

PENNSYLVANIA DISTRICT ATTORNEYS INSTITUTE

**VICTIM SERVICES
FOUNDATIONAL ACADEMY
CLASSROOM COMPONENT**

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THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

The Pennsylvania District Attorneys Institute (PDAI), the education and training affiliate of the Pennsylvania District Attorneys Association (PDAA), was founded in 1983 for the purpose of developing and providing educational materials and training seminars for District Attorneys. In addition to providing training and materials to District Attorneys and their staffs, PDAI also conducts child abuse investigation courses, case law updates and other training courses for Pennsylvania's law enforcement officials and victim service professionals.

This PDAI Victim Services Foundational Manual was originally compiled by Donna R. Hull, Victim Witness Training Coordinator in 2011 with assistance of the members of the PDAI Victim Services Education/Training Subcommittee. The manual is updated prior to the Foundational Academy held two times each year. The purpose of this manual is to assist in training victim service professionals required to take PDAI's Victim Services Foundational Academy which is provided with funding from the Pennsylvania Commission on Crime and Delinquency (PCCD). It is PDAI's hope that this manual will assist victim service professionals in navigating the victim advocacy field successfully while being a resource for new victim service providers. It is not intended to be a step by step guide for working with crime victims, as procedures may vary from agency to agency.

This manual as well as additional resources are available on PDAI's Website at <http://www.pdaa.org/pdai-pa-savin/>.

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***“Trauma Stewardship calls on us to remember that it is a gift to be present when people deal with trauma; it reminds us of our responsibility to care and to nurture our capacity to help”
(Dernoot Lipsky, 2009)***

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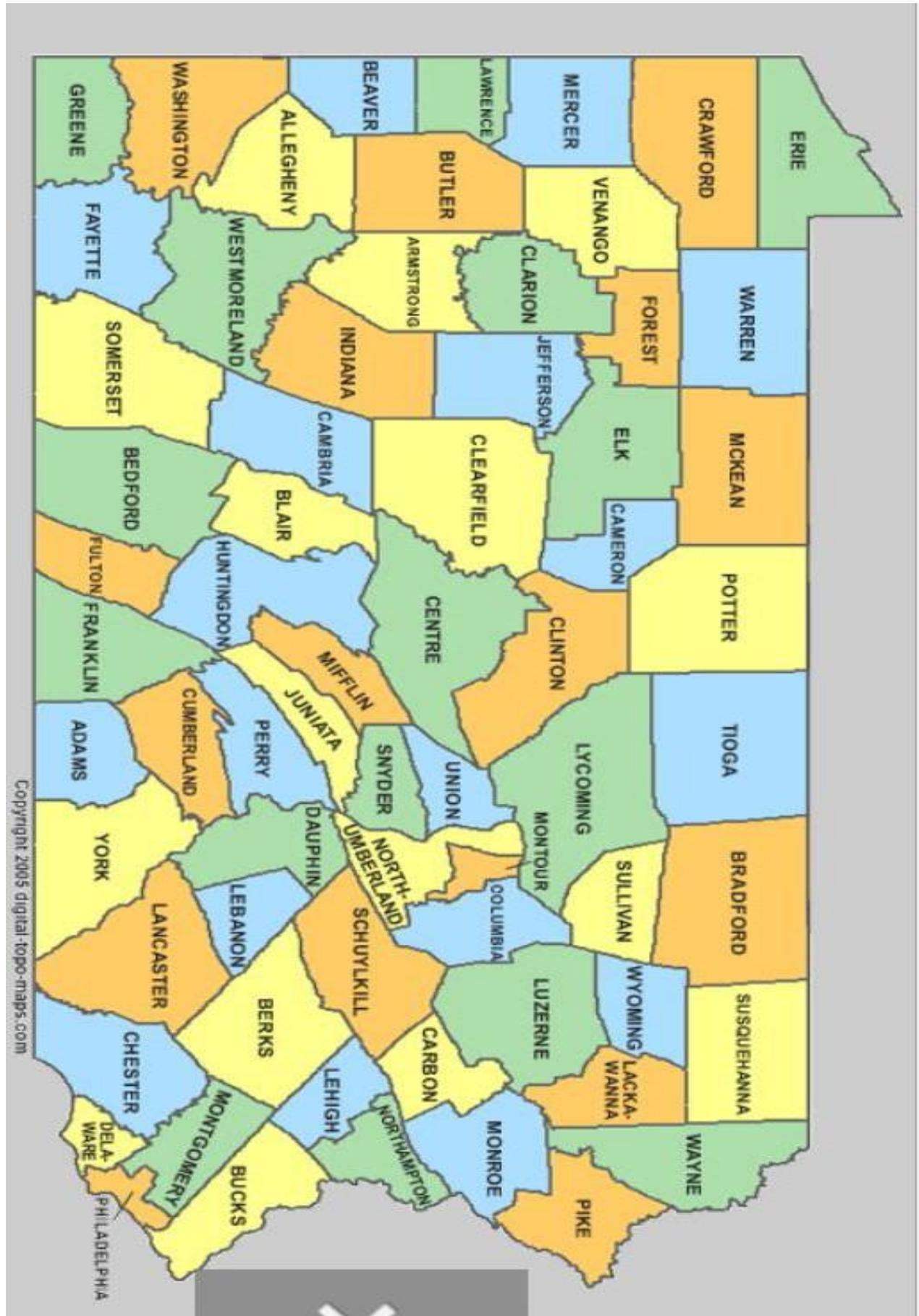
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INTRODUCTORY MATERIALS

Map of Pennsylvania



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Victims of crime have the following rights:

To receive basic information concerning the services available for victims of crime.

To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This includes all of the following:

- Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
- Immediate notification of a juvenile's preadjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
- Access to information regarding the grant or denial of bail to an adult.
- Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.

To be accompanied at all criminal and all juvenile proceedings by a family member, a victim advocate or other person providing assistance or support.

In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding or diversion of any case, including an informal adjustment or consent decree.

To have the opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or presentence report submitted to the court. Victim impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult.

To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp.

Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.

To be restored, to the extent possible, to the precrime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgement of the prosecutor the evidence is no longer needed for prosecution of the case.

In personal injury crimes where the adult is sentenced to a **State** correctional facility, to be:

- Given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement.
- Given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp.
- Provided immediate notice of an escape of the adult and of subsequent apprehension.

Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

To have assistance in the preparation of, submission of and follow-up on crime victim compensation claims to the Office of Victims' Services.

In personal injury crimes where the adult is sentenced to a **local** correctional facility to:

- Receive notice of the date of the release of the adult, including work release, furlough, parole, release from boot camp or community treatment center placement; and
- Be provided with immediate notice of an escape of the adult and of subsequent apprehension.

If, upon the request of the victim of a personal injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:

- Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.
- Be provided with immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and immediate notice of reappréhension of the juvenile.
- Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.

To receive immediate notice of the release of an adult on bail, if the adult is subject to a protection from abuse order and is committed to a local correctional facility for a violation of the order, or for a personal injury crime against a victim protected by the order.

To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.

To be notified of the details of the final disposition of the case of a juvenile.

Additional Statutory Rights

To be present at executions providing the victim has registered with and been selected by the Victim Advocate, Office of the Victim Advocate.

To be present at trials, including murder trials, and the right not to be excluded from the trial if the victim will be providing input at sentencing.



Other Victims Rights from Pennsylvania Law

Victims in the Courtroom

Victims have the right to be present at trials, including murder trials, and the right not to be excluded from the trial if the victim will be providing input at sentencing. (18 Pa C.S. 11.201)

Victims as Witnesses to Offender Execution

Up to four victims have the right to be present at the execution of an offender in their case, providing the victim has registered with and been selected by the Victim Advocate, Office of the Victim Advocate. (18 P.S. 11.103 4305.a 6)

PA Board of Pardons

If registered with the Office of the Victim Advocate, a victim has the right to be provided by the Board of Pardons the opportunity to offer prior oral or written comment on any application which has been granted a hearing by the board pertaining to their case. The Board of Pardons shall also provide notice of the date, time and place of any hearing pertaining to their case. (71 P.S. 299)

Restitution

Where a victim suffered personal injury from a crime or property was stolen or unlawfully obtained or value decreased, the offender shall be sentenced to make full restitution in addition to other punishment ordered by the court. (18 Pa C.S.A. 1106)

Offender Sentencing

If a prosecutor at sentencing wishes to request the court to waive the eligibility requirements for a defendant for the Recidivism Risk Reduction Incentive Program (RRRI), the victim must be notified and be given an opportunity to provide prior comment to the court on this request. The RRRI Program provides an earlier alternative minimum sentence as an incentive for offenders who complete programs while incarcerated aimed at reducing their likelihood of committing crimes in the future. (42 Pa. C.S. 5305 b)

State Intermediate Punishment Resentencing

If the Pennsylvania Department of Corrections requests that the court reconsider an inmate's sentence, and re-sentence that inmate to the State Intermediate Punishment Program, the victim has a right to be notified and to submit an impact statement to the court prior to the court's decision. The victim must be notified of the outcome of the court's decision. (42 Pa. C.S. 9904)

MEDICAL RELEASE REQUIREMENTS

- 1 **What is the law?** On September 25, 2008, the Governor Signed into law Act 84 of 2008 (formerly House Bill 7). Act 84 rewrites 61 P.S. §§ 81- 82 and is effective 11/24/08.
- 2 **What does the law do?** Act 84 replaces an outdated medical treatment statute, 61 P.S. § 81, that was almost 100 years old. It allows judges to place prisoners in hospitals, long-term nursing care facilities and hospice care locations. However, the requirements for such placements are quite stringent.
- 3 **Does this apply to state and county prisoners?** Yes.
- 4 **How does this impact state prisoners?** In summary, Act 84 primarily addresses terminally ill state prisoners.
- 5 **Who may petition?** The Department of Corrections (DOC), the prisoner, or some someone on the Prisoner's behalf
- 6 **What are they allowed to ask for?** The petition can seek to "temporarily defer service of the sentence of confinement" and to "temporarily remove" the prisoner from DOC custody for placement in a "hospital, long-term nursing care facility, or hospice care location"(As defined in subsection (f)).
- 7 **Who is entitled to object to the placement?** The prosecutor and victim are entitled to notice and an opportunity to be heard on a medical release petition.
- 8 **What is required to send a prisoner to a hospital or nursing care facility?** The petition must include the name of facility proposed for placement and facts showing that the facility has agreed to accept the prisoner and *all* of the following must apply:
 - a. the medical needs of prisoner are "more appropriately addressed" there;
 - b. the facility has agreed to accept prisoner;
 - c. the prisoner is "seriously ill" and not expected to live more than 1 year;
 - d. there are no writs or detainers;
 - e. there is no undue escape risk (looking at conduct record, whether convicted of a crime of violence, length of imprisonment, and any other "relevant factor");
 - f. the facility has agreed to notify DOC of material changes (health status, nature of care, or other information requested by DOC) ; and
 - g. there has been notice and opportunity to be heard by prosecuting agency, state or local prison, and victim.
- 9 **What is required for hospice care?** Basically, the same standards as 4 above, *and* the prisoner must be "terminally ill, not ambulatory, and likely to die in the near future," the hospice care provider must provide appropriate "medical services and palliative care," and the released prisoner is subject to electronic monitoring
- 10 **What are the release order requirements?** Any order must include a provision that DOC or prosecutor may petition for recommitment of the prisoner if changed or previously unknown circumstances (including change in medical status, risk of escape, danger to community, or change in case provided). Copies of the release order are to be provided to the prosecutor, victim, defendant, DPW and the medical facility (which must provide notice of order to persons who will come in contact with the prisoner during the placement).
- 11 **What kind of facilities qualify?** hospitals (licensed for acute-care, specialty care, or rehabilitation) (subsection (f)); "long-term nursing care facility" (a *licensed* facility that provides either skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the licensee, for a period exceeding 24 hours; does not include facilities exclusively for the mentally retarded). Subsection (f) and 35 P.S. § 448.802a. "Hospice care location" —a home, independent living environment that provides a program of palliative and supportive services through a *licensed* hospice care provider. See Subsection (f) and 35 P.S. § 448.802a (defining hospice).
- 12 **Are there other alternatives for medical treatment?** Yes. Although DOC provides medical treatment for all prisoners, under existing law eligible prisoners can seek a pardon, parole, or a community corrections placement. There are limits on all of these options and additional information should be obtained about prisoner eligibility.
- 13 **What happens if circumstances change or the placement doesn't work out?** The judge can terminate the release order and order the prisoner recommitted. [Note: Although 61 P.S. § 81 does not explicitly provide for order modifications, presumably a judge can modify a prior order provided the modification process and order complies with the statute.]
- 14 **What happens if a prisoner leaves the facility?** The prisoner is subject to arrest and conviction under 61 P.S. § 82 and will be returned to prison.

Does this apply to prisoners in other facilities (including county jails)? Yes.

The standards are basically the same as for state prisoners except that:

1. Electronic monitoring applies to all placements; and
2. The prison administrator must consent to the placement.
3. Note: for county inmates, medical treatment may be available through work release or parole; for sentenced inmates, medical issues may be addressed through bail orders or detainer hearings. The availability of these options depends on the individual circumstances of the inmate and pending legal matters.

**OVERVIEW OF
PENNSYLVANIA COMMISSION ON
CRIME AND DELINQUENCY (PCCD)
OFFICE OF VICTIM SERVICES (OVS)
AND
VICTIMS COMPENSATION ASSISTANCE PROGRAM (VCAP)**

Office of Victims' Services

Victims Compensation Assistance & Victims' Services Programs

Victims' Services Program (VSP)

Who we are

We help crime victims transcend their trauma by providing funding to victim service agencies that work directly with victims, provide financial help to victims through the Victims Compensation Assistance Program (VCAP), and collaborate with criminal justice and allied professionals that advocate and respond to the needs of victims.

What we do

Helping crime victims

- Meet the Needs of Victims of Crime: PCCD helps victims of crime get the services and support they deserve.
- Offsetting the cost of crime: PCCD is committed to helping ease victims' financial stress and other needs.
- Giving a voice to school children who often do not want to report violence. PCCD has programs to make sure children have the confidence to step forward.
- More than 172 programs throughout Pennsylvania provide services annually to hundreds of thousands of individuals who are victims of crime. The quality of these services depends on funding from government agencies and charitable organizations.

Providing resources to allied professionals

- Training victim service professionals to support and enhance their invaluable role in serving victims of crime.

Funding Resources

Victims of Crime Act (VOCA):

VOCA supports the provision of direct services to victims of crime. This includes a broad array of services for victims of violence ranging from crisis intervention, shelter, counseling, and criminal justice advocacy. The Crime Victims Fund is comprised of fines, forfeitures, and penalty assessments on offenders of federally prosecuted cases. County allocations are determined by formula using the county's population (75%) and target crimes (25%). Eligible activities are those direct services which respond to the emotional and physical needs of crime victims; assist victims of crime in stabilizing their lives after a victimization; assist victims in understanding and supporting them through the criminal and juvenile justice process; or provide victims of crime with a safe and secure environment. Ineligible activities include, but are not limited to, procedural services, prosecution and law enforcement activities, fundraising, crime prevention, and lobbying and administrative advocacy. PCCD has made a policy decision to limit the use of VOCA for procedural services. Funds in 2014/15 were awarded to 103 community-based agencies and 15 system-based agencies in the 67 counties.

VOCA Funding Committee (VFC's):

Since the beginning of the Pennsylvania Commission on Crime and Delinquency's (PCCD) victim services efforts under the federal Victims of Crime Act (VOCA) Programs in 1984, the Commission had required the establishment of local victim assistance policy boards (LPB's) as a prerequisite for participation in VOCA and other victim services funding. The policy boards provided an opportunity for local programs to collaborate on the development, improvement and maintenance of victim services at the local level. The policy boards made recommendations to PCCD on the distribution of state and federal dollars to address those needs.

Effective July 2014, Local Policy Boards (LPB's) were renamed [VOCA Funding Committees](#) (VFC's). The role of the VOCA Funding Committee is to make recommendations to PCCD on the distribution of federal VOCA funds and no longer makes recommendations on state funds.

