

# **Safeguarding Victim Rights: The Role of Advocacy**

**November 21, 2024**

**1:00 PM CT – 2:00 PM CT**



# Upcoming Events



## For Child Advocacy Centers

Catch up on what's new in Guardify for Child Advocacy Centers, and get a refresher on features that may help you save time and resources when safely storing and sharing Forensic Interviews.

- »» User roles & permissions
- »» Suggestions for sharing and download settings
- »» Guardify Mobile App
- »» Guardify Live
- »» Health Records
- »» Center Files Storage
- »» Bulk uploading your legacy interviews
- »» Integrating with your recording system



**Ashley Stokrp**  
training & implementation



REAL EVIDENCE PODCAST



Guardify

- **If you'd like a copy of the presentation slides today, you can access them in the chat box.**
- **Please look out for an email later this afternoon that will explain how you can complete the evaluation form and receive your certificate.**
- **If you have any questions during the presentation, please submit them in the Q & A Box (rather than in the chat box or by raising your hand).**

# Kristen Sanders

## Victim Advocate

Victim Services Division

Fairfax County Police Department







# Safeguarding Victim Rights: The Role of Advocacy

**Kristen Sanders**

Victim Services Specialist

Victim Services Division

Fairfax County Police Department

# Crime Victim Rights Act

- ✓ Have opportunities to make the courts aware of full impact of crime
- ✓ Are treated with dignity, respect, and sensitivity and that their privacy is protected
- ✓ Informed of their rights
- ✓ Receive authorized services
- ✓ Heard at all critical stages of criminal process
- ✓ Separate waiting areas
- ✓ Right to remain in the courtroom for all court proceedings
- ✓ Notice of bond release
- ✓ Access to language assistance
- ✓ Plea agreement consultation
- ✓ Victim impact statement
- ✓ Notice of appeals

<https://www.dcjs.virginia.gov>

Statewide Toll-Free Victim Assistance INFO-LINE 1-888-887-3418 (Hours of operation: Monday through Friday 9 a.m.–5 p.m.)

# Definition of a Victim

According to the Victim Bill of Rights in Virginia **“Anyone suffering physical, emotional or financial harm as a direct result of a felony or certain misdemeanors.”**

## ALSO...

- Spouses and children of a victim
- Parents and guardians of minor victims
- Parents, guardians, and siblings of mentally or physically incapacitated victims or victims of homicide
- Foster Parents or other caregivers, under certain circumstances



# Victim Advocate Role



## System Based

Advocates within a system-based operation and services delivered in a criminal justice centered system.

**LIMITED CONFIDENTIALITY**

## Community Based

Advocates within a private, non-governmental organization. Provide services to all victims regardless of involvement in criminal justice process.

**MOST DO HAVE  
CONFIDENTIALITY**



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Prosecutor's offices

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Law enforcement agencies

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Courts

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Institutional Corrections (prisons)

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Community Corrections (probation and parole)

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State attorney's general offices

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Victim Compensation Programs





# Victim Advocate Role



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Sexual assault  
programs

Domestic violence  
programs

Children's advocacy  
centers and other  
child abuse prevention  
programs

Elder abuse programs

Homicide survivors'  
support groups

Faith-based victim  
assistance programs

# Law Enforcement-Based Advocacy

- 24/7 days on call response
- Accompany to hospital for emergency room and domestic violence/sexual assault exams
- Crisis Intervention immediately
- On scene safety planning and transportation
- Victim rights
- Court process and accompaniment
- Continued support after court

## What Is Law Enforcement-Based Victim Services?

### Law Enforcement-Based Victim Services Is...

- ✓ **Criminal Justice Support**—providing information on victims' rights, compensation, and other processes
- ✓ **Criminal Justice Accompaniment**—presence and support during investigative process (e.g., interviews) and court events
- ✓ **Crisis Intervention**—temporary support during times of distress for victims
- ✓ **Safety Planning**—working collaboratively with victims to identify ways to increase safety and reduce risk of harm
- ✓ **Referrals to Community Agencies**—connection to other service providers

