

Changing Role of Advocates and Victim Witness Coordinators

Deborah D. Tucker, MPA
September 19, 2012

National Center on Domestic
and Sexual Violence



This is your Training

LISTEN with an open mind.

ASK questions respectfully.

SHARE what you know.



Early Years



Since the early 1970s when the first rape crisis centers and battered women's shelters opened, as the needs of victims changed so did the roles of advocates.

Through the years, advocates have puzzled their way through to provide advocacy effectively and to meet the needs of victims/survivors.



Advocacy

Helping battered women and victims of sexual assault consider their **options**, devise **strategy**, make **decisions**, implement **plans** and **speak/advocate** for self and children. All these **puzzle** pieces and more are necessary to assist individual sexual assault victims and battered women and to change system responses to them.



Advocates in the Early Years

- ⌘ Options
- ⌘ Support
- ⌘ Shelter
- ⌘ Information
- ⌘ Referrals
- ⌘ Crisis intervention
- ⌘ Safety planning



Programs/ Service Providers in Early Years

- ⌘ Emergency shelter, clothing and food
- ⌘ Legal advocacy and court accompaniment
- ⌘ Counseling
- ⌘ Support groups
- ⌘ Crisis hotlines
- ⌘ Transportation
- ⌘ Coordination with and referrals to other community services



What We've Learned



Empowerment

Respect
Confidentiality

Promote
Access to
Community
Services

Believe
and Validate
Her
Experiences

ADVOCACY

Acknowledge
the
Injustice

Help Her
Plan for
Future
Safety

Respect Her
Autonomy

Empowerment

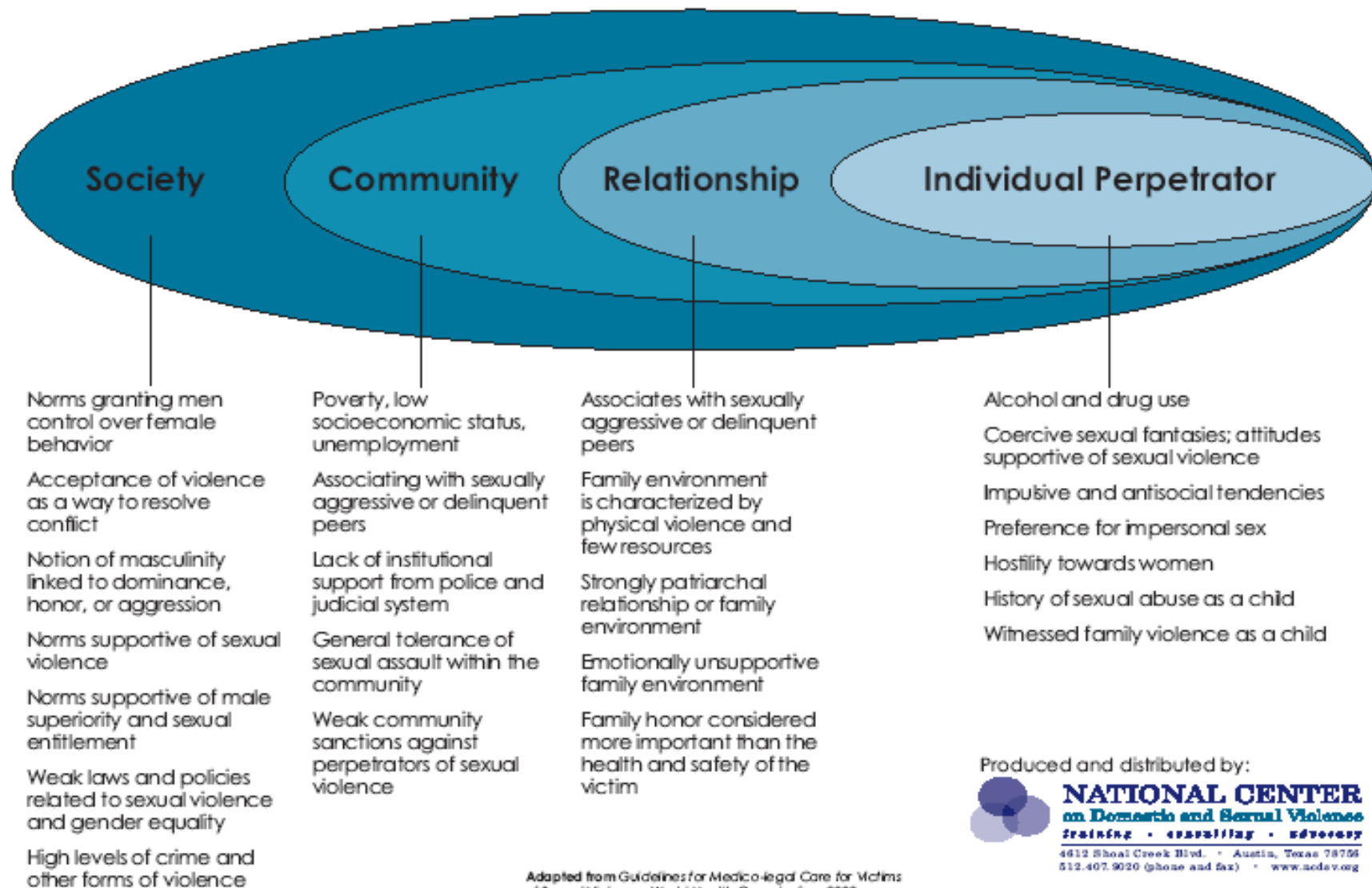
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Domestic Abuse
Intervention Project,
Duluth, MN.