Rights and Services Act (RASA):

RASA provides financial support, training and technical assistance to county-based victim service agencies to promote the rights and services under Pennsylvania's Crime Victims Act. This funding source provides the primary financial support for the victim/witness offices within the District Attorneys' Offices. The source of funds for RASA is the Victim/Witness Fund which is comprised of a \$25 penalty assessment on convicted/diverted offenders. County allocations are determined by a formula using the county's population (75%) and target crimes (25%). Eligible activities support the full range of rights, services, and responsibilities within the criminal justice system outlined in the Crime Victims Act. (e.g. notification, accompaniment, assistance with victim impact statements, and crime victims compensation assistance.) Examples of ineligible activities include, but are not limited to, counseling/therapy, community/prevention education, prosecution activities, and restitution collection. Funds in 2005 were awarded to 56 system-based agencies, 3 county juvenile probation offices and 2 community-based agencies in the 67 counties.

STOP Violence Against Women Act (VAWA):

VAWA supports counties in promoting a coordinated, comprehensive approach to addressing violence against women with emphasis on the law enforcement, prosecutorial and victim services response. STOP is funded by an Annual Federal Appropriation. Project allocations are determined on a competitive basis. Eligible activities include but are not limited to: training; investigating and prosecuting domestic violence, sexual assault, stalking, and dating violence cases; protocol development, and enhancement of direct victim services (e.g. interpreter services, crime victim compensation assistance, crisis counseling, victim advocacy, etc.). Examples of ineligible activities include, but are not limited to: batterer treatment programs, local PFA registries, housing, some equipment purchases, and prevention programs such as media campaigns for general awareness rather than for reaching victims. Thirty-one county teams received STOP grant funds in 2014.

Victims of Juvenile Offenders (VOJO):

VOJO provides financial support, training, and technical assistance to county-based victim service agencies to promote the rights and services to victims in the juvenile justice system. VOJO is funded by an Annual State Appropriation. County allocations are determined by a formula using the county's juvenile population (75%) and juvenile dispositions at (25%). Eligible activities support the the full range of rights, services, and responsibilities within the juvenile justice system outlined in the Crime Victims Act. (e.g. notification, accompaniment, assistance with victim impact statements and crime victims compensation assistance.) Examples of ineligible activities include, but are not limited to, counseling/therapy, community/prevention education, prosecution activities, victim/offender mediation programs, and restitution collection. Funds in 2014/15 were awarded to 42 system-based agencies, 11 county juvenile probation offices and 16 community-based agencies in 65 counties.

Justice Assistance Grant Funds (JAG):

JAG supports a wide-range of activities at the state, regional and local levels that protect and support crime victims. The types of activities funded under JAG are not fundable under VOCA, STOP or RASA. JAG funding is discretionary and is awarded through an agency-wide solicitation process. Funds in SFY 2012/13 were awarded to six victim service agencies and supported three statewide initiatives.

VICTIMS COMPENSATION ASSISTANCE PROGRAM

This program, provided by PCCD's Office of Victim Services may pay victims back for money they had to pay or lost because of a crime. Compensation may be paid to victims or others for medical expenses, counseling, lost work earnings, loss of support, funeral expenses, travel costs, childcare, stolen cash, relocation, the costs to cleanup a crime-scene and other expenses.

A victim may be eligible for compensation if:

- They are a victim of a crime that happened in Pennsylvania.
- The crime was reported or a Protection from Abuse Order (PFA) was filed within three days.
- The victim cooperated with the police, courts and the Victims Compensation Assistance Program.
- The claim is filed within two years of the crime.
- The victim was not involved in illegal activity that caused the crime to happen.
- The amount of loss is at least \$100 because of the crime (if the victim is less than 60 years old).

There are exceptions to the above requirements (especially if the victim is younger than 18 years old)

This program will not reimburse for:

- Pain and suffering.
- Stolen or damaged property (except some medical things).

REMEMBER, victims or their family members may receive compensation even if they don't meet all of the above requirements. To determine eligibility or for help in filing a claim, please contact the Victims Compensation Assistance Program at (800) 233-2339.

VCAP ACTION TIPS FOR ADVOCATES

PROVIDE ASSISTANCE: Assist the victim in completing and mailing the claim form. Do not just mail out the claim form. If necessary, schedule a telephone appointment with the victim. For example, for a hospitalized or otherwise incapacitated victim. Encourage victims to bring all bills and documents when meeting with you. Complete as much of the form as you can and highlight the areas the victim needs to complete. If a victim does not respond within 10 days, call the victim to see what assistance you can provide. Explain the difference between restitution and compensation to victims up front. Stay in contact with both the victim and the compensation claims specialist throughout the compensation process for claims already filed.

KEEP UP-TO-DATE WITH COMPENSATION: Attend trainings (opportunities are always listed at www.pccd.state.pa.us), sign-up for the OVS Newsletter if you are not already on this list serve (to sign-up call 800-692-7292 or 717-265-8730 and ask for Renee), and make sure you are aware of all expenses VCAP can reimburse and all crimes that are eligible for compensation. Compensation is always changing and improving, so it is important to stay up-to-date.

ASK: If there was a delay in reporting, work with the claimant to find out why. See the “*ELIGIBILITY*” chapter for guidelines explaining good cause, have the claimant document the reason and submit it to the Program.

REMEMBER: Police Incident numbers are important. If you are unable to obtain a copy of the police report to submit with the claim form, you can help by providing the Program with the name of the police department and the police incident number. The Program needs the number when requesting investigative reports from the police. Providing the police incident number to the police departments assists them in locating the police report in a timely manner to send to VCAP.

PROVIDE: Case numbers for juvenile defendants are important. If there is a known juvenile offender, you can help by providing the VCAP staff with that information. When staff verifies whether restitution has been ordered, having that number helps.

REACH THE \$100 MINIMUM: Work with the victim to find other eligible expenses to reach \$100, such as mileage or public transportation for counseling (at your agency)/pharmacy/medical services, and for crimes occurring on or after 12/12/09 mileage or public transportation to criminal justice or PFA proceedings; replacement services (mowing the yard, shoveling snow, cleaning the house, childcare, babysitting, meals and hotels when traveling 50 miles or more for medical appointments, etc.); lost wages due to reporting the crime/filing PFA or cooperating with the police or courts; over-the-counter medications purchased as a result of the crime; etc. The vast majority of claims that do not initially reach the \$100 minimum can with just a bit of work. Of course, if the victim is age 60 or older, no minimum loss is required.

ESTABLISH PARTNERSHIPS: Offer compensation training to law enforcement officers, educating them on their notification responsibility, their own potential compensation eligibility and provide support materials for them to give to victims. Organize a county-wide training on compensation and invite any allied professionals that may come into contact with crime victims, such *Manual for Compensation Assistance Pennsylvania Victims Compensation Assistance Program* Page 4 as counselors, health care providers, and funeral directors. At the county-wide training, showcase your agency’s services, as well as compensation benefits.

CREATE CHECKLISTS: If you have filed any claims you are probably familiar with the checklists VCAP sends to victims requesting additional information. Consider creating your own checklists for victims with everything they will need to file the claim. For example, if a victim is filing for loss of earnings, the checklist items you would hand out would include two paystubs, disability statements, etc.

GET TRAINED ON DAVE: Sign-up for a DAVE training (via Web-Ex @ www.pccd.state.pa.us) and learn how to enter claims directly online. By entering claims electronically through DAVE, your claim can be received by VCAP the same day that you input the information. Through DAVE, you can check claim status and you can produce multiple reports on claims filed by your agency. You can also check on the documents that are still needed and contact those agencies who have been sent letters requesting information to expedite the claims process.

VCAP ACTION TIPS FOR ADVOCATES
(continued)

HAND OUT ENVELOPES: Because a victim or claimant is unlikely to know the requirements of the Compensation Program at the time of the crime, they may not keep receipts, bills or other pertinent documentation. To help alleviate this problem, give victims an envelope at your first contact and ask them to put any receipts or insurance statements related to the crime in the envelope and bring it with them when filing for compensation.

Are you thinking I don't have time to make all of these changes? If so, you will be surprised to learn that most of these changes will save you time. For instance, giving victims a checklist and handing out envelopes will result in less work for you after the claim is filed as the needed documents are more likely to be included. How long do you think it takes to highlight the applicable parts of a claim form for a victim? One agency who does it estimates it only takes five seconds! Now, imagine how long it will take when the victim completes a claim form that is not highlighted that you will have to correct and obtain needed information. So, what are you waiting for? See what changes you can make to save time and provide compensation assistance to more victims. You will be glad that you did!

Reich, Mike, Manual for Compensation Assistance, Pennsylvania Victims Assistance Program, 26 May 2010. (P.6-7) 9 Mar. 2011. <[http:// www.portal.state.pa.us/](http://www.portal.state.pa.us/)>

**Statewide Automatic
Victim Information and Notification
(SAVIN)**

PA SAVIN (Statewide Automated Victim Information and Notification) provides crime victims, criminal justice professionals, and other concerned citizens with the ability to confirm an offender's incarceration status. It also provides free, prompt and anonymous notifications regarding any changes in that status, including release, transfer or escape. PA SAVIN is in use at all 62 county prisons, the PA Department of Corrections and the PA Board of Probation and Parole.

PA SAVIN release notifications go out in near-real time, as soon as the inmate is released - 24 hours per day, 365 days per year including weekends and holidays. Transfer notifications go out on an 8-hour delay to ensure the safety of the transporting officers, the public and the inmate. Some types of notifications may be suppressed during the overnight hours if safety is not an issue – i.e. return to custody notifications.

VICTIM ADVOCATES are often a crime victim's first contact; therefore it is important for them to ensure that victims are informed about PA SAVIN. Since offenders can be released within days or even within hours of an arrest, it is essential for victims of high-risk offenders to register as soon as the offender is booked into the jail's computer system. Registered victims and officers can be notified within 15 minutes of an inmate's release on bond.

ANYONE can search for an inmate and register to receive notifications of any changes in the inmate's incarceration status. Crime victims should go to www.pacrimevictims.com to get comprehensive information on rights and services, including the Victim's Compensation Assistance Program (VCAP) and the ability to register for PA SAVIN. Law Enforcement Officers and other interested parties can search and register through the Vine Link website: www.vinelink.com, or by calling Appriss at **1-866-9PA-SAVIN** or **(1-866- 972-7284)**.

SCHEDULE an informational session for your facility, order SAVIN materials, or have any SAVIN questions answered by contacting:

Donna Hull
Victim Services Training/ SAVIN Consultant
484.947.4837 (cell)
888.486.5134 (fax)
donna@dhullconsulting.com



CRISIS RESPONSE

SSVVPP: Safety & Security, Ventilation & Validation, Prediction & Preparation

Safety and Security -Safety and security issues include concerns for mental and emotional freedom from fears and terrors associated with the event. Establishing parameters of safety aids in reducing the emotional stress of fear, and creates defenses against additional intrusions.

- Physical safety of the victim -does the victim feel safe?
- Give the victim a sense of security -the VSP should introduce himself/herself and his/her agency. The victim should be moved to a location at which he/she feels secure. The VSP should sit down to talk -and must ensure the confidentiality of the victim's reactions, comments, and pain. The VSP should address the victims' basic needs – emotional, shelter, caretaker, additional threats, transportation, etc. and reassure the victim that his/her emotions and reactions are not uncommon.
- Provide information.
- Allow the victims to make their own decisions.

Ventilation and Validation -Ventilation and validation refers to the process by which survivors are able to tell the stories of their experience. VSPs should help the victims understand the pattern of trauma reactions and recognize the human commonality of that pattern. This will reduce the confusion caused by the external traumatic event and enable the victim to begin the process of rebuilding cognitive and emotional adaptive capacities.

- Allow the victim to tell his/her story -over and over and over again. Let the victim talk for as long as time permits. The VSP should afford the victim the courtesy of a 15-minute warning before ending a conversation.
- Validate the victim's reactions and responses. The VSP should make it clear that the victim's reactions are normal and tell the victim that his/her reaction is not uncommon. If the victim says that he/she feels "crazy," the VSP should reassure him/her that he/she is not crazy.
- The VSP may say "I am sorry it happened. It wasn't your fault. Your reaction is not an uncommon response- in light of your experience."

Prediction and Preparation -This involves education for survivors concerning what may happen in the future, and methods of planning for secondary injuries or ongoing emotional reactions.

- Provide case information -what will happen next. A victim can begin to regain control by knowing what has happened and what will follow -where, when, and how.
- Review practical issues -financial, medical, media, time off work, body identification, relocation,etc.
- Review/explain legal terms -arrest, prosecution, civil options.
- Provide information on possible emotional and/or physical reactions (i.e., lack of sleep and/or appetite, anxiety, numbness, fear, anger, grief).
- Provide information on long-term physical and mental reactions (i.e., nightmares, terror/anxiety attacks, depression, irritability, lack of concentration, etc.).
- Prepare the victim for dealing with the practical and emotional future.
- One day at a time
- Problem-solving techniques
- Talking and writing about the event
- Taking time for memorials and memories
- Getting good nutrition, adequate rest, and exercise

Keystone Crisis Intervention Team (KCIT)

KCIT's mission is to empower local communities to support crime victims in their recovery from traumatic incidents by assessing the impact of the event on the community; developing an intervention plan; and providing crisis intervention by trained volunteer teams.

WHEN WILL THE TEAM RESPOND?

KCIT provides trained teams of professionals upon request, to serve any community within the commonwealth of Pennsylvania where a crime has taken place.

Examples of such crime would be:

- Criminal incidents of a nature that the entire community is thrust into grief
- Workplace shootings
- Crimes affecting children, such as school shootings
- Arson
- Terrorism
- Homicides related to domestic violence
- Cluster suicides
- Multiple deaths from any criminal activity

WHAT IS A COMMUNITY CRISIS?

Whole communities, like individuals, may suffer trauma in the aftermath of a criminal event. The community may suffer from an effect similar to paralysis. While almost everyone is in shock, individual reactions may vary. Individuals may experience a wide variety of unexpected emotions.

HOW CAN THE TEAM HELP?

The experienced crisis responders in the community who would normally be called upon to help, may have also been involved in the crisis as members of the community. For this reason, it often helps to have outsiders come for a short period of time to offer information and suggestions on how to prepare to respond to the community's distress.

WHAT SERVICES WILL THE TEAM PROVIDE?

KCIT will help local decision makers to identify the groups at risk of experiencing trauma. KCIT members will lead one or more group crisis intervention sessions to demonstrate how these private meetings can help victims begin to talk about their reactions to the trauma and cope. Training will be provided to the community care-givers to assist them in meeting the ongoing community needs.

In addition, KCIT will coordinate with other crisis response teams. This services to ensure comprehensive community-wide services and seeks to avoid duplication of services.

For additional information about KCIT or future training opportunities, please contact: KCIT Project Coordinator at the Network of Victim Assistance 2370 York Road, Suite B1 Jamison, PA 18929 215-343-6543 (Voice) 215-343- 6299 (TTY) 215-343-6260 (Fax).

COMMUNICATION SKILLS

Communication Framework

Victim service providers have an opportunity and a responsibility to advocate for victims in the aftermath of a crime and throughout their involvement in the criminal or juvenile justice system. Victim service providers must be able to communicate effectively with crime victims and survivors, who may be in crisis and in a hypersensitive state, in order to assess the situation and respond effectively to their needs. Victim service providers who practice good communication skills are better able to help victims move forward and reclaim the control they have lost as a result of their victimization. Poor communications can further traumatize and re-victimize the victim.

The goals of effective communication with crime victims are to:

- * Identify victims' needs and attempt to meet them.
- * Explain the justice process and the role of the victim service provider and allied professionals.
- * Help victims to understand and exercise their statutory and constitutional rights.
- * Protect the safety of victims.
- * Provide information.
- * Obtain information.
- * Be sensitive to special needs or concerns.

Good communication requires that the message be sent and received as it was intended. Thus, the victim service provider must use clear and concise language and provide timely, accurate information to avoid misunderstanding and confusion. Good listening skills must be employed to make sure the needs of the victim are identified and clearly understood. This chapter offers communication concepts and techniques to help the victim service provider communicate effectively.

Skills Within the Communication Framework

A victim service provider uses many skills within the victim services communication framework, including:

- * Building trust.
- * Using active listening.
- * Understanding and overcoming communication barriers.
- * Conducting an effective assessment through observation and asking questions.