### Law Enforcement-Based Victim Services Is NOT...

- ✗ **Administrative Support**—not intended to be used as investigative or clerical support
- ✗ **Confidential<sup>1</sup>**—subject to Brady disclosures<sup>2</sup>, law enforcement-based victim services are not confidential
- ✗ **Diagnosis & Treatment**—cannot diagnose or treat medical or mental health conditions
- ✗ **Investigative**—cannot take statements, direct interviews, or collect/preserve evidence
- ✗ **Peer Support**—while victim services professionals may participate in a peer support program, their primary role is not to serve as peer support
- ✗ **Serving Suspects**—cannot serve individuals identified as suspects in the current investigation

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

2. This refers to the U.S. Supreme Court ruling *Brady v. Maryland*, which dictates what information and records must be shared between prosecution and defense during discovery and disclosure processes. A central component of *Brady* states that prosecutors must turn over any information that is potentially exculpatory, or indicates the defendant might not be guilty, to the defense. Law enforcement-based victim services personnel are employed by law enforcement agencies, so they are likely subject to *Brady* disclosure. See National Crime Victim Law Institute's [Law Enforcement-Associated Victim Service Providers and the Brady Rule: Legal Background and Considerations](#) for additional information.

# Fairfax County Victim Services Division



**VICTIM SERVICES DIVISION**  
FAIRFAX COUNTY POLICE DEPARTMENT

- Fairfax County located in suburb in Virginia of Washington, D.C.
- 2024 Population estimated 1,144,447
- Approximately 38 percent of residents speak language other than English
- Law Enforcement Based Advocacy
- Fairfax County Police Department under Major Crimes Bureau
- 24/7 on call response
- Assisted approximately 7302 victim 2023
- Unique Division that assists victims at time of crime and through court process

# Lighthouse in a Storm



When are you connecting with the victim?

Immediate after victimization

Next day

Days after

Weeks after

Months or Years

One step at a Time

Investigation

Safety

Resources Needs

Court process

Trauma

Physical and mental effects

Rapport

Trust is earned not given



# What is helpful?



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Crisis intervention

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Sitting/listening

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Meeting victims where they are at

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Validation

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Advocating needs

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Offering resources and emergency needs

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Reinforcing support

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Simplistic explanation

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Following up with information

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# What is **NOT** helpful



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Filling silence

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Judging

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Confusing your role

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Overwhelming victim with information

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Personalizing the case

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Not respecting victims' decisions or opinions

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“If it was me”

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# WORDS

words have  
direct and  
indirect impacts

# MATTER

on the people  
who hear or  
read them

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Anyone can be a Victim

# Challenges

- Immediate Needs
  - Shelter
  - Food
  - Clothes
- Services/resources
- Staying engaged
- Why would a victim stop communicating?



- Court process
  - Advocating for rights
- Cultural Diversity
  - Language Needs
  - Stigma
- Funding
  - Staffed
- Self Care