Empowerment Advocacy...

... believes that battering or rape is not something that happens to a woman because of her characteristics, her family background, her psychological “profile,” her family of origin, dysfunction, or her unconscious search for a certain type of man. Battering or rape can happen to anyone who has the misfortune to become the target of a person who wants power and control enough to be violent to get it.

FACTORS ASSOCIATED WITH MEN COMMITTING RAPE



Adapted from Guidelines for Medico-legal Care for Victims of Sexual Violence: World Health Organization, 2003

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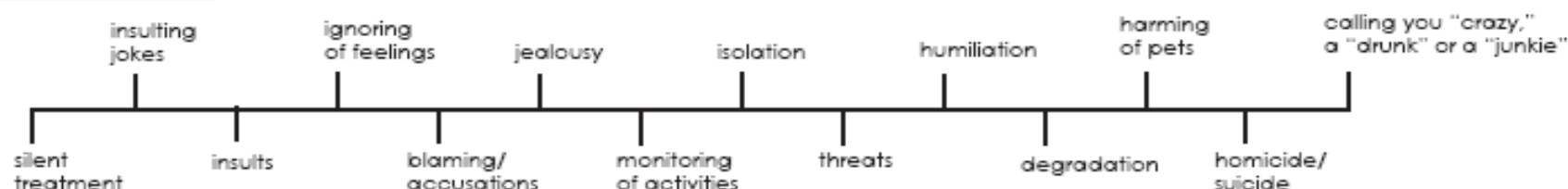
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MANIFESTATIONS OF VIOLENCE

Abuse can occur in different forms. It can be physical, emotional, sexual, spiritual, social and/or economic. The diagrams below describe some of the abuse tactics batterers use as they attempt to gain or maintain power and control over their intimate partners. Abuse does not always progress in the steps shown here. Sometimes the abuse may advance from pushing or hitting directly to more severe physical violence such as the use of a weapon. Although each relationship is unique, any type of abuse must be considered a serious cause for concern. Despite different circumstances, it is important to remember that abuse can escalate (especially if there is no intervention). A coordinated community response holding batterers accountable for their abusive behaviors is essential, as is a response acknowledging and respecting the rights of victims of domestic violence.

Exercise: It is helpful to be aware of the different manifestations of domestic violence. Circle the type(s) of abuse you are now experiencing (or that you have experienced). Notice if the violence is increasing in intensity, severity or frequency. Talk to a domestic violence advocate to develop or review your current safety plan or explore your options. Remember, domestic violence is never your fault, even if you were drinking or using drugs.