Building Trust

The experience of being victimized has the potential to turn every aspect of a crime victim's life into chaos and disarray. A common feeling reported by victims in the aftermath of a crime is a loss of control. Because victims had no control over their victimization, this sense of helplessness can persist into other areas of their lives and create suspicion and mistrust of other people and of the criminal or juvenile justice system in general. It is important for victims to begin to regain some control of their lives and to develop trusting relationships with people who can help them cope with their victimization, access support and services, and navigate through the criminal or juvenile justice system. Victim advocates should attempt to develop a positive relationship with the victim by establishing mutual trust. Many victims seek and obtain services from a variety of service providers who are both system- and community-based. Collaborative casework requires collaborative communications and management among service providers who share responsibility for helping a crime victim. If victims are required to deal with new service providers as they seek supportive services and navigate through the system, it is essential to ease the transition from one victim service provider into a "new" relationship.

Tips for Building Trust with Crime Victims

- Find out as much as you can about the individual victim and his or her case before making contact. If this is not possible, take time to listen closely to what the victim has to say.
- Properly identify yourself (show your official identification) and explain your specific role, what your agency or organization does, and how you can help the victim.
- Ask the victim how he or she would like to be addressed, i.e., by first name, surname, etc. Then use the victim's preferred name (and if the communication is written, always check for the correct spelling).
- Express empathy for what has happened.
- Be aware of your own style of communication (e.g., tone, pitch, speed, method, organization, what you say, and what you don't say) to determine if it is appropriate for the situation, and adapt it accordingly.
- Pay attention to any assumptions and judgments you might be making, and be aware of your nonverbal cues (such as eye contact, hand gestures, etc.)
- Take into account your posture, gestures, facial expressions, overall body language, and appearance, which all affect whether victims sense they are being listened to.
- Be mindful of personal space and appropriate physical contact. Some victims are not comfortable with hugging, while others welcome personal contact. Service providers should always wait until or if a victim initiates personal contact before returning it in a caring manner.

Having good information and being able to provide useful, relevant resources to victims goes a long way in developing trust and increasing a victim's confidence in the victim service provider and the criminal or juvenile justice system. Victim service providers should seek to:

- Provide timely and accurate information. If such information is unable at the time of contact, inform the victim that you will try to obtain it in a specified time frame and get back to them.
- Know state laws and agency rules about victim privacy and confidentiality, inform the victim of any such protections, and abide by them.
- Explain the specific rules of privilege that may apply to communications with victims (i.e., disclosure requirements versus confidential communication between advocates and victims).
- Explain the purpose behind the questions that you are asking. Provide as much information as possible about how the case will proceed (or if the case is not prosecuted, about resources available to help the victim).
- Explain to victims what their options are with regard to reporting a crime and participating in the process. Help them to understand and evaluate their options and the possible consequences of each decision.
- Be sensitive to victims' mental health and medical needs, and make appropriate referrals.
- Explain crime victim compensation and help violent crime victims apply for it when they are eligible.
- If victims feel alienated as a result of their age, culture, race, religion, gender, or sexual orientation, partner with a representative from the relevant community to improve the quality of victim assistance.
- In the role of advocate, never make promises that cannot be kept.

Building trust requires good communication skills, which can be practiced using these basic techniques:

- Active listening.
- Paraphrasing.
- Reflective listening.
- Affirmations.
- Observation and nonverbal communication.
- Asking open-ended and close-ended questions.
- Awareness of cultural styles of communication.

Active Listening

People normally speak at a rate of 100 to 175 words per minute, but they can listen intelligently at 600 to 800 words per minute (Fowler, 2006). Since only a part of our mind is paying attention, it is easy for our mind to drift. The cure for this is active listening, which involves listening with a purpose. There is a real difference between hearing and listening. Active listening assumes an understanding or comprehension that hearing does not. This type of listening weighs and considers what is being said.

Some techniques to be a good active listener include:

- Be attentive. Don't fidget, daydream, or let your eyes wander when a victim is speaking to you. Maintain eye contact, if culturally appropriate, to show that you're interested in what is being said.
- Take time to listen to the full story. When there is a pause in the conversation, ask questions or offer gentle probes to clarify what is being said or to elicit more information.
- If you have trouble concentrating on what a victim is saying, try repeating his or her words mentally after you hear them. This will reinforce the speaker's message and help you control mind-drift.
- Ask for clarifications or repetitions of statements to understand what the victim is saying.
- Be willing to repeat information you are offering to the victim several times. Victims in trauma may have trouble concentrating or understanding and remembering information.
- Use silence to gather information. Silence gives victims time to think, and they may be better able to provide additional information if they are allowed quiet time.
- Listen without judgment. Many victims have already been stigmatized and marginalized. Show understanding, concern, and caring.
- Take brief notes. This demonstrates professionalism and concern and records important information. Do tell the victim why you are taking notes and whether the notes are confidential.
- Don't talk. You can't listen while you're talking.
- Don't interrupt.
- Don't become flustered by victims' anxieties or repetitions.
- Don't jump to conclusions, assume you know what the speaker is going to say before it's said, or put words in the other person's mouth. You may be wrong.
- Don't react to anger or argue with victims.

Paraphrasing

What someone says and what we hear can be amazingly different. Our personal values, filters, assumptions, judgments, and beliefs can distort what we hear. Paraphrasing is a way of making sure you have correctly understood the victim. It is also a way of identifying distinct issues. Paraphrasing demonstrates that you are trying to understand, to the degree possible, what the victim is feeling. Paraphrasing involves stating back in your own words what you understood the victim to say, not parroting the victim's words. This tests your own comprehension and avoids misunderstandings that could lead to the victim's loss of confidence in you. Paraphrasing enables the victim to feel heard and to clarify anything you may have misunderstood.

Techniques for effective paraphrasing include the following:

- Listen to the speaker carefully. Search for key words, phrases, and concepts.
- Make mental notes.
- Repeat what the speaker has said, using your own words, being careful not to change the meaning.
- Use paraphrasing before moving on to another subject.

Begin paraphrasing with such words as:

- "So, what I hear you saying is ..."
- "In other words, ..."
- "What I understand you are saying is ..."
- "If I hear you correctly ..."

Reflective Listening

Reflective listening is similar to paraphrasing, except that the point is not to summarize what the speaker is saying, but to know and show that you understand how he or she is feeling through the words that are being used. When a victim is upset, it is very important for the victim service provider to simply understand the emotions that the victim is feeling. This validates that how the victim is feeling is “normal” and helps victims to feel more connected because they are understood. This does not mean that you should tell victims how they should feel.

To reflect the victim’s feelings, victim service providers can:

- Listen to the speaker carefully.
- Make a mental note of key points.
- Be willing to listen to victims share their experiences if they want to talk about the crime and its effects, and validate that experience with empathy and support.
- Reassure victims that their feelings are quite natural, even though they may seem unusual at the moment. Let them know that feelings of anger, distress, guilt, frustration, fear, etc. are not uncommon and are perfectly justifiable.

Examples of reflections include the following:

- “What you are experiencing is perfectly acceptable, given what you’ve been through.” (NOTE: Many professionals do not like the use of “normalization,” as many victims do not feel normal, and telling them it’s “normal” appears to be patronizing.)
- “That must make you feel ...”
- “It sounds like you are really feeling ...”
- “If I were in your shoes, I might have concerns about that also.”
- “I can see why you’re feeling ...”

Affirmations

Affirmations are statements that recognize and validate a victim’s strengths. They include acknowledgment that the victim has been harmed and help to build the victim’s confidence in his or her ability to persist. Affirmations must be congruent and genuine to be effective and to avoid sounding patronizing. Some examples of affirmations include:

- “You’ve been through something very terrible; I’m so sorry.”
- “I think it is great that you want to do something about this situation.”
- “I appreciate how hard it must have been for you to decide to ...”
- “That must have been difficult for you.”
- “You’re certainly a resourceful person, to have been able to ...”
- “That’s a really good question.”
- “That is a good decision.”
- “You took a big step.”
- “It must be difficult for you to accept a day-to-day life so full of stress.”
- “I must say, if I were in your position, I would find it difficult too.”
- “You certainly have to cope with a lot of problems right now.”

Observations and Nonverbal Communication in Assessing Victim Needs

Victim service providers respond to the needs of the victim in a variety of situations including but not limited to the scene of a crime or shortly thereafter; answering the hot line at a victim assistance center; providing support in the courtroom; or providing corrections-based victim services. In all of these situations, the victim service provider must have the skills required to determine a course of action to respond to the specific needs of the victim. Assessment skills include listening, observing, and asking relevant questions.

Observations

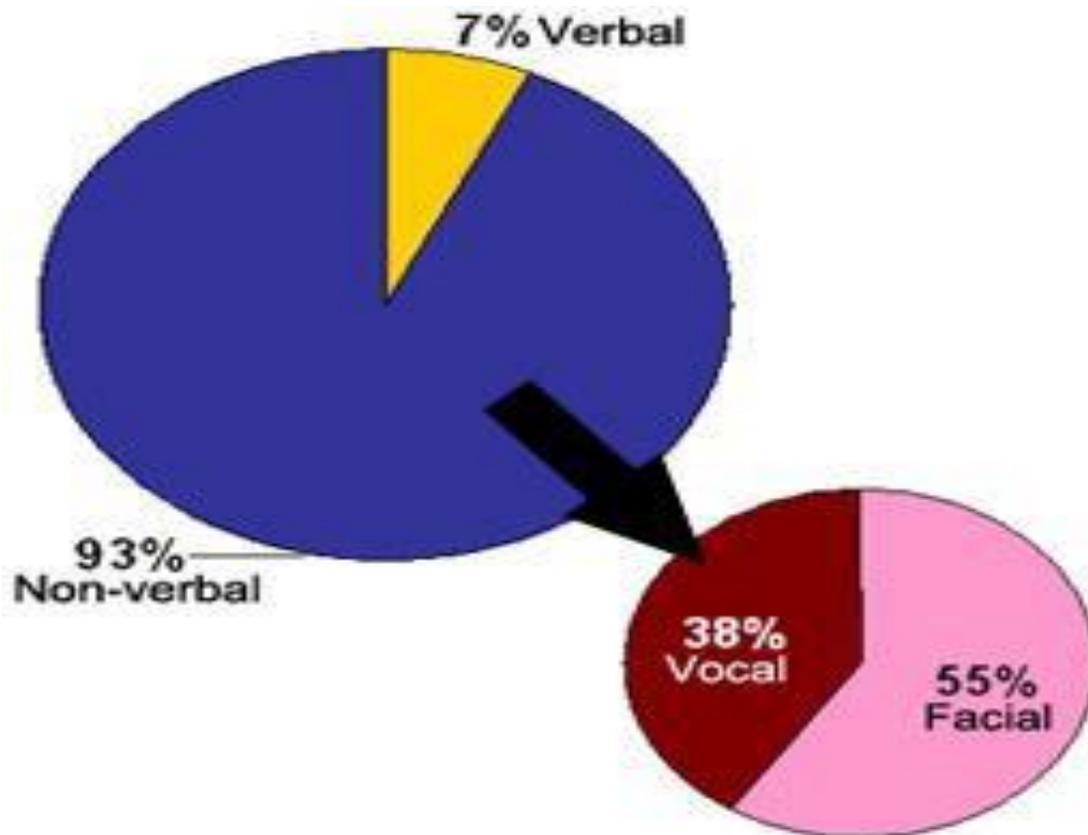
When observing any situation involving victims of crime, a provider needs to be aware of the entire situation (e.g., is the situation safe? Is the victim coping enough to function?). Much of the information a service provider receives will be through nonverbal communication.

Nonverbal Communication

The words we use are only a small percentage of communication. As Exhibit 6-1 shows, only about 7 percent of all communication is verbal; of the remaining 93 percent, 38 percent is vocal and 55 percent is facial (Mehrabian and Ferris, 1967; Ekman and Friesen, 1969). Nonverbal behavior can communicate respect and concern and can increase both your comfort level, as well as the victim's comfort level.

EXHIBIT 6-1

VERBAL AND NONVERBAL COMMUNICATIO



Nonverbal communication is important because:

- It affects how we understand others and how they understand us.
- Sometimes there are differences or inconsistencies between verbal communication and nonverbal expression. Victim service providers need to be aware of these inconsistencies in themselves as well as in others.

NONVERBAL COMMUNICATION:

Physical space. This describes the specific amount of space with which an individual finds a comfort zone. A person's culture often dictates a preference for less or more space, which can also be affected simply by the impact of victimization.

Many victims prefer a bit of physical space between themselves and the person to whom they are talking. The range of victims' comfort zones can be easily accommodated by having a narrow desk or table that provides clear space but that can be easily be reached across should it be warranted. Many victim advocates and counselors also use chairs on rollers so they can easily move closer to the victim.

Personal touch. A general rule of victim assistance is never to touch a victim unless the victim specifically invites such a gesture, either by physically reaching out to the advocate, putting his or her hand forward, or offering some other clear physical invitation that personal touch is acceptable and even desired.

Culture weighs heavily on a person's comfort with personal touch. For example, many Asian cultures consider personal touching to be aggressive behavior and an invasion of personal space.

Through body language, an advocate can make a victim aware that personal touch is available but only if the victim so desires. A firm and warm handshake upon greeting, physically leaning forward while speaking, and having one or both hands on the table slightly extended forward are all clear nonverbal signs that if the victim wants to initiate personal touch, it will be accepted and welcomed by the advocate.

Position of the bodies and body orientation. Proximity between a victim and advocate is critical to successful communications, both verbal and nonverbal. The most important rule is to seek mutual positions where eye contact, if warranted, can be easily achieved horizontally without either party having to look up or down. A victim should always be given the choice to sit or stand and, if he or she prefers to sit, the option of choosing the seat.

The advocate's physical position (or posture) should promote a clear interest in and receptivity to what the victim is doing or saying. This can include sitting up straight but slightly leaning forward and having one's hands slightly forward in a comfortable position, either on one's lap or on a table.

If a victim is uncomfortable with his or her proximity to the advocate, the advocate can look for physical signs of discomfort or distress: movement of the legs; finger tapping; physical rocking of the body; attempts to create greater physical distance, or aversion of the gaze or direct eye contact. If distress is evident, the advocate can step back, lean back, or slightly move his or her chair back.

Eye contact. A victim's preference or disdain for direct eye contact can be based on personal upbringing and mores, cultural nuances, or simply the emotional impact of victimization, which sometimes precludes direct eye contact in nonverbal communications. While eye contact often helps facilitate effective communications and expresses a strong interest in what the other person is saying, it can also be a strong barrier to personal communications with victims who are uncomfortable with direct eye contact. One effective approach to determining the parameters of direct eye contact is to look in the direction of the victim's upper body and/or head without forcing direct eye contact. This sends a nonverbal signal that it is within the victim's control to initiate direct eye contact, if desired.

Facial expressions. With human beings, the face is more highly developed and capable of expression than in animals, which can be a benefit or a barrier to effective communications. Some people tend to become creatures of habit with their facial expressions, habitually developing clear, distinct looks for shock, distress, frustration, and disbelief, as well as for empathy and understanding. Victim advocates can benefit from practicing their facial expressions in the mirror or videotaping themselves in an exercise with another advocate who plays the role of a victim. Either approach promotes self-examination and critique that can eliminate any inappropriate facial expressions and allow practice of expressions that denote respect, empathy, or attention to what is being said.

Gestures. While many hand gestures are culturally driven, some are universally accepted as signs of welcome and respect. For example, holding your hands vertically, facing slightly upwards, shows that you welcome and embrace two-way communications. Holding your hands parallel to your chest, raised upward and slightly forward, emphasizes a point from either the speaker or listener. And the simple act of leaning forward with your hands on your lap or on the table says, "I'm listening to what you're saying."

Appearance. Victim advocates should always strive to look professional, regardless of the work environment. Whether dressed up or completely casual, it's always important to appear professional. This requires attention to details in clothing and basic matters of hygiene, such as clean teeth and fresh breath, manicured hands, neat hair, and clean clothes that are not wrinkled

Asking Open-Ended and Closed-Ended Questions

Asking questions is often the best way to assess a victim's needs. Questions let the victim know that you are interested in helping him or her, and they involve the victim in his or her own assessment. This tends to build the connection with the victim that is so critical to the victim service provider's ability to do his or her job and to the healing process for the victim. Because the objective of asking questions is to *gather information* relevant to assessing the situation and *respond to the needs of the victim*, care must be taken to ask the type of questions that illicit the most information. In these circumstances, it is highly inappropriate to ask questions simply out of curiosity.

There are two types of questions: close-ended and open-ended. Both are useful if victim service providers understand what each is and how each is used to obtain the information they are seeking.

