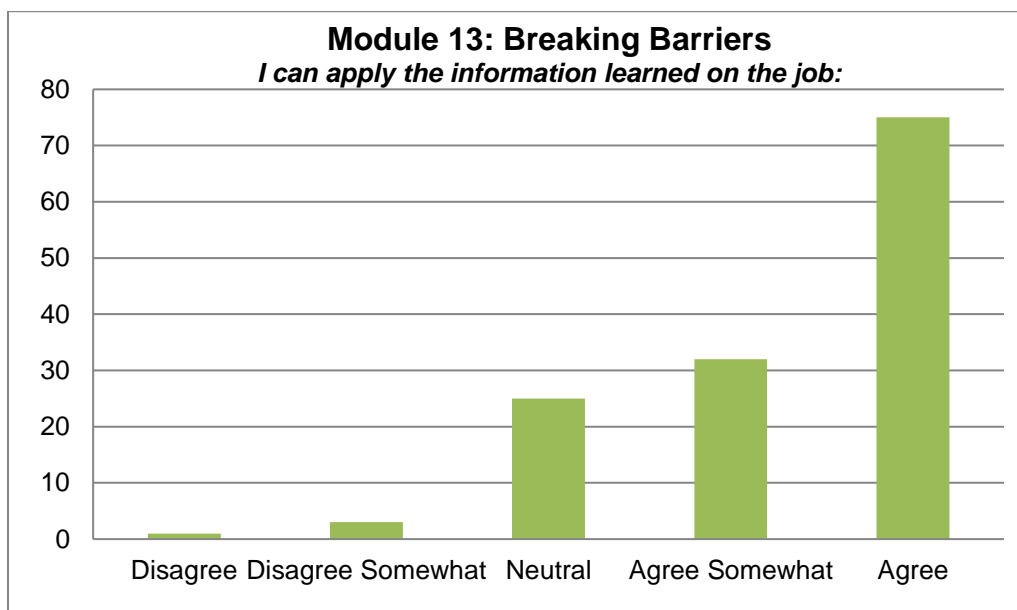
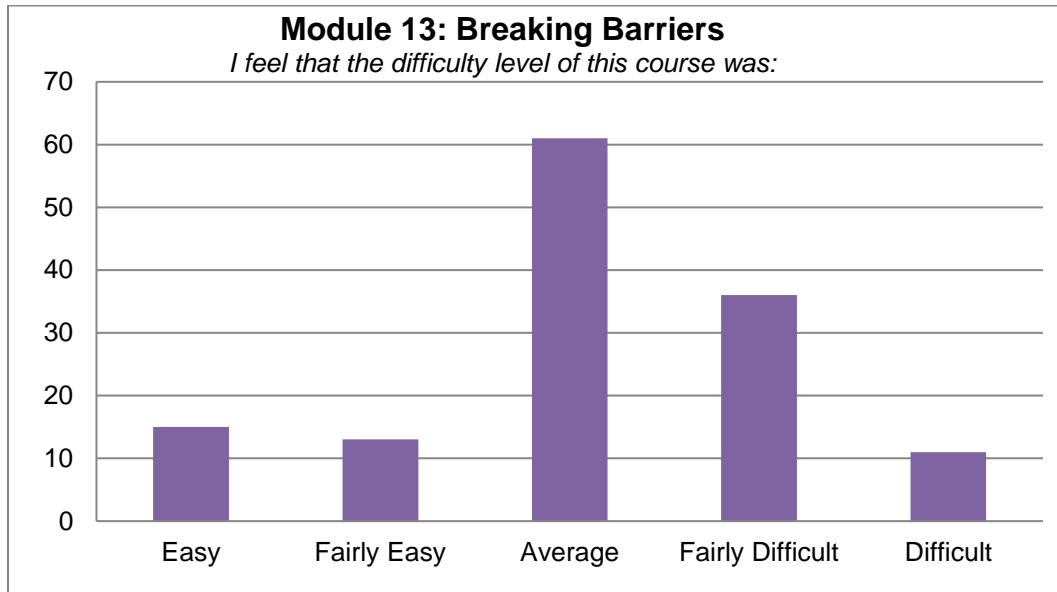
Clearly defining the differences between system-based and community-based advocates was most helpful.



77% rated the module “excellent” or “above average.”

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79% “agree” and “somewhat agree” that they can apply what they learned on the job.

Course Objectives

At the end of this training module, the learner will be able to:

1. Review a brief definition of victim advocacy and the general role of victim advocates.
2. Recognize similarities and differences in the professional role of victim advocates who work in a community-based organization or system-based organization.
3. Explore the complex issues surrounding confidentiality.