EMOTIONAL ABUSE

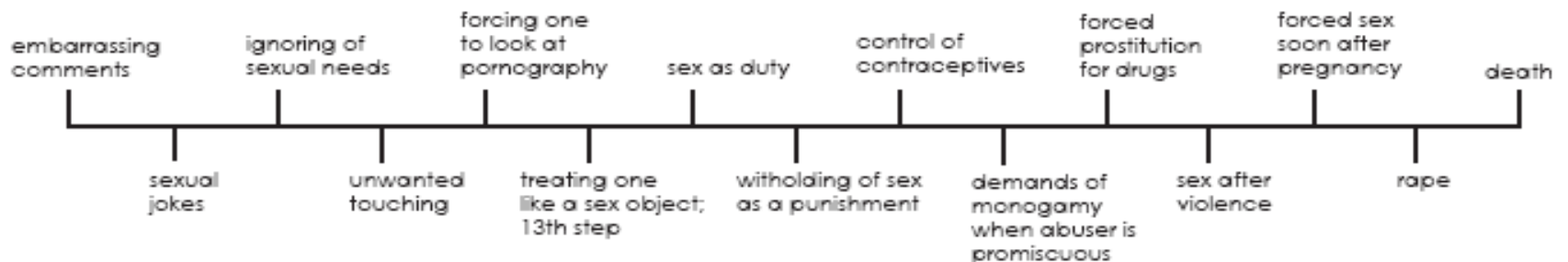


PHYSICAL ABUSE

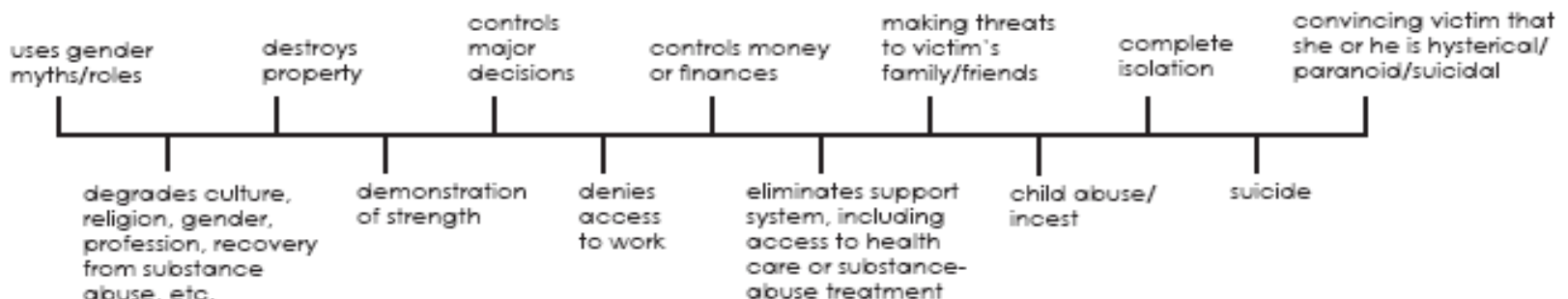


continued ...

SEXUAL ABUSE



SOCIAL/ENVIRONMENTAL ABUSE



Responsibilities of the Movement to End VAW

- ⚡ Collaborate with victims of sexual assault and domestic violence.
- ⚡ Build organizations that learn and are responsive.
- ⚡ Create cooperation, coordination and collaboration in the community.
- ⚡ Create a society and world without violence.



Why do People Abuse?



Why do People Abuse Their Intimate Partners?

- ⌘ People **Learn** to Abuse
- ⌘ People Must Have the **“Opportunity”** to Abuse
- ⌘ People **Choose** to Abuse



Why do People Abuse Their Intimate Partners?

1. **Learn** to Abuse usually through their family of origin by:
 - ⌘ Direct instruction
 - ⌘ Modeling or learning through observation
 - ⌘ Learning by reinforcement that violence is effective or rewarding



Why do People Abuse Their Intimate Partners?