Close-ended questions typically require a brief "yes" or "no" response and are best used to find out a specific piece of information or to clarify a specific point of discussion, but rarely anything more. They can also be used to minimize the discussion and focus on a specific fact. Examples of close-ended questions include:

- "Are you in a safe place?"
- "Do you want me to call anyone for you?"
- "Would you like something to drink?"
- "Would you like to attend the parole hearing?"
- "Would you like help filling out the application for victim compensation?"

Open-ended questions cannot be answered with a "yes" or "no" response. They allow the victim assistance provider to get more information and to expand the discussion. Open-ended questions also require the victim to offer a more thorough response that requires deeper consideration and thinking. Typically, they begin with how, when, what, where, why, or with tag lines like, "Tell me about . . ."

A word of caution: questions beginning with "why" tend to denote judgment, so it is best to avoid them when working with victims

Open-ended questions encourage victims to take the lead in the conversation, to talk about what is important to them, and to share important information. Allowing the victim to take the lead tends to help build trust and rapport because it demonstrates an interest in the victim. Examples of open-ended questions include:

- "How safe are you feeling now?"
- "What would you need to feel safe right now?"
- "Is there anything else you can tell me?"
- "What special concerns do you have that I can help you address right now?"

While observing and carefully asking questions, the responsibility of the service provider is to:

- Elicit information that assesses the victim's primary needs/ concerns and help develop an appropriate and effective case plan.
- Provide victims of crime with a measure of safety and security.
- Allow victims to ventilate and have validate their experiences.
- Assist primary and secondary victims to stabilize their lives after victimization.
- Help victims to understand and access supportive services to can help them cope in the aftermath of victimization.
- Help victims to understand and participate in the criminal or juvenile justice system.

The victim service provider must be able to quickly assess the situation and the victim's needs in order to determine the appropriate course of action to meet those needs, which may include safety and security for the victim and family members, medical care, mental health counseling, family assistance, applications for victim compensation, emergency housing, transportation, translators/interpreters, child care, victim/witness protection, information, or other services.

Some factors for the victim service provider to consider are:

- Is the victim stable? What is the victim's:
 - Emotional state?
 - Current sense of safety and security?
 - Ability or capacity to cope?
 - Current level of functioning?
 - What does the victim need?
 - What basic services does the victim need help getting?
 - Does the victim have a social support system?
- * If "yes," the service provider and victim can work together to engage the victim's support system, if needed and with approval from the victim.
- * If "no," the service provider can help the victim develop a social support system through referrals for services, mental health interventions, and victim support groups.

Communication with Children

- Realize that children tend to regress emotionally during times of stress and act younger than their age. For example, eight-year-old child victims may suck their thumbs.
- Use language appropriate to the victim's age and cognitive development and the language that the child victim has used. For example, use the language a child sexual assault victim has used to describe what happened to him or her. Avoid baby talk.
- Because young children often feel they may be blamed for problems, assure preschool and elementary school-age children that they have not done anything wrong and they are not in trouble.
- Be consistent with the terms you use, and repeat important information often.
- Ask open-ended questions to make sure child victims understand you.
- Use care in discussing sexual matters with preadolescent and adolescent children, as their embarrassment and limited vocabulary can make conversation difficult for them. At the same time, do not assume that victims, including elementary school-age children, are as knowledgeable about sexual matters as their language or apparent sophistication might indicate.
- Maintain a nonjudgmental attitude and empathize with young victims. Because elementary school-age children are especially affected by praise, compliment them frequently on their behavior and thank them for their help.
- Remember the limited attention span of children. Be alert to signs that victims are feeling tired, restless, or cranky. When interviewing preschool-age children, consider conducting a series of short interviews rather than a single, lengthy one. Also, consider postponing the interview until the victim has had a good night's sleep. However, do not wait too long before interviewing preschool-age children, because victims at this age may have difficulty separating the events of the victimization from later experiences.
- Encourage preschool-age children to play, as it is a common mode of communication for them. You may find that as children play, they become more relaxed and thus more talkative.
- Limit the number of times that child victims must be interviewed. Bring together for interviews as many persons from appropriate public agencies as possible, including representatives from the prosecutor's office, child protective services, and the medical/health care community.
- Include victims, whenever possible, in decision making and problem-solving discussions. Identify and patiently answer all their questions. You can reduce victims' insecurity and anxiety by explaining the purpose of your interview and by preparing them, especially elementary school-age children, for what will happen next.
- Show compassion to victims. Children's natural abilities to cope are aided immensely by caring adults.
- In sexual abuse cases, although the immediate victim is the child, do not forget to comfort the non-offending parent(s). Provide referrals regarding how they can cope and what they can expect, as well as suggestions on how they can talk to their child.
- Use professionals such as forensic interviewers and other child advocates from local child advocacy centers. Information about more than 500 Children's Advocacy Centers is available from the National Children's Alliance at: www.nca-online.org/pages/page.asp?page_id=4028

Written Resources for Crime Victims

It is important for agencies and organizations that serve victims to have written resources readily available that are clear, concise, and easy to understand. Written resources include forms, brochures, fact sheets, and other materials that are available in both paper and electronic formats (on Web sites and through list servers and discussion groups).

When providing victims with written resources, it is important to recognize that they may not read them immediately; even if they do, their level of trauma may prevent them from fully comprehending the written word. It is essential to explain the contents of all written resources verbally and to follow up with victims to see if they have any questions or require additional explanation or information.

Some basic guidelines for developing written resources include the following:

- The resources should be written at a sixth-grade level.
- Avoid jargon or acronyms that are confusing to victims.
- It is helpful to have available:
 - * A list of “Frequently Asked Questions” (and answers) that contains basic information that correlates to victims’ most common concerns.
 - * A description of criminal or juvenile justice processes, as well as the range and types of victim assistance services that are available.
 - * A glossary of terms that explains terminology, jargon and acronyms most commonly used in victim assistance and justice processes.
 - * Written materials that include a list of toll-free telephone numbers for victim assistance and Web sites that victims can access to obtain more information.
 - * Efforts should be made to provide written resources in the languages that are most prevalent in an organization’s community, as well as in Braille.

The victim service provider works foremost to lessen the impact of the victimization by identifying the needs of victims and their families and helping them meet those needs. To achieve this, an accurate assessment must be made of the victim’s safety, functionality, and coping skills. Observing nonverbal cues and assessing the victim’s physical environment are important ways of gathering information, however much of the information will be obtained through asking effective questions.

Good communication and assessment skills, as they apply to victim services, are learned over time. Every situation, every crime, and every crime victim is different. As long as the victim service provider’s goal is to assist the victim and to ensure that victims’ rights are enforced so that the victim can move toward healing, the victim service provider’s skills will improve over time and with each victim encountered.

Effective written communication

- Inform the victim of how written communications will be delivered to them:
- Ensure that delivery of written information will not jeopardize the victim’s safety.
- Arrange for an alternate delivery address if there are any safety or privacy concerns.
- Describe or show the envelope in which such information will arrive so the victim will not fear or avoid opening it.
- Use the proper spelling of the victim’s name.
- Use clear, concise words, and avoid technical jargon.
- Provide an appropriate level of detail. Too little information is not useful, while too much information can lead to confusion.
- End each written communication by providing your contact information for further assistance and by thanking the victim.
- With e-mail communications, it is important to maintain the same level of formality and professionalism that is used for other forms of written communication.

Effective Telephone Communication

Many communications with victims occur by telephone or in writing through mail or e-mail. Techniques for effective telephone communications include the following:

- Use a proper greeting to the victim, asking how he or she would like to be addressed.
- Maintain a friendly, calm tone of voice.
- Listen without interrupting or assuming you know what the victim is going to say.
- Do not attempt to multitask. Give the victim your full attention.
- Check to make sure you clearly understand the victim's key concerns or problems.
- Ask questions for clarification.
- Provide as much detail as the victim requires.
- Avoid technical jargon.
- Match the victim's communication style in tempo and tone.
- Give the victim choices of several actions or solutions and help him or her understand possible outcomes or consequences of those choices.
- Close the conversation by asking if anything further can be done.

Thank the victim for taking time to speak with you.

SELF-CARE

SELF-CARE

Self-Care is essential to keeping you, as a victim advocate happy and healthy and assisting you in avoiding issues with burn-out or vicarious or secondary trauma. Working with crime victims every day can be stressful. Listening to victims' recount traumatic events may cause psychological consequences. It is important that you have a plan for self-care and allow supportive supervisors, co-workers and as appropriate family and friends to help when you are feeling emotionally fatigued.

General Guidelines for Self-Care

- Tune into your own issues and vulnerabilities, for example, what might trigger your strong emotional reactions.
- Be aware of your physical, emotional, behavioral and psychological reactions to stress. When you feel them take a break. If you cannot take a break, remember to breath.
- Set boundaries. Balance work, family, play and spiritual renewal Seek supervision Access your support system. Ask for help/counseling when you need it.

Reactions to be Aware of:

Physical Reactions

- * Sleep or appetite disturbance
- * Muscle tensions or aches
- * Stomachaches
- * Headaches
- * Sexual Difficulties
- * Fatigue/ lack of energy

Psychological Reactions

- * Recurrent dreams/ Nightmares
- * Intrusive Imagery
- * Flashbacks
- * Cynicism
- * Shift in worldview- change in how you feel about yourself, others or the world,

Emotional Reactions

- * Feeling of incompetence
- * Loneliness
- * Depression
- * Homelessness
- * Anxiety
- * Sadness
- * Grief
- * Fear
- * Rage
- * Feeling overwhelmed
- * Feeling detached

Behavioral Reactions

- * Withdrawal from support systems
- * Withdrawal from work
- * Over involvement in work
- * Difficulty balancing
- * Work and personal life

Safety in the Workplace

We routinely consider the safety of the victims we work with, but often do not pay attention to our own need for emotional, verbal and a feeling of safety. Advocates should be aware of their own need to feel safe and take the necessary steps to ensure a feeling of safety. You should feel comfortable telling your supervisor if a situation challenges your ability to feel safe and brainstorm ways to increase your feeling of safety. Suggestions for creating physical include devolving a buddy system with other advocates, meeting victims in only public places of your choosing, asking for law enforcement's assistance and ensuring that your supervisor is aware of your location.

Ways to address your emotional safety include:

- Regulating the victims, you see in a day, if possible.
- Asking for help. No one expects you to do everything but sometimes you have to ask for assistance.
- Taking breaks during the work day. Try not to work over lunch and take additional small breaks throughout the day. "Care for *yourself*" during the day, not just at the end of the day!
- Setting realistic goals for yourself.
- Seeking and attending training to get out of the office, meet new people, and learn new skills, concepts and attitudes.
- Changing your routine, do something outside of your typical job descriptions which still supports victims and the mission of your agency, like public speaking or attending meetings.

RESILIENCE

The term resilience focuses on positive adjustment under challenging conditions—a process of specific attitudes, behaviors, and skills that can be learned. Resilience is defined as the power to cope with adversity and adapt to challenges or change. Developing resilience is a practice that victim advocates can use to care for themselves as well as to assist the victims they work with to develop.

Resilience can be developed through attention to external supports (organizational and community resources), inner strengths (individual personality characteristics), and learned skills (coping skills). Developing these resilience elements works synergistically—meaning that improvement in one element is likely to affect improvement in the others, and vice versa.

The characteristics of resilience listed below summarize current resilience theory and research into five core elements:

1. Self-knowledge and insight.
2. A sense of hope.
3. Healthy coping.
4. Strong relationships.
5. Personal perspective and meaning.

Each of these five core elements of resilience has distinct components that are presented with specific strategies for providers to foster personal, professional, and organizational resilience in supporting crime victims. While most of these strategies are research-based, some are derived from the collective common-sense wisdom and experience of victim service providers and leaders in the field.

1. Self-Knowledge and Insight

The core trait of self-knowledge and insight simply means knowing who you are. It is having a clear sense of what you believe and how you feel rather than trying to be what others want you to be. It includes identifying your strengths and weaknesses—where you are successful and where you could use some help. Having insight into why you were drawn to victim assistance work helps you accept its challenges and motivates personal and professional growth. Both program directors and direct practitioners have identified insight or self-awareness as the top-ranked contributor to optimal functioning. Gaining strength in self-knowledge and insight includes:

- Building self-esteem (Flach, 1990; Wolin and Wolin, 1993; Norcross, 2000; Waite and Richardson, 2004).
- Developing a strong inner locus of control (Linley, 2003; Linley and Joseph, 2004; Waite and Richardson, 2004).
- Becoming more independent (Flach, 1990; Wolin and Wolin, 1993; Trine, 2004).

Eight Strategies to Develop Self-Knowledge and Insight

1. Explore your motivations for working with victims of crime. Identify your own strengths and challenges.
2. Identify themes (triggers) associated with discomfort.
3. Clarify your and your organization's goals, mission and boundaries.
4. Know your code of ethics.
5. Recognize your limits of control – knowing that you cannot control everything.
6. Get adequate training.
7. Individualize services to each victim – consider each victim's needs on an individual basis

2. A Sense of Hope

Operating with a sense of hope means that, in most cases, you believe that situations can get better. A positive outlook—belief that the future will be better than the present or past—is a trait strongly associated with resilience (Flach, 1990) . If you operate out of a sense of hope, you recognize the difficulty of the experiences of the victims you serve, yet you maintain a positive view of the challenges of life (Calhoun and Tedeschi, 1998). In Werner’s studies of resilient children, hope was the key factor in whether a child would break out of an unhealthy living environment and become a stronger person (Werner, 1982). Operating with a sense of hope includes being optimistic (Linley and Joseph, 2004) and strengthening one’s sense of humor and ability to have fun.

Eight Strategies to Develop a Sense of Hope

1. Develop opportunities to succeed.
2. Practice gratitude.
3. Change or expand your job description.
4. Give praise.
5. Diversify client types.
6. Seek advanced professional development.
7. Decorate your office,
8. Find appropriate ways to have fun.

3. Healthy Coping

Healthy coping, another key in fostering resilience, means moving beyond attitudes and feelings to deliberately putting skills and abilities in action to balance the negative aspects of your work with positive activities. It means paying attention to your physical, emotional, mental, and spiritual needs and doing something about them. Healthy coping strategies include building on skills and abilities, planning, and addressing negative feelings proactively.

Eight Strategies to Develop Healthy Coping

1. Learn to identify your physical stress reactions.
2. Balance your life.
3. Get adequate sleep.
4. Develop calming and modulation techniques.
5. Change the pace.
6. Assess safety in your workplace.
7. Use regular supervision.
8. Use technology and resources wisely.

4. Strong Relationships

Resilience rests on relationships. The desire to belong is a basic human need, and positive connections with others lie at the very core of psychological development. Building personal networks of support reduces isolation. People in supportive and loving relationships are more likely to feel healthy, happy, and satisfied with their lives and less likely to have physical or emotional difficulties (Pavot et al., 1990).As a victim service provider, it is crucial for you to feel that you are part of an extended social network at home, at work, and in the community. You can enhance relationships by learning to identify obstacles to effective communication and communicate more effectively. Your relationships will also be strengthened as you become more responsible, flexible, and dependable. Strong relationships are fostered by developing close attachments to others and learning to seek support when needed.

Eight Strategies to Develop Strong Relationships

1. Enhance communications skills.
2. Learn boundaries of confidentiality.
3. Collaborate.
4. Discuss cases within the boundaries of confidentiality.
5. Seek inclusivity and diversity.
6. Foster a team approach.
7. Address conflict resolution proactively.
8. Strive to be genuine, empathetic and warm.

5. Personal Perspective

Recognizing or acknowledging the personal meaning you attach to your work helps you remain more consistently resilient. Personal perspective means identifying your personal points of view and weighing the costs and losses associated with victim services work. These personal perspectives evolve over time as life experiences shape us. Using your personal perspective to enhance resilience includes cultivating your individual morality and integrity into your work (Flach, 1990), exploring spirituality in yourself and the victims you serve (Flach, 1990; Lanning, 1987; Linley and Joseph, 2003), and developing a coherent meaning for life (Linley and Joseph, 2004; Tugade et al., 2004).

Eight Strategies to Develop Personal Perspective

1. Assess your personal values.
 - a. What has been meaningful and helpful to you as you have tried to live with your victimization?
 - b. What has strengthened you as you have dealt with this?
 - c. What kinds of support systems are helping you?
2. Integrate new understandings of your work – create or discover meaning in your work that may not have been readily apparent at first.
3. Assess your perspective of suffering and justice to stimulate growth into more mature beliefs that can help you.
4. Question old beliefs.
5. Foster altruism – practice kindness.
6. Engage in social activism.
7. Include spirituality in assessment of victims' strength. Without using religious language, you may ask questions like the following:
 - * What has been important to you in your life?
 - * What has been meaningful and helpful to you as you have tried to live with your victimization?
 - * What has strengthened you as you have dealt with this?
 - * What kind of support systems are helping you?
8. Act coherently with your values.