# Strategies



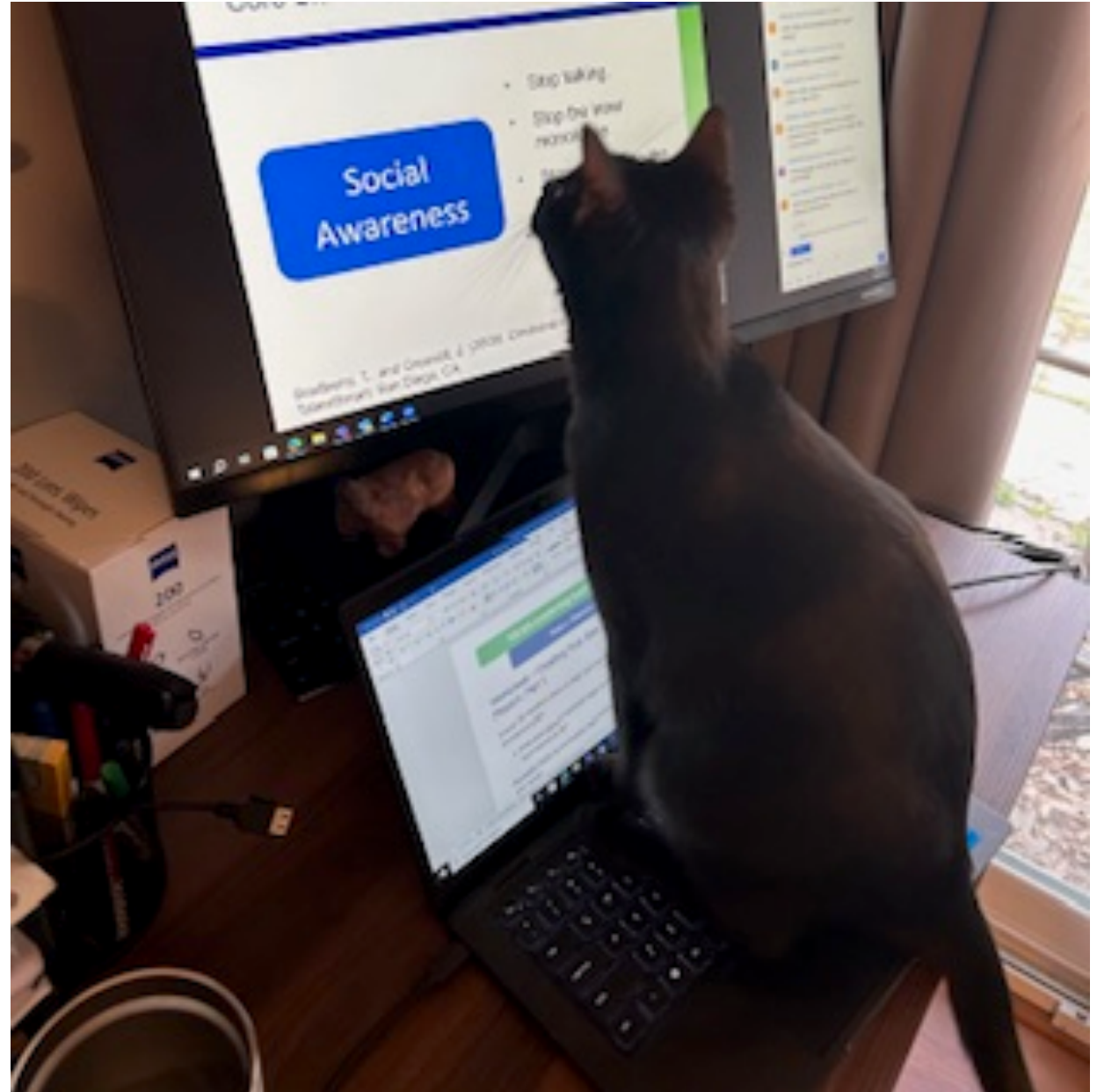
- Immediate needs are immediate
- Closing gaps in services within community
  - What is available?
- Cross training with other departments
  - Accessible referrals
  - Communication with caseworkers
- Consider why victim is reluctant
  - What is cooperating?
- Don't wait for a victim to reach out
- Victim Rights in Court Process

## What is helpful to know!

- Victim Impact Statements: **Beck v. Commonwealth** 253 Va. 373, 484 S.E.2d 898 (Va. 1997)
- Victims can remain in courtroom : § 19.2-265.01. Victims, certain members of the family and support persons not to be excluded
- Rape Shield Laws
- Confidentiality Forms and Request
- Cultural Competency- differences and influences
  - communicate with language spoken
- Grants and request for funding- lets see numbers
- Please take care of yourself to help others

# Social Awareness

- Taking the perspective of others, empathizing
- Recognizing the needs of others
- Builds better relationships
- Can you read the room?
- How does this help when communicating with victims?