2. **“Opportunity”** to Abuse

- ⌘ Abuse without suffering consequences
- ⌘ Abuser perceives that he or she can ‘get away with it’
- ⌘ Supportive environment of sexism, homophobia, racism, classism, anti-semitism, ageism and ableism

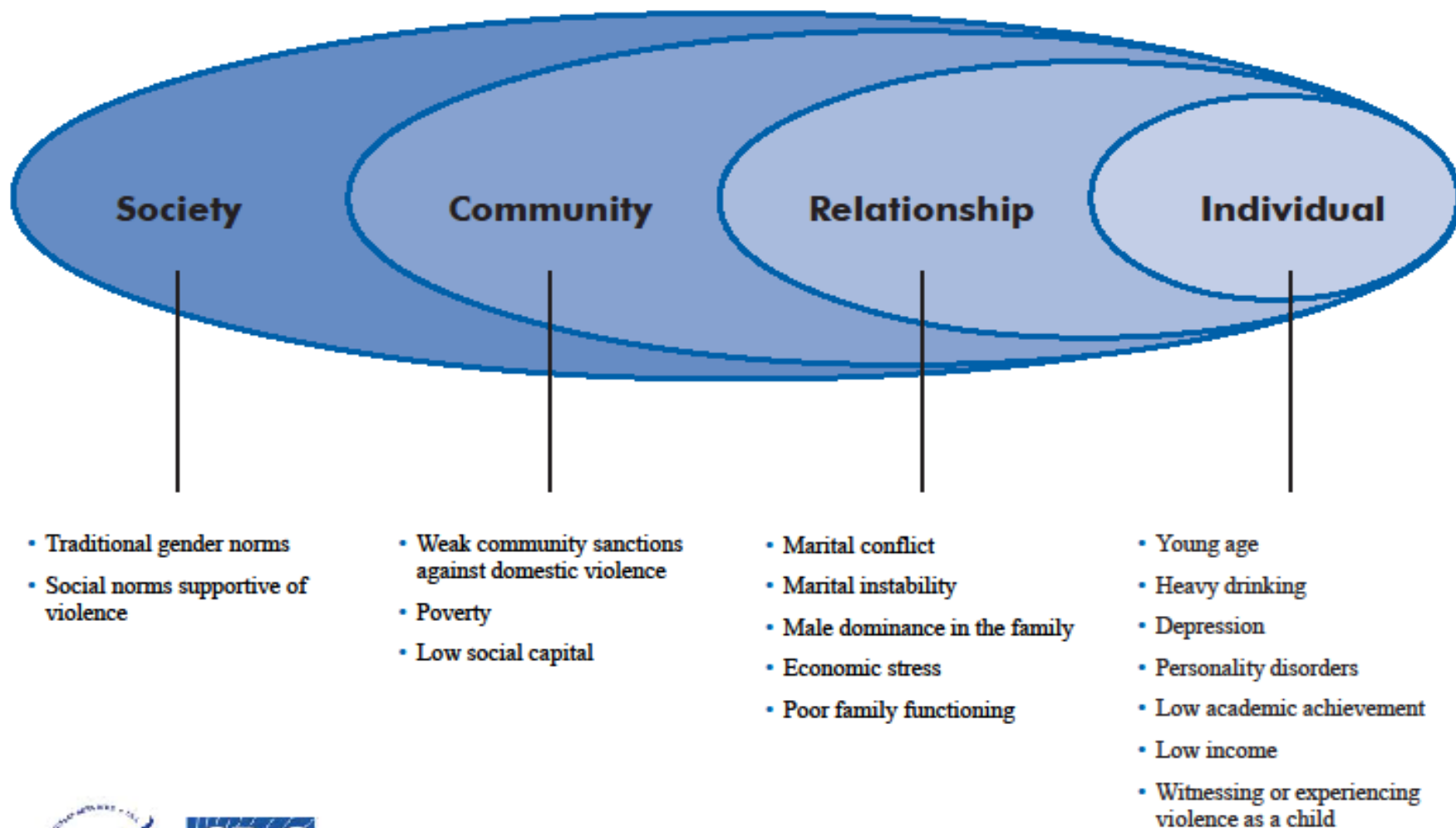


Why do People Abuse Their Intimate Partners?