References –Resilience

Harris-Lord, J. and O'Brien, K., 2010. Chapter 10: Developing Resilience in *National Victim Assistance Academy Track 1 Participant Text* 10(1)-10 (38). Retrieved March 1, 2011 from [https://www.ovcttac.gov/ views/Training Materials/NVAA/dspNVAACurriculum.cfm](https://www.ovcttac.gov/views/TrainingMaterials/NVAA/dspNVAACurriculum.cfm)

Calhoun, L. G., and R.G. Tedeschi. 1999. *Facilitating Posttraumatic Growth: A Clinician's Guide*. Mahwah, NJ: Lawrence Erlbaum.

Flach, F. 1990. "The Resilience Hypothesis and Posttraumatic Stress Disorder." In *Posttraumatic Stress Disorder: Etiology, Phenomenology, and Treatment*, eds. M. E. Wolf and A. D. Mosnaim. Washington, DC: American Psychiatric Press, 36–45.

Lanning, J. 1987. "Post trauma Recovery of Public Safety Workers for the Delta 191 Crash: Debriefing, Personal Characteristics, and Social Systems." Unpublished manuscript.

Linley, P. A. 2003. "Positive Adaptation to Trauma: Wisdom as Both Process and Outcome." *Journal of Traumatic Stress* 16 (6): 601–610.

Linley, P.A., and S. Joseph. 2003. "Trauma and Personal Growth." *The Psychologist* 16 (3):135.

Linley, P. A., and S. Joseph. 2004. "Positive Change Following Trauma and Adversity: A Review." *Journal of Traumatic Stress* 17 (1): 11–21.

Norcross, J. C. 2000. "Psychotherapist Self-Care: Practitioner-tested, Research-informed Strategies." *Professional Psychology: Research and Practice* 31 (6):7028–7035.

Pavot, W., E. Diener, and F. Fujita. 1990. "Extraversion and Happiness" *Personality and Individual Differences*. 11: 1299–1306.

Trine, W. 2004 "How Can Young People's Resilience Be Enhanced? Experiences from a Clinical Intervention Project." *Clinical Child Psychology and Psychiatry* 9 (2): 167–183.

Tugade, M. M., B.L. Frederickson, and L.F. Barrett. 2004. "Psychological Resilience and Positive Emotional Granularity: Examining the Benefits of Positive Emotions on Coping and Health." *Journal of Personality*. 72 (6) : 1161–1190.

Waite, P. J. and G.E. Richardson. 2004. "Determining the Efficacy of Resilience Training in the Work Site." *Journal of Allied Health* 33 (3): 178–183.

Werner, E. 1982. *Vulnerable but Invincible: A Longitudinal Study of Resilient Children and Youth*. New York: Adams, Bannister, and Cox.

Wolin, S. J. and S. Wolin. 1993. *The Resilient Self: How Survivors of Troubled Families Rise Above Ad*

PDAI gratefully acknowledges the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, for allowing us to reproduce, in part or in whole, the participant's text from the August 2010 National Victim Assistance Academy Track 1: Foundational Level Training, Chapter 10: Developing Resilience released in 2010. The full text is available online by visiting the OVC TTAC Web site at [www.ovcttac.gov/ views/TrainingMaterials/NVAA/dspNVAACurriculum.cfm](http://www.ovcttac.gov/views/TrainingMaterials/NVAA/dspNVAACurriculum.cfm).

**OFFICE OF THE PENNSYLVANIA
VICTIM ADVOCATE
Jennifer Storm, PA Victim Advocate**

Address Confidentiality Program (ACP)

The Address Confidentiality Program (ACP) is administered by the Office of the Victim Advocate (OVA) and provides an important service to victims of domestic violence, sexual assault or stalking. The program has two basic parts. First, the ACP provides a substitute address for victims who have moved to a new location unknown to their perpetrator. The second part of the program provides participants with a free first-class confidential mail forwarding service. The ACP is not for everyone. Victim service professionals from domestic violence, sexual assault or a victim service programs assist victims to determine if ACP is right for a victim as part of their safety plan. Participants do not apply directly to the ACP. Application is made in person at a local domestic violence, sexual assault or victim service program. The application process involves meeting with a victim service professional who helps the participant determine whether ACP should be a part of the participant's overall safety plan, explains the program services, explains the participant's responsibilities and assists with the completion of the application materials. For assistance or additional information: call 800.563.6399 or TTY 877.349.1064

Dialogue Program for Victims of Violent Crime

It is not unusual for crime victims or family members to have unanswered questions even after the offender's trial and sentencing are completed. Some victims want to ask these questions directly to the offender who committed the crime against them or their family. Victim Offender Dialogue is a way of bringing a victim and offender together for a face-to-face meeting, in the presence of a trained unbiased mediator. The practice is also known as victim offender mediation, victim-offender reconciliation, or restorative justice dialogue. This can be an opportunity for the victim to ask questions about the crime, tell the offender how the crime affected their lives and to express their feelings directly to the offender. Furthermore, the process empowers the crime victim to hold the offender directly accountable. The offender may also benefit by being able to accept responsibility and recognize the real persons that they have affected. The process includes extensive preparation for both the victim and offender by trained volunteers to help prepare both parties for meeting. If you are interested in learning more about this OVA program, please contact OVA at 1-800-322-4472

To learn more contact the [Office of the Victim Advocate](#) at (800) 322-4472, (800) 563-6399, or (877) 349-1064 (TDD) during regular business hours.

The Criminal Justice System

PROVIDING LEGAL ADVOCACY VERSUS PROVIDING LEGAL ADVICE

Providing court advocacy to crime victims can be complicated by unauthorized practice of law (UPL) statutes. All states have laws that limit the practice of law to licensed attorneys, but courts differ widely in how they enforce the law. Generally, the courts look at UPL in terms of harm caused by the practice of law by an unlicensed person. Many victims including victims of domestic violence pursue cases in court for custody and restraining orders without the services of a lawyer, and advocates often find themselves walking a fine line between assisting victims throughout the court process and UPL. Victim service professionals can provide information, offer support and make referrals to appropriate resources. As an example, victim assistance providers can give a tour of the courtroom and explain what typically happens in court but need to avoid giving any legal advice to clients. No matter what organization you are part of, your role is to advocate on behalf of victims, **not** to provide legal advice.

While not directly related to the field of victim advocacy, the Pennsylvania Supreme Court has stated, we find the aspect of the practice of law that includes the instruction and advising of persons with respect to the law so that they are cognizant of their rights and responsibilities and the related holding oneself out to the public as competent to exercise legal judgment to be particularly relevant to the circumstances in this case. The core element of practicing law is the giving of advice to a client and placing of oneself in the very sensitive relationship wherein the confidence of the client, and the management of his affairs, is left totally in the hands of the attorney. The undertaking to minister to the legal problems of another creates the attorney-client relationship without regard to whether the services are actually performed by the one so undertaking the responsibility or are delegated or subcontracted to another. Similarly, when a person represents to the public that he has the competence to analyze legal problems and the required qualifications to represent clients, and that person is not adequately trained or regulated, the dangers to the public are manifest.

***Office of Disciplinary Counsel v. Marcone* 579 Pa.1, 855A2d. 654 (2004)**

Learning and using the following phrases will assist you in avoiding the practice of giving legal advice:

- I cannot tell you what to do, but some of your options are....
- I cannot predict what will happen in your case, but the usual process is....
- I know that none of these choices are what you want, but which option will move you closer to what you need?
- I can never guarantee what the judge/police/social services will do, but what usually happens is....
- It has been my experience that others in similar circumstances to yours have done.... but you will need to decide what works best for you.

If you find yourself saying, “you should”, “what will work is,” or “if I were you,” stop and rephrase your thought in a way that gives the choice/responsibility to the client

**PROVIDING LEGAL ADVOCACY VERSUS PROVIDING LEGAL ADVICE
(continued)**

Legal Advocacy Roles and Activities

Victim Advocates Can:	Victim Advocates Cannot:
Provide information contained in docket reports, case files, indexes, and other reports.	Disclose the outcome of a matter submitted to a judge for decision until the outcome is reflected in a court document.
Answer questions concerning court rules, procedures, ordinary practices, and the types of legal actions that can be pursued.	Answer questions regarding the merits of a victim's case or regarding the types of legal actions that the victim should pursue based on particular circumstances.
Provide examples of forms or pleadings for the guidance of victims.	Draft or prepare forms or pleadings for victims.
Explain how cases are generally managed.	Explain how <i>this</i> case will be managed or give an opinion as to what will happen if the victim goes to court.
Explain requirements to have PFA petition considered by court.	Tell a victim whether or not to file for a PFA or recommend a specific course of conduct.
Provide legal definitions.	Give legal interpretations.
Provide procedural definitions.	Give procedural advice.
Provide guidance on how to compute due dates and deadlines.	Speculate as to when a judge will make a decision on a particular matter.
Identify which court forms might meet a victim's needs.	Suggest that a victim use a particular form, unless it is a court – approved form (e.g. the standard PFA form).
Provide guidance on how to complete court forms (where to write information).	Answer questions on how to phrase particular responses on forms.
Tell victims where they can get assistance filling out court forms or other legal documents, or assist in completing forms by reading aloud the question, defining unfamiliar terms, explaining where on a form to provide specific information, and filling in the blanks on a court form (on paper or on a computer screen) as directed by the victim. (Must write the victim's exact words)	Tell or suggest the exact answers victims should give to fill in a court form (on paper or on a computer screen) or interpret the meaning of court rules, laws or ordinances.
Read court or lawyer—approved forms and instructions to a victim.	Change the forms or instructions and give or read the modified forms or instructions.

**PROVIDING LEGAL ADVOCACY VERSUS PROVIDING LEGAL ADVICE
(CONTINUED)**

Legal Advocacy Roles and Activities (continued)

Victim Advocates Can:	Victim Advocates Cannot:
Suggest that a victim contact a lawyer and provide them with referrals to legal aid or other legal resources.	Suggest a specific attorney or refer to a specific attorney.
Provide copies of requested rules, laws, and ordinances, or show or tell people where copies of rules, laws or ordinances can be found.	Interpret the meaning of rules, laws, or ordinances for a party or victim.
Educate yourself on laws that impact victims by researching rules, laws or ordinances.	Research which rules, laws or ordinances apply in a particular victim's situation, and explain those rules, laws, or ordinances to that victim.
Give someone the statutory definitions of "domestic violence" or "family or household members".	Advise someone is to whether s/he falls within the definition of a "family or household member" or whether certain conduct falls within the definition of "domestic violence".
Tell a party how the judge hearing the case has ruled in past cases.	Predicting the likelihood of a judge's ruling based upon the facts of their particular case.
Educate oneself on domestic violence and other laws by researching and reading cases.	Research cases and interpret or explain those cases to a victim, or advise a victim as to how to apply those cases to that victim's facts.
Provide community education, operate a website or otherwise provide general legal information on laws and remedies to the general public.	Give legal advice to a specific victim that is tailored to the victim's needs.
Provide victims with basic information about the existence of legal rights and remedies.	Provide any advice relating to a specific victim's legal rights or remedies.
Provide victims with basic information about the manner in which judicial proceedings are conducted.	Provide information as to how to present a case, call witnesses, introduce evidence and the like.
Sit with a victim at a trial table, if permitted by the court, and accompany the victim to court.	Present oral or written arguments to the court.
Engage in the general advocacy of the rights of victims as a group.	Engage in advocacy before any court on behalf of a specific victim.

Smalz, Michael. (2010) "Unauthorized Practice of Law." *Excellence in Advocacy: A Victim – Centered Approach*, 8-12.
 Pennsylvania District Attorneys Institute gratefully acknowledges the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, for allowing us to reproduce, in part or in whole, the training module entitled Ethics in Victim Services [OVC Grant No. 95-MU-GX-K002 SUP 7]. The full text is available in print or online by visiting the OVC TTAC Web site at www.ovcttac.gov.

OVERVIEW OF PENNSYLVANIA'S COURTS

Minor Courts

Minor courts, or special courts, are the first level of Pennsylvania's judiciary. These courts are presided over by magisterial district judges (MDJs) and municipal court judges. MDJs do not have to be lawyers, but they are required to pass a qualifying exam. Philadelphia Municipal Court General Division judges need to be lawyers, but Traffic Division judges do not. Each court has its own elected judges. In Allegheny County, the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges and the complement is included in the total of 526 MDJs.

Responsible for:

- Whether serious criminal cases go to the Court of Common Pleas
- Preliminary arraignments and preliminary hearings
- Setting and accepting bail, except in murder or voluntary manslaughter cases

Court of Common Pleas

The Courts of Common Pleas are the general trial courts of Pennsylvania. They are organized into 60 judicial districts. Most districts follow the geographic boundaries of counties, but seven of the districts are comprised of two counties. Each district has from one to 93 judges and has a president judge and a court administrator.

Responsible for:

- Appeals from the minor courts
- Appeals not exclusively assigned to another court
- Matters involving children and families
- Criminal and Civil Cases

The Superior Court

The Superior Court was established in 1895. It is one of Pennsylvania's two statewide intermediate appellate courts. The Superior Court is often the final arbiter of legal disputes. The Supreme Court may grant a petition to review a decision of the Superior Court, but most petitions are denied and the ruling of the Superior Court stands. Cases are usually heard by panels of three judges sitting in Philadelphia, Harrisburg or Pittsburgh, but may also be heard *en banc* by nine judges. The Superior Court often travels to locations throughout Pennsylvania to hear cases.

Responsible for:

- Appeals in criminal and most civil cases from the Courts of Common Pleas

The Commonwealth Court

The Commonwealth Court was established in 1968 and is unique to Pennsylvania. It is one of Pennsylvania's two statewide intermediate appellate courts. The Commonwealth Court is primarily responsible for matters involving state and local governments and regulatory agencies. It also acts as a trial court when lawsuits are filed by or against the Commonwealth. Cases are generally heard by panels of three judges in Philadelphia, Harrisburg and Pittsburgh, although, on occasion, they may choose to hold court in other locations. Cases may also be heard by a single judge or by *en banc* panels of seven judges.

Responsible for

- Original civil actions brought by and against the Commonwealth
- Appeals from decisions made by state agencies and the Courts of Common Pleas
- Appeals on matters involving children and families.