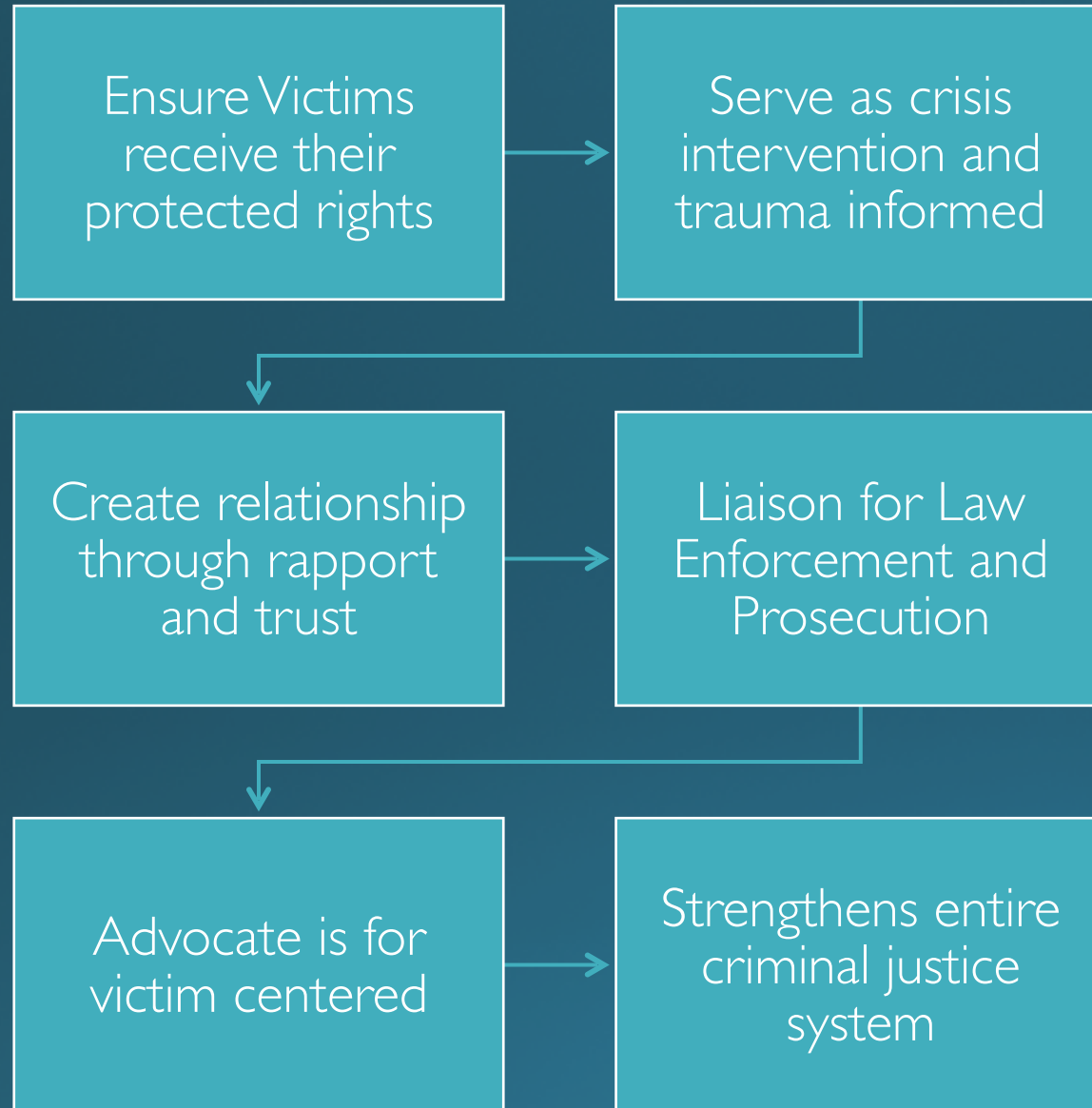
Luna is socially aware, are you?

# Collaboration





# Importance of Advocacy



Hello Kristan,

I just arrived at the airport in Korea. I read your email and it makes me cry. For this long journey, your help was a foundation to make me endure all the pain and feel happy. When I packed for the trip, to come here and testify brought me anxiety. But I remembered all the friendly faces so I could visit. I perceived myself dumb and naïve for a long time since I met the defendant. Supports from everybody especially from you help me see myself better like the way I did before.

I want to tell you that you are super good at your job. You always help me out a lot with smile and make me feel comfortable all the time. Also, when I ask you something, you explain it very well! I never hesitate to ask you cause you help me with warm respect. I do remember the date we met. How can I forget it. You answered me with consideration and care and Detective told me that he will be my family until I was in VA. And I know that everybody is my family now and I appreciate that.

Thank you again. And I will wait for the moment we meet each other again.

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# Moving Forward



Training and Education



Legislation and Law



Collaboration and Communication



What do you want for the future?

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“We can’t help everyone, but everyone can help someone”.

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- Ronald Reagan