3. **Choose** to Abuse

- ⌘ It's a conscious choice
- ⌘ Abusers are able to learn and make different choices
- ⌘ Abusers are solely responsible for their violence

Factors Associated with a Man's Risk for Abusing His Partner



Adapted from the *World Report on Violence and Health* (World Health Organization, 2002)



Power and Control Theory



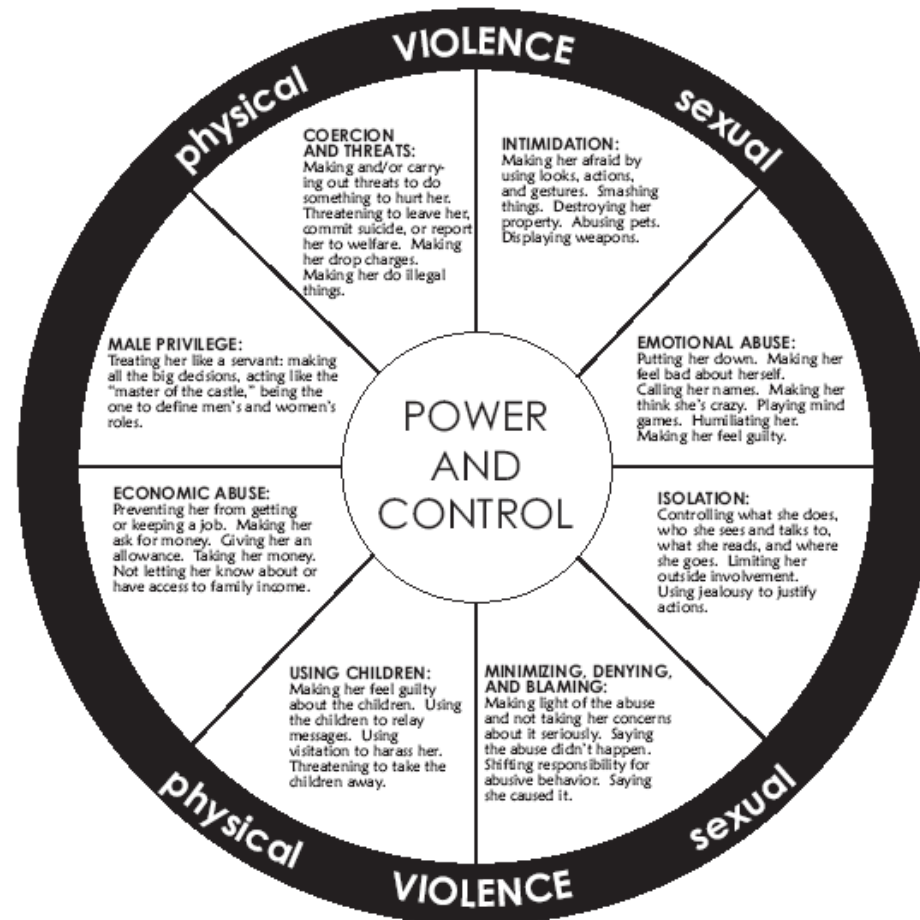
Power and Control

- ⌘ Batterers seek to **gain** and **maintain** power and control over their intimate partners by use of **actual** and **assumed** power.
- ⌘ Power takes the form of strategic, abusive tactics (physical, sexual, verbal, emotional) to reinforce this control.

POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



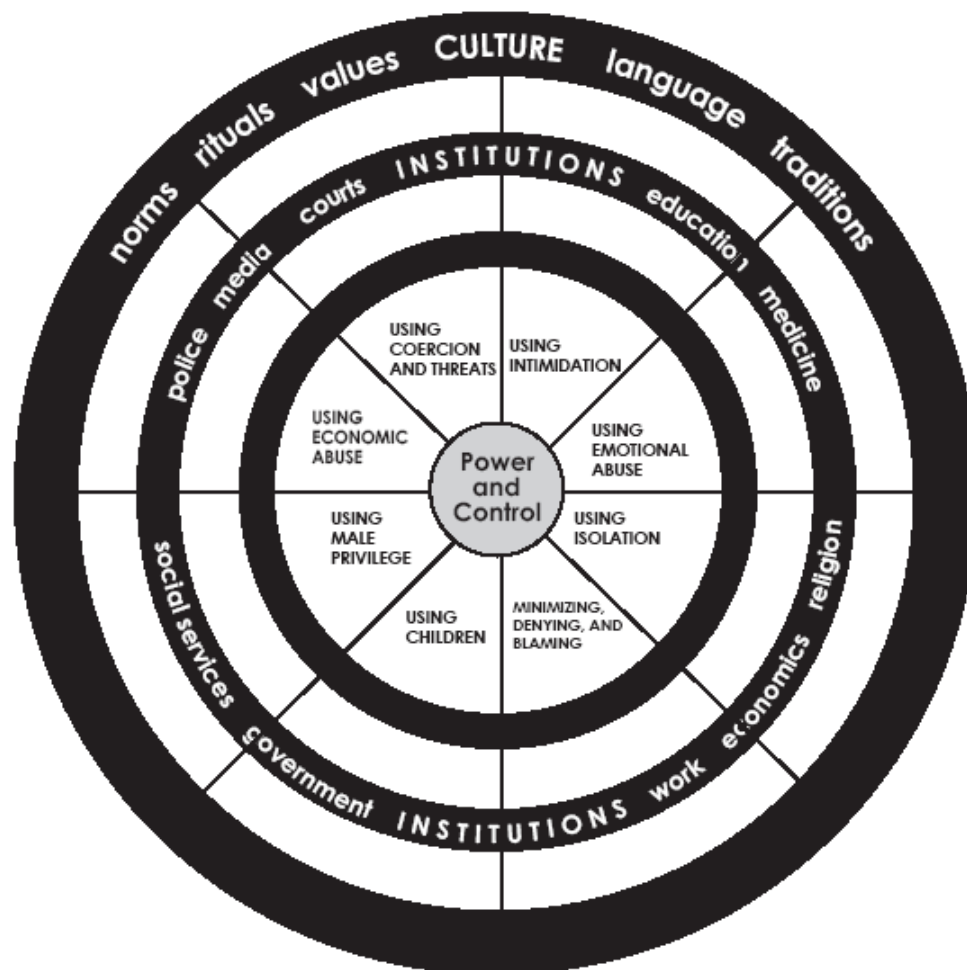
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POWER AND CONTROL WHEEL



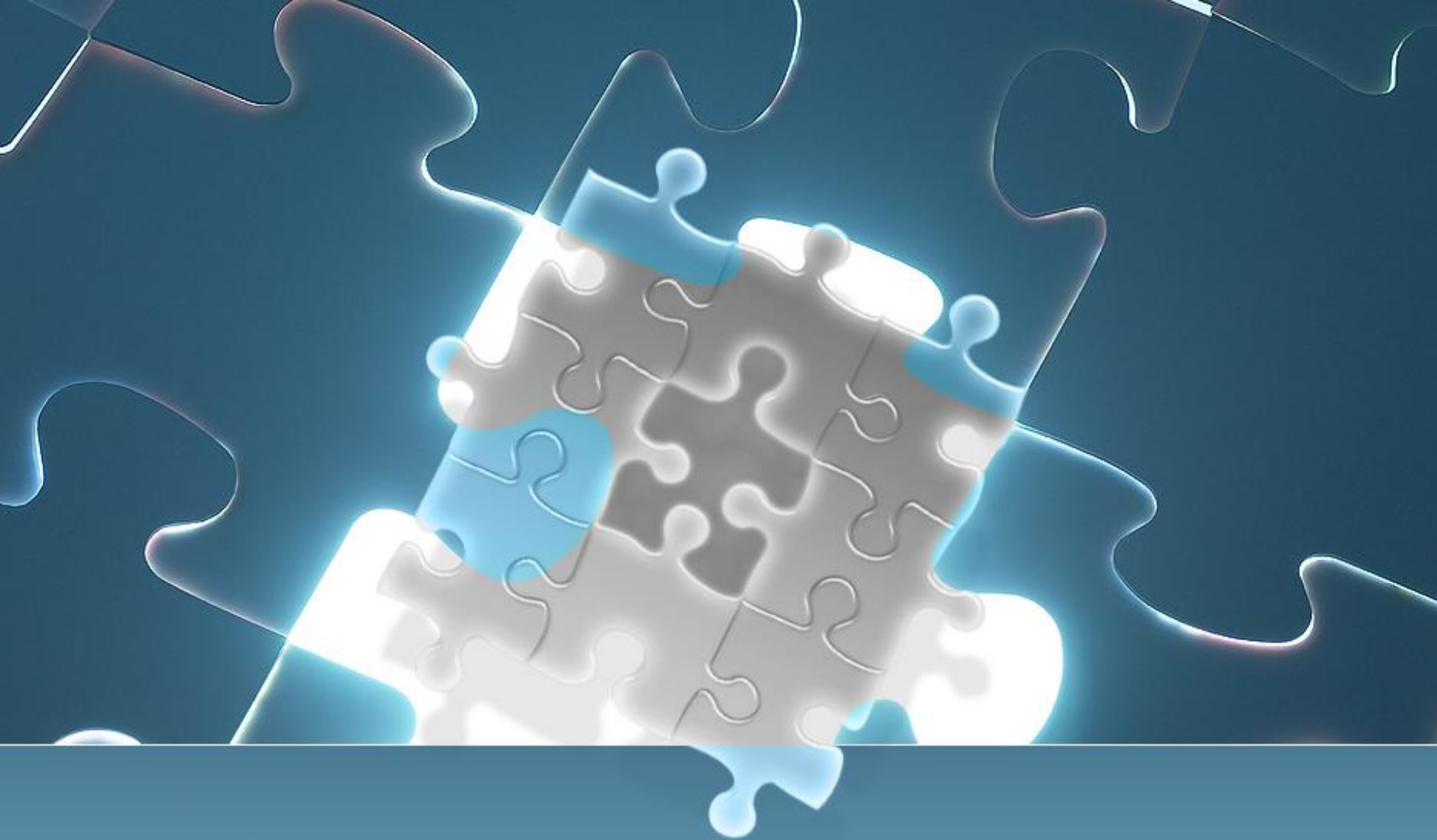
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Cultural Considerations