The Supreme Court

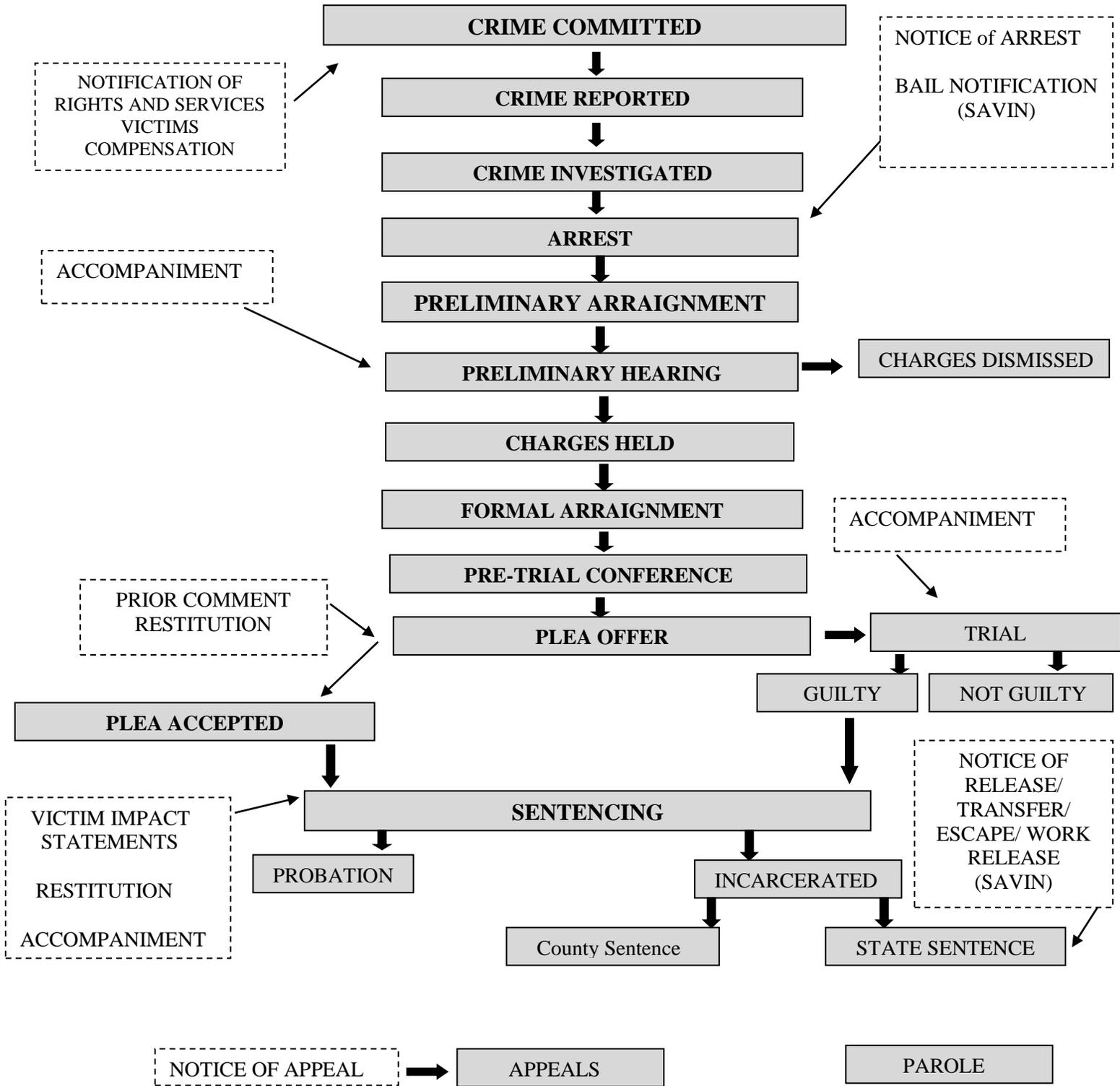
Dating to 1684, the Supreme Court is the highest court in the Commonwealth and the oldest appellate court in the nation. The Supreme Court's administrative powers and jurisdictional responsibilities are vested with the seven-member court by the Pennsylvania State Constitution and a collection of statutes known as the Judicial Code. Administratively, the courts within the Unified Judicial System are largely responsible for organizing their own staff and dockets; however, the Supreme Court has several committees and boards responsible for writing and enforcing rules for judges, attorneys, and litigants to ensure an efficient and fair judicial review. Annually, the seven justices receive over 3,000 requests for appellate review.

Most often, but not exclusively, the Court reviews:

- Requests for discretionary appeals from the Commonwealth Court and Superior Court
- Direct Appeals from a lower court's decision, including when a sentence of death is issued
- Requests to intervene in a lower court's proceedings
- Requests to deliver a body from illegal detention

Unified Judicial System of Pennsylvania: Learn a b o u t the Courts, accessed 14 April. 2015 at <http://www.pacourts.us/learn>

Pennsylvania Criminal Justice System Process and Victims Rights



Supporting a Victim Following a Verdict or Hung Jury

Preparing a victim for the verdict starts before the trial. Advocates should assist the district attorney in explaining the jury/ trial process. Highlight the positives of a trial including the fact that the case would not be going to trial if the district attorney's office and law enforcement did not support the victim and believe what happened was a crime. If the victim will be testifying, stress that the trial is their opportunity to tell their story. Remember, as always; make no promises that cannot be kept.

While you are highlighting the positives of a trial, it is also important to assist the victims in understanding jury verdicts in a criminal case must be unanimous and a not guilty verdict whether rendered by a judge or jury cannot be appealed. The issues which have resulted in the case going to trial as opposed to a guilty plea should also be explained. Issues may include but are not limited to: the defendant having nothing to lose by going to trial and deciding to take their chance with a trial; a legal argument regarding a particular charge or piece of evidence, or the defendant deciding to exercise the legal right to a trial.

While not always possible, it is important to advocate for the victim's presence in the courtroom as much as possible so they can witness the process and understand any issues that arise during the trial. If the victim is sequestered, it is important that the DA or someone else in the courtroom ensures the victim is informed about what is happening in the courtroom without revealing actual testimony. All victims, whether sequestered or not, should be encouraged to be in the courtroom for closings and the reading of the jury charges, if applicable. Attending these steps of the trial will assist the victim in understanding any issues that may have arisen during the trial as well as what the jury/ judge must consider while deliberating.

Before entering the courtroom for the verdict it is important to remind victims and their families as well as yourself of the appropriate courtroom demeanor regardless of the verdict. Outbursts are not permissible. The victim and their family members should have information about a safe place they can go following the verdict. Assure victims that this place will provide a safe area for the expression of all emotions. If this safe place is not established before the verdict it will be difficult to gather the victim and their family members following the verdict to provide support and assess their safety.

Do not forget to alert victims and their family if the press is covering the trial and ask them to decide before the verdict if they will be making a statement to the press. You can also suggest they prepare a written statement to be distributed to the press at a later date. If they decide they want to talk to the press, one person should be appointed as spokesperson. If victim or the family decides to talk to the press or issue a statement, the press should be informed and told if they give the victim and their family time immediately following the verdict, they will receive a statement from the family.

Following the verdict, it is important as victim advocates to remember the skills used every day to assist victims in regaining control and establishing safety. Remember to acknowledge their victimization and assure them the services you provide are not dependent on the verdict. Listen with belief, compassion, and patience. Remember all outcomes, whether guilty, not guilty, or hung can produce strong reactions in victims, reactions that may not appear immediately. It is important to check in with the victim in the days following the trial to offer support.

You may find the following analogy helpful: The trial and the verdict are only one chapter in the story. Although a guilty verdict may provide meaning and validity, it is not the closing chapter of the story. Only the victim and their family can write the final chapter.

Supporting a Victim Following a Verdict or Hung Jury

Following a verdict is important to assist victims to establish their physical, emotional and psychological safety.

Physical Safety:

Access supportive persons in the survivor's life – can they help?

Does the defendant or their family have access to the victim? What safety measures need to be taken? Does the victim and their family need an escort to their automobile or other mode of transportation?

Emotional Safety:

Reopening of wound.

Treatment history? Help them to remember what assisted their recovery in the past.

Assist victim in accessing supportive services.

Explain to victims that they have the power to decide when to share information to secure support and when to maintain privacy.

Boundaries and trust are very important- Must know they can continue to trust you, again do not make promises you cannot keep.

Psychological Safety:

Important to acknowledge victimization.

Ability to be safe with oneself.

To feel effective in the world.

To be able to exercise self-control.

To direct one's own attention and focus.

Remember to stay client focused, allowing the victim to make all decisions.

Also remember to acknowledge the time, effort, and emotions you have invested in the case.

After you have cared for the victim and their family, care for yourself.

**ETHICAL STANDARDS
FOR VICTIM SERVICES
PROGRAM STAFF**

ETHICAL STANDARDS FOR VICTIM SERVICES PROGRAM STAFF

This Code of Ethics was adopted by the Pennsylvania Commission on Crime and Delinquency (PCCD) in October of 2009 and is reprinted in its entirety from PCCD's Consolidated Victim Service Program Standards manual.

This Code of Ethics is intended to serve as a guide. This code represents standards of ethical behavior for all victim services program staff in the relationships they have with those they serve, with colleagues, with the agency, with other individuals, and with the community and society as a whole. This Code is based on fundamental values and principles that are the common ground victim services providers share. These values include commitment to services, the dignity and worth of the person, integrity, competence, social justice, confidentiality, self-determination and the importance of human relationships. This code does not represent a set of rules that will prescribe all the behaviors of people in the complexities of their lives. Rather, it offers general principles for the assessment and appraisal of situations that present ethical dilemmas, and guides the conduct of victim services program staff.

1. VICTIM SERVICES PROGRAM STAFF ETHICAL RESPONSIBILITIES TO CLIENTS

- 1.1 Commitment to Clients**
- 1.2 Self-Determination**
- 1.3 Information about Services**
- 1.4 Competence**
- 1.5 Cultural Competence and Social Diversity**
- 1.6 Conflicts of Interest**
- 1.7 Privacy and Confidentiality**
- 1.8 Sexual Relationships**
- 1.9 Physical Contact**
- 1.10 Harassment**
- 1.11 Continuity of Services**
- 1.12 Termination of Services**
- 1.13 Referral of Services**

2. VICTIM SERVICES PROGRAM STAFF ETHICAL RESPONSIBILITIES TO COLLEAGUES

- 2.1 Respect**
- 2.2 Confidentiality**
- 2.3 Disputes Involving Colleagues:**
- 2.4 Consultation:**
- 2.5 Referral for Services:**
- 2.6 Sexual Relationship:**
- 2.7 Harassment**
- 2.8 Unethical Conduct of Colleagues**
- 2.9 Impairment of Colleagues**
- 2.10 Incompetence of Colleagues**

Ethical Standards
(continued)

3. ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS

- 3.1 Client Records**
- 3.2 Assessment**
- 3.3 Supervision and Education**
- 3.4 Education and Training**
- 3.5 Commitments to Employers**
- 3.6 Administration**

4. ETHICAL RESPONSIBILITIES TO THE COMMUNITY/SOCIETY

- 4.1 Social Change**
- 4.2 Collaboration and Networking**

5. ETHICAL RESPONSIBILITIES AS PROFESSIONALS

- 5.1 Competence**
- 5.2 Discrimination**
- 5.3 Private Conduct**
- 5.4 Dishonesty, Fraud and Deception**
- 5.5 Impairment**
- 5.6 Misrepresentation**
- 5.7 Acknowledging Credit**

6. ETHICAL RESPONSIBILITY TO THE VICTIM SERVICES PROFESSION

- 6.1 Integrity of the Profession**
- 6.2 Evaluation and Research**

PUTTING ETHICS INTO PRACTICE

1. The Decision-making Process

Effective decision-making for victim service providers requires knowledge of the relevant ethical standards as well as practical considerations in making ethical decisions. The decision-making process can be organized into six basic steps:

1. Assess the facts. Review all relevant documents and legislation. Verify all sources of information.
2. Identify relevant standards and practical considerations. What ethical standards and corresponding practical considerations are in conflict?
3. Brainstorm at least three (preferably more than five) courses of action and consequences of each.
4. Consult your peers or your supervisor.
5. Choose the best option and act.
6. Evaluate: How can this situation be avoided in the future?

2. Common Ethical Issues

Common ethical issues victim assistance providers face includes boundary issues, multiple relationships, confidentiality, professional competence, and providing legal advocacy versus legal advice.

Boundary Issues and Multiple Relationships

If providers offer friendship (or love) to clients outside the purview of their duties, or if they exchange goods and services with a victim, then professional boundaries have been violated and a dual relationship has been created. In a counseling or advocacy relationship, the provider has professional influence over the victim. When a second or dual relationship is established, the provider's influence and the victim's subordination are generally replicated. The victim remains vulnerable to the provider's position of power, creating an unfair dynamic in the second relationship. This blurring of the boundaries between the primary and secondary relationships permits the abuse of power.

Victim assistance providers who enter into dual relationships with victims often rationalize their behaviors by asserting that the circumstances are unique or that they cannot serve the client without making efforts that exceed normal boundaries. However, regardless of these well-meaning intentions, crossing the boundaries of ethical practice creates a potentially exploitive situation for the victim and impairs the good judgment of the provider. Any time providers venture outside the boundaries established in the professional code of ethics, they do a disservice to the victim, who may ultimately experience distrust and anger.

If providers engage in dual relationships or have an inclination to do so, they should seek assistance in identifying their motivations and request intensive supervision of their interactions with victims. If necessary, they may need to leave their jobs until the ability to maintain boundaries has been reestablished.

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PUTTING ETHICS INTO PRACTICE (continued)

2. Common Ethical Issues (continued)

Confidentiality

Confidentiality is the foundation upon which trust in the provider-victim relationship is developed and nurtured. Serving victims often requires providers to become involved in private and personal areas of people's lives. Respecting the privacy of the victims served and keeping all aspects of the relationship confidential to the fullest extent are ethical standards that apply to every client served. Many providers are required to sign confidentiality agreements with their agencies and maintain the confidentiality of agency records, and are held accountable for adherence to the agency policy on confidentiality. However, confidentiality is not a guaranteed *right* in the field of victim services. Unlike other legal rights of confidentiality, such as the attorney-client privilege or the psychotherapist-patient privilege, there is not a commonly established right of confidentiality between victim service providers and their clients. Pennsylvania has extended the right of confidentiality to domestic violence and sexual assault victims who are working with domestic violence or sexual assault victim service providers. Even where the rule of confidentiality is established by state statute, there are situations in which confidentiality can, and even should, be broken. It is the provider's duty to inform a victim of these exceptions at the beginning of the relationship (except in extraordinary crisis situations). Possible exceptions to the right of confidentiality include the following:

- Emergency health issues (including death)—for example, information pertaining to the health of an individual in need of immediate medical intervention.
- Conditions relating to minor victims—for example, reports of imminent danger to the minor.
- Sharing of information among agency colleagues that extends the confidentiality clause to those privy to the information.
- When a confidential communication has raised a threat of imminent harm to either the client or a third party.
- Informed consent—a written release, signed by the victim, that permits providers to disclose written or oral communications to an individual or entity.
- Child and elder abuse. In Pennsylvania victim advocates are mandated to report child and elder abuse to child or adult protective services.
- When subpoenaed to testify in court.

Professional Competence

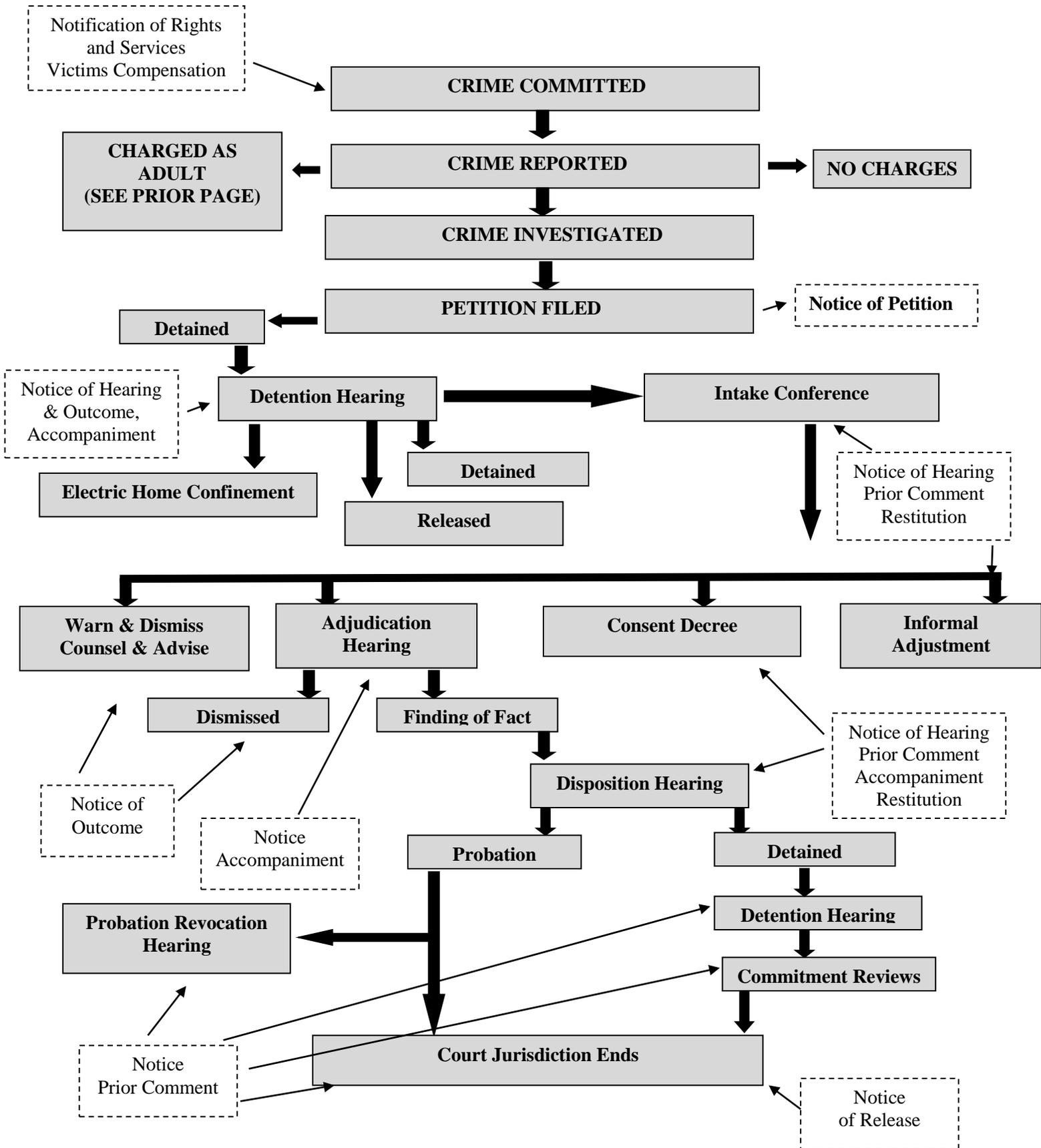
Victim assistance providers must keep informed of all new and pertinent developments within the field, including research findings, newly enacted statutory guidelines, and policy changes. Achieving and maintaining professional competence serve the interests of the victim, the field of victim services, and the victim assistance provider.