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4. Examine the role of victim advocates during the medical forensic examination, various stages of the law enforcement investigation, and the process of criminal prosecution.
5. Define the existing rights of crime victims on the state and federal level.
6. Clarify crime victim compensation and how it benefits victims.
7. Identify other opportunities for advocacy, including assisting with civil legal remedies and expert witness testimony.
8. Explore the common concerns community professionals often have regarding advocates, and discuss strategies to help overcome these concerns.

Course Outline

Part 1: Introduction to Victim Advocacy

- I. What is Advocacy?
- II. Individual vs. Systems Advocacy
- III. Benefit of Victim Advocates
- IV. Role of Victim Advocates
 - a. Crisis intervention
 - b. Problem solving
 - c. Accompaniment
 - d. Serving as a liaison between other team members
 - e. Developing a safety plan with victims
 - f. Obtaining a protective order
 - g. Resources and referrals
- V. Types of Advocates
 - a. Community-based advocates
 - b. System-based advocates
- VI. Advocacy and Confidentiality
 - a. System-based advocates
 - b. Community-based advocates
 - c. Exceptions to confidentiality: Responding to a subpoena
 - d. Exceptions to confidentiality: Mandated reporting
 - e. Consequences of violating confidentiality
 - f. Confidentiality and victim advocates within the military

Part 2: Victim Advocacy in the Criminal Justice Process

- I. Vertical Advocacy
- II. Role of the Advocate during the Criminal Justice Process
 - a. Verbal support and encouragement
 - b. Monitoring the victim's well-being
 - c. Clarifying questions
 - d. Advocating on the victims' behalf
- III. Responding to a Victim's Concerns During the Criminal Justice Process
 - a. Immediate concerns
 - b. Fear of reporting

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- c. Financial concerns
- d. Impact on the victim's life
- e. Victim privacy
- IV. The Medical Forensic Exam
 - a. How advocates get involved in the exam process
 - b. Does notification violate HIPAA?
 - c. Community-based and system-based advocates
 - d. Reporting the assault
 - e. Presence of support people
 - f. Excluding support people
 - g. Support people as potential witnesses
- V. Role of the Advocate During the Exam
- VI. Potential Challenges in the Exam Process
 - a. Victim has presented at a facility without a trained Sexual Assault Forensic Examiner (SAFE)
 - b. Victim is unsure whether or not to have the exam
 - c. Advocate is asked to assist the health care professional
 - d. Victim will not be leaving the health care facility
 - e. Issues surrounding emergency contraception
- VII. Law Enforcement Response
 - a. How advocates get involved with the law enforcement response
 - b. Where advocates can provide law enforcement advocacy
 - c. Presence of an advocate during the law enforcement response
- VIII. Role of the Advocate During the Law Enforcement Response
- IX. Potential Challenges in the Law Enforcement Response
 - a. Advocate isn't allowed in the interview room
 - b. Victim was traveling when assaulted
 - c. Victim has a criminal history
 - d. Victim does not return phone calls or show up for interviews
 - e. Victim would like to postpone the detailed interview
 - f. When the facts "just don't add up"
 - g. Case will not be referred for prosecution
- X. Prosecution
 - a. How advocates get involved during prosecution
 - b. Presence of an advocate during prosecution
 - c. Role of the advocate during prosecution
- XI. Potential Challenges During Prosecution
 - a. The case won't move forward
 - b. Responding to defense counsel
 - c. Responding to the media
 - d. Explaining rape shield laws
 - e. Cross-examination
 - f. Testimony surprises

Part 3: Other Opportunity for Victim Advocacy

- I. Crime Victim Rights
 - a. Notification of crime victim rights
 - b. Invoking crime victim rights
 - c. Enforcement of crime victim rights
- II. Crime Victim Compensation
 - a. Where the money comes from
 - b. Eligibility requirements
 - c. Under-utilization of crime victim compensation funds
- III. Civil Legal Remedies
 - a. Filing a civil lawsuit
- IV. Advocates as Expert Witnesses
 - a. Advantages and disadvantages of advocates serving as an expert witness
 - b. Recommendations for advocates serving as an expert witness

Part 4: Changing Perceptions of Advocacy

- I. Reluctance to Integrate Advocacy Services
- II. Strategies for Overcoming Reluctance to Working with Advocates
 - a. Seek a better understanding
 - b. Address conflict proactively
 - c. Provide cross-training and seek out training opportunities
 - d. Recognize contributions of various professionals
- III. Common Concerns of Other Community Professionals
 - a. Advocates talk victims out of reporting (or into being “victims” in the first place)
 - b. Advocates “get in the way”
 - c. Advocates as “watchdogs”
 - d. Advocates withhold important information and are not a “really” part of the team