Cultural Considerations

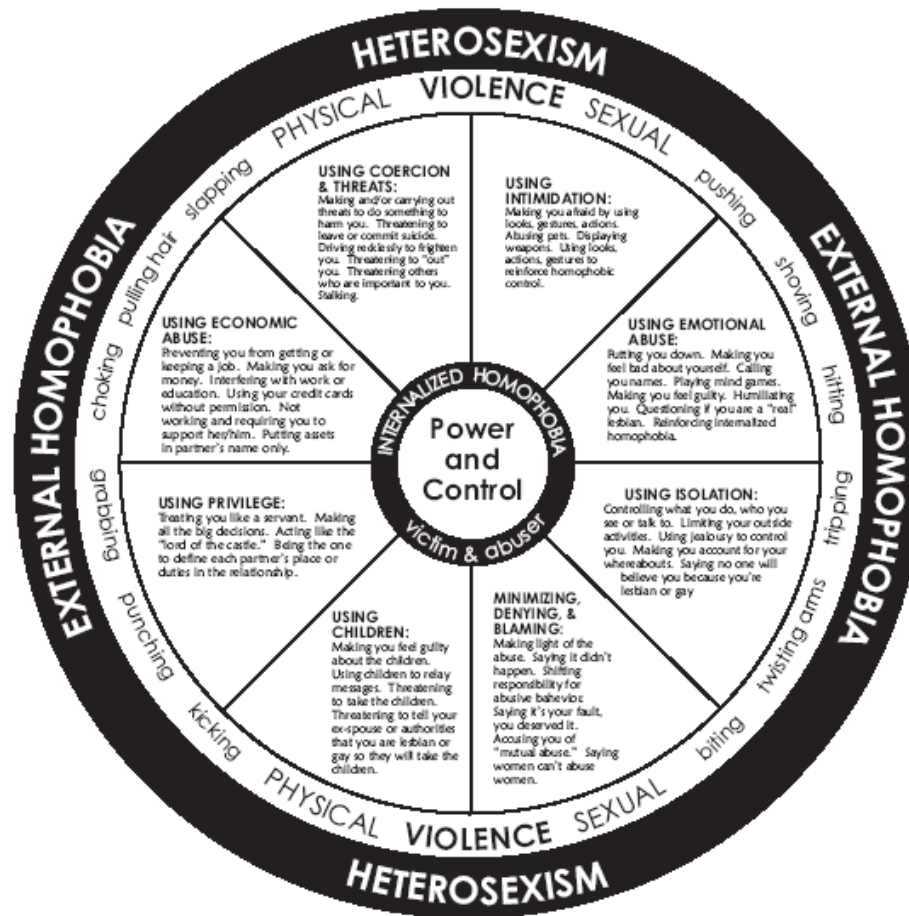
- ⌘ Play a role in the tactics batterers use to control their victims.
- ⌘ May effect how we perceive and respond to both victims and offenders and therefore our victims services and offender accountability.