Demonstrating competence also means providers recognize when the need for supervision or other types of consultation arises. In serving the best interests of the victim, providers must stay within their clearly defined roles and responsibilities. If the victim's needs go beyond these particular roles and responsibilities, providers must make an outside referral. To do this, providers must be familiar with the resources of the community in which they work and have contacts within the allied professionals.

When a victim no longer benefits from the services the victim assistance provider has to offer or the services are no longer relevant to the victim's needs, the professional relationship should be terminated. The provider should prepare the victim for this eventuality, particularly if the victim is unusually vulnerable and derives a great deal of support from their relationship. If referral to another professional is indicated, the provider should obtain as much information as possible and provide this to the victim in a timely manner. On the other hand, providers are strongly discouraged from terminating a relationship with a victim in order to pursue a business or personal relationship with the victim.

Juvenile Justice System

Juvenile Justice System and Victim Rights



DIVERSITY

Communication Barriers

Victim service providers must do everything in their power to become aware of and overcome any communication barriers that might exist in their relationships with crime victims. Barriers to communication include, but are not limited to:

- Cultural differences between providers and victims.
- Programmatic barriers, such as lack of adequate training.
- Physical barriers, such as the geographical distances some victims must travel to access services.
- Language barriers.
- Barriers due to disabilities.
- Barriers created by a victim's inability to focus because of a high level of emotion or posttraumatic stress.

Cultural barriers that might impede good communication with crime victims include:

- Distrust of certain professions (i.e., law enforcement, clergy, and attorneys).
- The victim service provider's assumptions and judgments due to a lack of understanding of different cultures.
- The role of the family (i.e., sharing intimate information outside of the family about a crime may be frowned on in certain cultures).
- Cultural mores that emphasize loyalty to a group over an individual.
- Cultural indications of shame with respect to victims.
- Variations among cultures in the grieving process.
- Prejudice, either conscious or unconscious, on the part of the helping individual.
- The victim's perception of what is private and must not be shared outside of the culture.
- Distrust of the criminal or juvenile justice system because of culture or previous experiences that members of a culture have had with the system.
- Fear of immigration and deportation issues.
- Differences in the American criminal justice system and the justice system in the victim's country of origin.
- Culture of gender-based passivity.
- Different religious beliefs (e.g., burial practices and rites, choices to seek counseling).
- Disenfranchisement for various reasons (e.g., extreme poverty, illness, isolation).

Efforts that victim service providers can make to address **cultural** barriers that impede communication with crime victims include:

- Participate in inclusiveness training.
- Be aware of your own values and biases. Learn to recognize your own "hot spots" and develop ways to manage them so they won't affect your communications.
- Pay attention to your nonverbal communication. Many times, people communicate one thing verbally and another thing nonverbally. Often, someone will react not to what you say, but to how you say it and convey it.
- Pay attention to your words. Words convey values, judgments, and biases. Try to choose words that are neutral. Learn about words that are unique to specific cultures, as well as words that are culturally appropriate and culturally-offensive.
- Avoid false assumptions that you have qualities or attitudes in common with victims (e.g., a victim service provider who has been victimized in a similar way assuming that the victim is having the same experience)
- Always show respect for victims even though you may not agree with their norms, values, and perspectives.

Programmatic barriers that might impede good communication with crime victims include:

- Lack of diversity among victim services staff.
- Language barriers.
- Absence of outreach to different populations about victims' rights and services.
- Lack of training and cultural competence to develop skills and preparedness so victim service providers can address the needs of populations served.
- Poor understanding of service providers' roles.
- Agency policies that are in conflict with specific cultures or neglectful of specific needs.

Efforts that victim service providers can make to address **programmatic** barriers that impede communication with crime victims include:

Develop a culturally diverse staff.

- Identify populations in the community that are challenging to serve.
- Assess and address the general needs of victims from populations in the community that are challenging to serve (for example, make sure that space is available in secure victim/witness waiting rooms for victims from family-Orientated cultures who might want to involve a large number of family members in court proceedings).
- Evaluate the staff's cultural competence for assisting underserved victim groups.
- Determine ways in which agency policy can change to better serve target groups.
- Form a partnership with culturally diverse individuals and agencies to engage their assistance in serving victims from their communities,

Physical barriers that might impede good communication with crime victims include:

- Location of service providers.
- Geographic barriers that prevent victims from seeking or accessing services due to the distance they must travel or lack of public transportation.
- Victims' isolation and lack of awareness of services in rural or highly urban areas.
- Victims' lack of transportation.
- Victims' lack of a telephone.
- Poor access to service providers' offices for people with disabilities, such as lack of wheelchair ramps.
- Elderly and child victims who are dependent on others for access to services.

Efforts that victim service providers can make to address **physical** barriers that impede communication with crime victims include:

- Assess transportation needs for victims in rural communities and explore alternate ways to communicate when possible.
- Increase awareness of your agency's service in communities that are highly rural, remote, frontier, or urban
- Make sure that a TTY is available and that victim service providers are trained to use it.
- Consider outreach to victims that brings services directly to them where they live or work, using both professionals and volunteers.
- Promote use of videoconferencing for parole hearings that allows victims to participate and give a victim impact statement from a remote location (that is often selected because it is close to their homes)

Language barriers that might impede good communication with crime victims include:

- Victim assistance literature and information that is available only in English.
- No translator available for non-English-speaking victims.
- Victims whose first language is not English.
- Victims using a child, other family member, or friend to translate.
- Terminology used in the criminal or juvenile justice system that does not translate accurately to the language of the victim.
- Victims speaking English with a heavy accent.
- Victim service providers not addressing the victim directly, speaking instead to a translator or a third person.
- Literature, forms, and other victim assistance resources not available in other languages.

Efforts that victim service providers can make to address **language** barriers that impede communication with crime victims include:

- Make efforts to translate victim assistance literature into any languages other than English that are predominant in the community.
- Make sure a skilled professional translator is available.
- Never use child victims or other family members to translate.
- Listen carefully and patiently to victims who speak with a heavy accent. Ask for clarification when needed,
- Speak directly to the victim, not the translator.
- Hire staff with different language skills

Barriers **due to disabilities** that might impede good communication with crime victims include:

- No ASL interpreter available for hearing-impaired victims.
- Victim service providers not facing a victim who relies on lip-reading for information.
- Brochures and other information not available in Braille.
- Buildings and related facilities (such as transportation and parking) that are not in compliance with the Americans with Disabilities Act (ADA).
- Transportation not available for victims with physical disabilities.
- Victim service providers and others who shout to sight-impaired victims or victims with other disabilities.
- Victim service providers not addressing a victim with a disability directly, speaking instead to an interpreter or a third person.
- A victim service provider who displays obvious discomfort with the victim's disability.
- Difficulty understanding victims with speech impairments.

Efforts that victim service providers can make to address barriers **due to disabilities** that impede communication with crime victims include:

- Assess your agency's compliance with the Americans with Disabilities Act (ADA). The ADA Web site, which includes many resources that can help with such an assessment, can be accessed at: www.usdoj.gov/crt/ada/adahom1.htm.
- Make sure an interpreter is available.
- Speak directly to the victim, not the interpreter.
- Make sure that facilities and transportation services can accommodate people with disabilities.
- Be sure your mouth is clearly visible when speaking to victims who lip-read. Do not eat, smoke, chew gum, turn away, smoke, chew gum, turn away, or cover your mouth when speaking.
- Be aware that lip-reading and listening are tiring for many persons. Avoid long monologues.
- Make sure that literature and forms are available in Braille.
- For victims who use guide dogs, do not touch, feed, pet, or play with the dog.
- Listen carefully to victims with speech impairments. Don't try to rush them. If you don't understand, ask for clarification. Repeat key pieces of information to make sure you understand.

Barriers to communication arising from a victim's **inability to focus** due to a high level of emotion or posttraumatic stress include:

- Victims expressing anger, distress, frustration, or fear.
- Victims experiencing high levels of anxiety.
- Victims re-experiencing the trauma in the telling of their victimization or its effect on them.
- Victims' lack of trust in you and/or the criminal or juvenile justice system.
- Victim service providers' emotions triggered by the stress of the victim.

Efforts that victim service providers can make to address barriers created by a victim's **inability to focus** due to high level of emotion or posttraumatic stress include:

- Recognize that strong emotions are often a direct result of a victim's level of trauma.
- Allow the victim to select the time and place of the interview or meeting.
- Attempt foremost to communicate trust, support, and confidence.
- Calm and comfort the victim.
- Allow victims time to tell what happened and describe how they are feeling in their own words.
- Give the victim back the control the offender took away by letting him or her decide when and where to talk.
- Reassure the victim that his or her feelings are acceptable (except any feelings that include revenge or suicide ideation).
- Let the victim know that any feelings of anger, distress, frustration, and fear are not uncommon and are justifiable.
- Be willing to repeat information several times, as well as to listen to a victim who repeats information or questions.
- Be willing to listen to victims who share their experiences if they want to talk about the crime and its effects, and validate their experience with empathy and support.
- Have an information and referral system—with names, addresses, telephone numbers, e-mails, and Web sites and pages—to determine appropriate referrals.
- Offer to make referral calls and contacts for further information and victim support to help facilitate connections between the victim and appropriate services.
- Don't avoid the victim or avoid listening to his or her reactions to a crime. Listening and validating those experiences and emotions are critical to victims' reconstruction after a crime.
- Don't expect to be a psychotherapist or to know all the "right" answers.

ROLE OF VICTIM ADVOCATE

THE DIFFERENT DISCIPLINES OF VICTIM ADVOCACY

There are many different types of victim advocacy programs in Pennsylvania. Some programs are community-based and others are system-based, affiliated with prosecuting attorney's offices, law enforcement agencies, probation or corrections. Some community – based agencies provide specialized services to specific victim population such as domestic violence, sexual assault, drunk driving, homicide, or child abuse while others work with victims and their family members regardless of the crime. Some system– based agencies only provide specific services such as notification. Below are brief descriptions of the various disciplines of victim advocacy.

Prosecutor – Based Advocates: These advocates are employed by the county district attorney and work closely with prosecutors, law enforcement and other professionals within the criminal and juvenile justice systems. They may work with victims at every level of the criminal and juvenile justice system. Some of these advocates are on call 24/7, 365 days of the year and may also provide immediate response with law enforcement. They are charged with ensuring the full range of rights, services and prosecutor responsibilities outlined in Pennsylvania's Crime Victim's Act including but not limited to notification of rights and criminal or juvenile justice proceedings, accompaniment to criminal and juvenile justice procedures, and assistance with Crime Victim's Compensation and restitution. Prosecutor-based advocates may provide additional service such as PFA assistance. As employees of the prosecutor's office they may assist in gathering information from the victim to aid in the prosecution of offenders. Prosecutor – based advocates are barred by the Crime Victim's Act from sharing the victim's information with anyone other than police or prosecutor's without the victim's express permission.

Probation–Based Advocates: Probation–based advocates are employed by adult or juvenile probation departments and work closely with prosecutors, law enforcement and other professionals within the criminal or juvenile justice systems. Many probation- based advocates have specific duties related to victim services, such as providing assistance with restitution or victim impact statements. Many probation – based advocates are based in juvenile probation departments and may provide a comprehensive range of services to victims of juvenile crime or only services which fall under the juvenile probation department's responsibility under the Crime Victim's Act. As employees of the juvenile probation department they may assist in gathering information from the victim to aid in the prosecution of the offender. Probation – based advocates are barred by the Crime Victim's Act from sharing the victim's information with anyone other than police or prosecutors without the victim's express permission.

Law Enforcement-Based Advocates: These advocates are employed by a law enforcement agency. They may be available to victims in the immediate aftermath of a crime. They link victims with other types of advocacy to receive specialized support. They may be on – call 24/7, 365 days of the year and accompany law enforcement to crime scenes. Law Enforcement – based advocates are barred by the Crime Victim's Act from sharing the victim's information with anyone other than police or prosecutor's without the victim's express permission.

Correction-Based Advocates: While most correction– based advocates in Pennsylvania are employed by the Office of the Victim Advocate, there are county based correction advocates. Advocates working for the Office of the Victim Advocate assist victims in understanding their rights and advocate for victims when the offender is placed into a State Correctional Institute (SCI), on parole from a SCI, or during the death penalty process. The Office of the Victim Advocate also runs the Address Confidentiality Program for victims of crime. The Office of the Victim Advocate is barred by the Crime Victim's Act from sharing the victim's information with anyone without the victim's express permission. Advocates who work for county jail's assist victims in understanding their rights and advocate for victims when the offender is placed in a county jail. County based correction advocates are barred by the Crime Victim's Act from sharing the victim's information with anyone other than police or prosecutor's without the victim's express permission.

Domestic Violence (DV) Advocates: DV Advocates work at Domestic Violence centers and play a vital role in assisting victims of domestic violence in understanding their rights as a victim of crime and assessing the victim's safety as they make decisions about their next steps. DV centers in Pennsylvania provide safe housing alternatives for victims ranging from immediate crisis shelter to long-term housing. In addition, DV Advocates provide a range of supportive services possibly including but not limited to hotline support (24/7, 365 days a year), supportive counseling, therapy, PFA Assistance, court accompaniment, safety planning, hospital accompaniment and legal assistance. In Pennsylvania, DV Advocate's communication with a DV victim is confidential under PA law as long as the advocate has received the appropriate training and works for a DV Center.

THE DIFFERENT DISCIPLINES OF VICTIM ADVOCACY (continued)

Child Advocacy Centers (CAC): The primary goal of the CAC is to support child abuse victims by providing a setting in which they can receive timely collaborative services from the agencies mandated by law to investigate and intervene in reports of child abuse. Most CAC's coordinate child welfare professionals, police investigators, prosecutors, medical personnel, victim services advocates and mental health providers - all in one facility.

Sexual Assault (SA) Advocates: SA Advocates work at Sexual Assault Centers and play a vital role in assisting victims of sexual assault in understanding their rights as a victim of crime. SA advocates respond to hospitals and police departments (7/27, 365 days a year) to provide victims and their family members with information, support, resources and advocacy. SA Advocates provide a range of services possibly including but not limited to hotline support, court accompaniment, counseling, therapy, information and referral to sexual assault victims and their families as long as the victim requires services. In Pennsylvania, SA Advocates work closely with law enforcement, medical professionals and others to advocate for and facilitate communication with victims of sexual assault. In Pennsylvania, a SA Advocate's communication with a SA victim is confidential under PA law as long as the advocate has received the appropriate training and works for a SA Center.

Comprehensive Program Victim Advocates: Comprehensive Program Victim Advocates work for agencies who provide service to all victims of crime or a specialized population of victims that are not DV or SA victims. Often, in Pennsylvania, the agencies these advocates work for are also DV or SA Centers. These advocates provide a wide range of supportive services including but not limited to hotline support, crisis response, court accompaniment, supportive counseling, therapy and assistance with Victims Compensation to victims of crime including victims of homicide. Comprehensive Victim Service Programs maintain confidentiality with their clients.

Mothers against Drunk Driving (MADD) Victim Advocates: MADD Victim Advocates offer support, guidance and information for victims of crashes involving impaired drivers and for people whose loved ones were injured or killed by impaired drivers. MADD Victim Advocate's offer emotional support, assist with Crime Victim's Compensation, accompany victims, assist with victim impact statements and provide referrals. In addition, MADD has a wide selection of free publications for victims of crashes that range from grief and bereavement to coping with injury and talking to teens and children about death and dying. Many MADD Affiliate Offices* offer victim support groups where victims can meet other families who share experiences. Additionally, the website, MADD.org, offers a victim's support and chat room. There is no fee for any of MADD's services and all information is confidential.

Please Note: There are additional victim service agencies in Pennsylvania which we will discuss.

Victim Services available in Pennsylvania vary by county, to get a list of services available in each Pennsylvania County visit: PCCD's PA Crime Victim's Website <http://pcv.pccd.pa.gov/for-victims/Pages/default.aspx#.VUqgcZOtBLM>
The Office of Victim Services Website at <http://www.oiva.pa.gov>

A Brief Guide for Victim Service Providers on How to Approach Victims of Crime

Professionals working with victims of crime are to be prepared for the potential for their personal intense reactions to the impact of crime. Such personal reactions can be more extreme than those experienced in working with other populations. Victim service providers must be aware that there is no fixed way or timetable for the victim's comfort and well-being to be achieved. Some victims experience a wide range of responses that may resurface from time to time, or feel that there is no recovery, closure, or healing from the impact of the crime. Victims' grieving process can be interrupted and delayed by elements and events of the criminal or juvenile justice system. Some victims put their emotional responses on hold in order to focus on the identification and arrest of the perpetrator and related involvements with the criminal justice system. (Adapted from NVAA 2002) Victim service providers are encouraged to be fully aware and prepared for their contact with victims of crime. In preparing to approach or support crime victims providers should review the eight points described below.

Pre-Contact: There is no formula for approaching and supporting victims of crime. People and situations vary and not all situations or victim responses are predictable. Providers are encouraged to review the following strategies and techniques that can be used, modified, or enhanced depending upon the crime, victims' needs and responses. Providers should analyze each individual and every situation to incorporate techniques that are most appropriate. Learn as much as possible about the case before speaking with the victim or family. Determine the victims' needs for contact. Some will require constant contact, while others will want minimal intervention. Temper your need to help, if assistance is not needed or wanted. Determine victims' need for assistance with any matters of transportation, family care-giving or notification responsibilities. Before meeting with the victim remember:

- * A victim service provider offers victims of crime emotional support, information about the different options available, assistance filling out paperwork, and education of law enforcement, social service, or future court proceedings.
- * Providers do not tell victims what to do, instead provide a safe place to assess and address their concerns and empower them to make their own decisions. Providers often assist the victim's ongoing needs by linking them with other service providers or organizations.
- * While many victims do not show intense visible reactions to the crime, providers should approach victims with the knowledge that the crime victim may experience vivid memories or emotions during their interaction with the provider. Discussing or re-telling traumatic events may cause some to be overwhelmed, or re-experience past feelings of panic, helplessness, or anger.
- * It is recommended that whenever possible providers choose a setting for meeting with the victim that has few distractions. Avoid loud lights or noises; ensure victim is comfortable and that the conversation can occur in as private a setting as possible.

Opening: Developing rapport is a skill built through practice and experience. Clients differ in their openness, trust- levels, personality, and interpersonal style. The success of your efforts to build rapport is partly dependent upon your openness and your client's presenting issues. Providers are encouraged to consider the following:

- * The first concern of any victim service provider is recognizing safety concerns of the victim.
- * The provider needs to establish that the victim is not physically in danger or in need of medical treatment.
- * Second to personal physical safety is that victims are made to feel as safe and comfortable in the present setting as possible. Sit down to talk with the victim. Many victims are also concerned about the safety of others either present or somewhere else.
- * Explain the format of the meeting and your role in providing services after the crime.
- * Ask victims if they have any questions before you both get started. If you are going to ask them questions, let them know why and what you are going to do with the information they provide.
- * It is also helpful to let them know how long the meeting will be and that you can be interrupted to answer any questions they may have throughout the meeting.
- * Explain Confidentiality and its limits in your particular setting. Providers should explain the purpose of the meeting and the confidentiality of the conversation in the present setting. Victims and survivors have a right to know that their reactions and comments will be kept confidential. If the setting or role of the service provider's limits confidentiality in any way, those limits should be clearly understood by the victim.

Gathering Information: Listen to your client's concerns, do not assume anything. Show you are attending to victim's concerns with the basic communication skills (eye contact and body language). Keep the following point in mind:

Provide the victim with the opportunity to describe the event as they remember it. Ask the victim to describe where they were at the time of the crime or how they first learned of it.

- * Ask the victim to describe his or her reactions and responses. As the victim begins the description, remember to validate the reactions and responses. While most reactions are normal, most people have not experienced such intense feelings, so they may think they are "going crazy." Survivors should be reassured that while the crime may have disrupted their normal behavior or reactions they are still normal.
- * Ask the victim to describe other reactions he or she has experienced up to now. While most reactions are normal, there are some people with pre-existing mental health concerns who may have complicated reactions.
- * Ask the victim to describe what has happened since the crime, including contact with family members, friends, the criminal justice system, and so on.
- * Realize that each family member will have individual needs. Work with all family members to determine their need for information and support. Do not forget to include grandparents, siblings (where age appropriate), or other family members.

After a crime, providers should be aware to any words or other signs of suicidal thoughts or threatening behavior towards specific individuals. If these arise, seek immediate professional help — a mental health professional, a suicide hotline, even a law enforcement agency if there is an imminent threat to someone else. Be aware that coping with trauma can lead to substance abuse problems for co-victims. Make appropriate referrals to qualified mental health professionals who specialize in the assessment of substance abuse problems **Action Plans:** While it is important to assist survivors with practical activities, it is also important to allow them to make decisions for themselves and to take an active role in planning their future. Review the concerns as raised by the victim as well as any additional tasks providers are aware of and discuss the most pressing concerns. Spend some with the victim and encourage them to discern which tasks really need to be accomplished, by whom, and assist in setting realistic time frames for each. In addition, providers will want to:

- Provide victims with Victim's Compensation information and assistance or put them in touch with someone who can provide this service.
- Inform survivors about PA crime victim rights.
- If applicable, offer to assist in filing insurance benefits, public assistance, and survivor's benefits under Social Security.
- Encourage victims to identify a friend or family member on whom they can rely for support during times when they must confront practical problems.
- Provide survivors with the names of mental health counselors and support groups.
- Educate and prepare a survivor—each person deals with tragedy in his or her own way. Coping with the aftermath of crime, victims may experience reactions common to traumatic stress that may come and go or overwhelm. It is important for victims/survivors to be aware that these are normal reactions to an unnatural event.
- Provide all court services to victims such as court accompaniment or secure waiting rooms. Assistance in preparing victim impact statements, documenting restitution, or completing pre-sentence investigation reports is appropriate. Inform victims of their rights to file civil suits against the offender or third parties, where applicable.

Closing: Victims need to know what comes next. Briefly explain law enforcement investigation procedures and next steps. If appropriate, review the symptoms for trauma symptoms and make the victim aware of the potential for PTSD reactions. Encourage the victim to reestablish normal routines whenever feasible. Tell them how they can get in touch with you and when you will be contacting them. Victims who have been severely traumatized may want to check in with you to receive updates and report their progress.

Documentation: Documentation is an essential function of the role of a victim service provider. It is important that agencies document details about the services they provide as mandated by local, state, and federal regulations and laws. Documenting demographic or geographic information may also be helpful for program evaluation. Documentation is important for a variety of reasons. Every interaction with a client must be documented so that other providers who work with the same client can know what steps have been taken with this client, you have a record of all steps taken with the client, the safety of your clients and staff is ensured and if records are ever needed you have a detailed account of all that has happened with the client.

Follow-up: The victim may have more questions after your meeting than they did at the initial meeting. Follow-up on the time and day set at the meeting and when possible offer to spend some more time with them. If they do not feel it is necessary, offer again to answer questions, correct misconceptions about the criminal justice system. Be prepared to provide long-term victim assistance especially in cases involving a trial.

HELPFUL TIPS FOR NEW ADVOCATES

- It is important to know the political lay of the land in the county in which you work. For example: is the criminal, juvenile, civil justice system “victim – friendly” or do they prefer that victims play a small, quiet role? If the criminal, juvenile, civil justice system is not “victim – friendly” then you will have to build bridges and educate allied professionals in the system.
- No matter how much you want to or how hard you try, you cannot “save” or “fix” anyone. Our role is to support. This does not mean you didn’t do enough or care enough, it is the reality of our work. You may never know what seeds you have planted.
- Always keep your word, whether that is to the victim, your employer or other professionals in the system. For example, if your agency advertises that they are on call 24/7. 365 days a year, make sure that when you are on call that you are answering your phone regardless of what time it is or how tired you are. Never lie to a victim.
- Never make promises to victims regarding the outcome of a case. For example, if the case is a jury trial, do not predict the outcome. It cannot be done and you may re-traumatize the victims by providing unrealistic and unfounded information.
- Sometimes there are difficult cases where the victim may feel the sentence does not provide justice for the crime committed. Being thoughtful and empathetic, while providing the reality of the situation is the best approach.
- As an advocate, you may not always see eye to eye with law enforcement and/ or the prosecution on the outcome of a case. It is imperative that in these times you do not speak poorly of the other professionals to the victim. Speaking poorly of the other players only undermines the whole system and can make the victim even more nervous about a process that is already stressful.
- Praise your fellow professionals in public and provide “criticisms” in private. For example, if you believe a colleague has misrepresented something pertaining to a case, do not confront them in public. Do it diplomatically, in private. Tell your supervisor and seek guidance on how to handle the situation.
- Respect the roles of all professionals in the system, they are there for a reason and are as passionate and proud about their job as you are about yours. This includes defense attorneys.
- Know where the gaps are in services and how to fill them. Think outside of the usual services and get creative in finding resources.
- Always be on time.
- Remember you are dealing with people who are experiencing or have experienced trauma. Their behaviors may seem bizarre, they may not remember things you tell them, may not talk about the event or may spend hours talking about it. Learn trauma responses to better understand the range of behaviors you will see.
- Know the system in which you work inside and out. The victim expects you to be the “expert” and may get upset to find you have the same or less information than they do. But do not be afraid to say, I don’t know but I will find out.” You do not have to know everything as long as you have the resources to get the information. Create a list of resources.
- Never let your supervisor discover something out “in the street” first. If you know critical information, always let your supervisor know as soon as possible. This can include but is not limited to violations of victim’s rights, complaints about service, poor system response or unethical behavior.
- Remember that victims make decisions based on where they are now. They may not make the decision you would make and you may not agree them, but it is their life and their decision, not yours.
- Find someone you can vent with, you will need support. It is ideal to have if at least one of the people in your support system to be another victim advocate who can appreciate what you are dealing with daily.
- Develop and practice healthy coping skills. You are spending your days surrounded by trauma. You need healthy activities to relieve stress and provide balance. Take good care of yourself – you cannot help anyone if you are not healthy. Have a life outside of work.

WORKING WITH LAW ENFORCEMENT

It is imperative for victim advocates to establish a good working relationship with law enforcement.

Remember:

- Law Enforcement are usually the first professionals to come into contact with the victim in the immediate aftermath of a crime. The sooner law enforcement contacts you or refers a victim to you, the sooner you will have contact with a victim. The sooner advocates have contact with a victim, the sooner assistance and support can be provided.
- When a crime occurs the main priority for law enforcement is to investigate the crime and file criminal charges, if appropriate. The main priority of a victim advocate is to assist and support the victim. Working together can facilitate improved service delivery to the victim.
- Sometimes the victim will tell advocates information they do not feel comfortable telling law enforcement. All advocates must know their confidentiality limits and make sure the victim is aware of them. Often with an advocate's support, victim's concerns about law enforcement can be addressed and victims will feel comfortable enough to share information with law enforcement.
- Advocates are likely to have more time to listen to the victim and are more accessible to the victim.
- Initially, some law enforcement officers may have negative attitudes about advocates due to previous experiences. They may believe advocates have tunnel vision. Sometimes the victim's needs conflict with the needs of law enforcement. By understanding both the victim's and law enforcement's perspective advocates can be an effective liaison.
- As advocates develop a good rapport with individual officers, credibility is established and more officers will be comfortable requesting an advocate.
- While it is important to see the "big picture" and respond accordingly, always remember the advocate's role is to support victims.
- Advocates can earn the respect of law enforcement by being on time, returning phone calls, and demonstrating professionalism.
- Advocates can assure law enforcement that the advocate's role including listening, preparing/predicting, creating safety and security should make law enforcements' job easier-allowing them more time to devote to investigations.
- Working with law enforcement, improves services for crime victims in the advocate's service area and for crime victim's everywhere.

GLOSSARY OF ACRONYMS

CAC	Child Advocacy Center
CASA	Court Appointed Special Advocate
CJJTR	Center for Juvenile Justice, Training and Research
CVAP	Crime Victims Alliance of Pennsylvania
DCSI	Drug Control and Systems Improvement Program
DOJ	Us Department of Justice
JAIBG	Juvenile Accountability Incentive Block Grant
JCJC	Juvenile Court Judges' Committee
JNET	Justice Network
JRC	Joint Review Committee (VSAC & JJDPC)
KCIT	Keystone Crisis Intervention Team
MADD	Mothers Against Drunk Driving
NOVA	National Organization of Victim Assistance
OJP	Office of Justice Programs (Federal)
OVA	Office of The Victim Advocate (State)
OVC	Office of Victims Of Crime (Federal)
PCADV	Pennsylvania Coalition Against Domestic Violence
PCAR	Pennsylvania Coalition Against Rape

GLOSSARY OF ACRONYMS (continued)

▪ PCCD	Pennsylvania Commission on Crime and Delinquency
▪ DAVE	Dependable Access for Victimization Expenses
▪ REDAC	Research, Evaluation, Data Collection, and Analysis Advisory Committee
▪ JJDPC	Juvenile Justice and Delinquency Prevention Advisory Committee
▪ HSAC	Homeland Security Advisory Committee
▪ OVS	Office of Victim Services
▪ OCJSI	Office of Criminal Justice Systems Improvement
▪ OJJDP	Office of Juvenile Justice Delinquency Prevention
▪ PSAC	Public Safety Advisory Council
▪ SCAC	Senior Citizen Advisory Committee
▪ PMR	Project Modification Request (for Grants)
▪ VCAP	Victim Compensation Assistance Program
• VSAC	Victim Services Advisory Committee
▪ PCPA	Pennsylvania Chiefs of Police Association
▪ PDAA	Pennsylvania District Attorneys Association
▪ PDAI	Pennsylvania District Attorneys Institute
▪ PSP	Pennsylvania State Police
▪ PASAVIN	Pennsylvania Statewide Automatic Victim Information and Notification
▪ SSVPPP	Safety, Security, Ventilation, Validation, Prediction and Preparation

PCCD Victim Services Grants	
RASA	Rights and Services Act
VOJO	Victims of Juvenile Offenders
STOP/ VAWA	Services, Training, Officers, Prosecutors/ Violence Against Women Act (Federal Funding)
VOCA	Victims of Crime Act (Federal Funding)
JAG	Edward Byrne Memorial Justice Assistance Grants (Federal)
ARRA	American Recovery and Reinvestment Act (Federal Funding)

GLOSSARY OF ACRONYMS (continued)

CRIMINAL/ JUVENILE JUSTICE SYSTEM			
ADA	Assistant District Attorney	PBPP	Pennsylvania Board of Probation and Parole
ARD	Accelerated Rehabilitation Disposition	PCRA	Post-Conviction Relief Act
BARJ	Balanced and Restorative Justice	PO	Probation Officer
CIP	County Intermediate Punishment	PRS	Prior Record Score
BC	Boot Camp	PSI	Pre – Sentence Investigation
DA	District Attorney	RS	Restorative Sanctions
DC	District Court	RRRI	Recidivism Risk Reduction Incentive
DOC	Department of Corrections	ROR	Released on Own Recognizance
IP	Intermediate Punishment	SBI	Serious Bodily Injury
JPO	Juvenile Probation Office/ Officer	SCI	State Correctional Institution
MDJ	Magisterial District Justice	SIP	State Intermediate Punishment
MIMIC	M otive, I ntent, L ack of M istake, I dentify, and C ommon Plan, scheme or design	RIP	Restrictive Intermediate Punishment
OGS	Offense Gravity Score	VIS	Victim Impact Statement
OTN	Offense Tracking Number	VS	Victim Services
PD	Police Department	V/W	Victim/ Witness
PFA	Protection From Abuse Order	Pa C.S.	Pennsylvania Consolidated Statute (contains Crime Code)
P.S.	Pennsylvania Statutes (Crime Victims Act is located here)	Pa C.S.A.	Pennsylvania Consolidated Statute Annotated