Culture Influences Choices



LESBIAN/GAY POWER AND CONTROL WHEEL



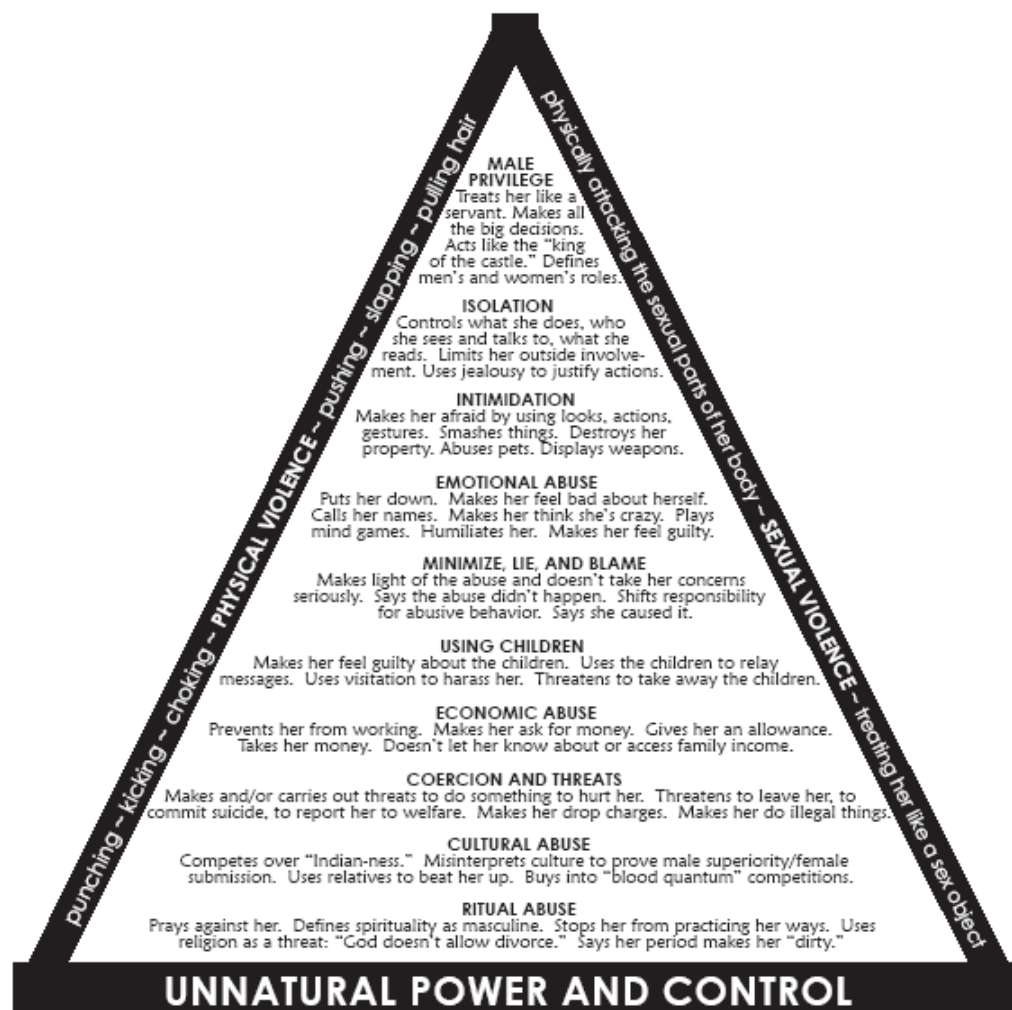
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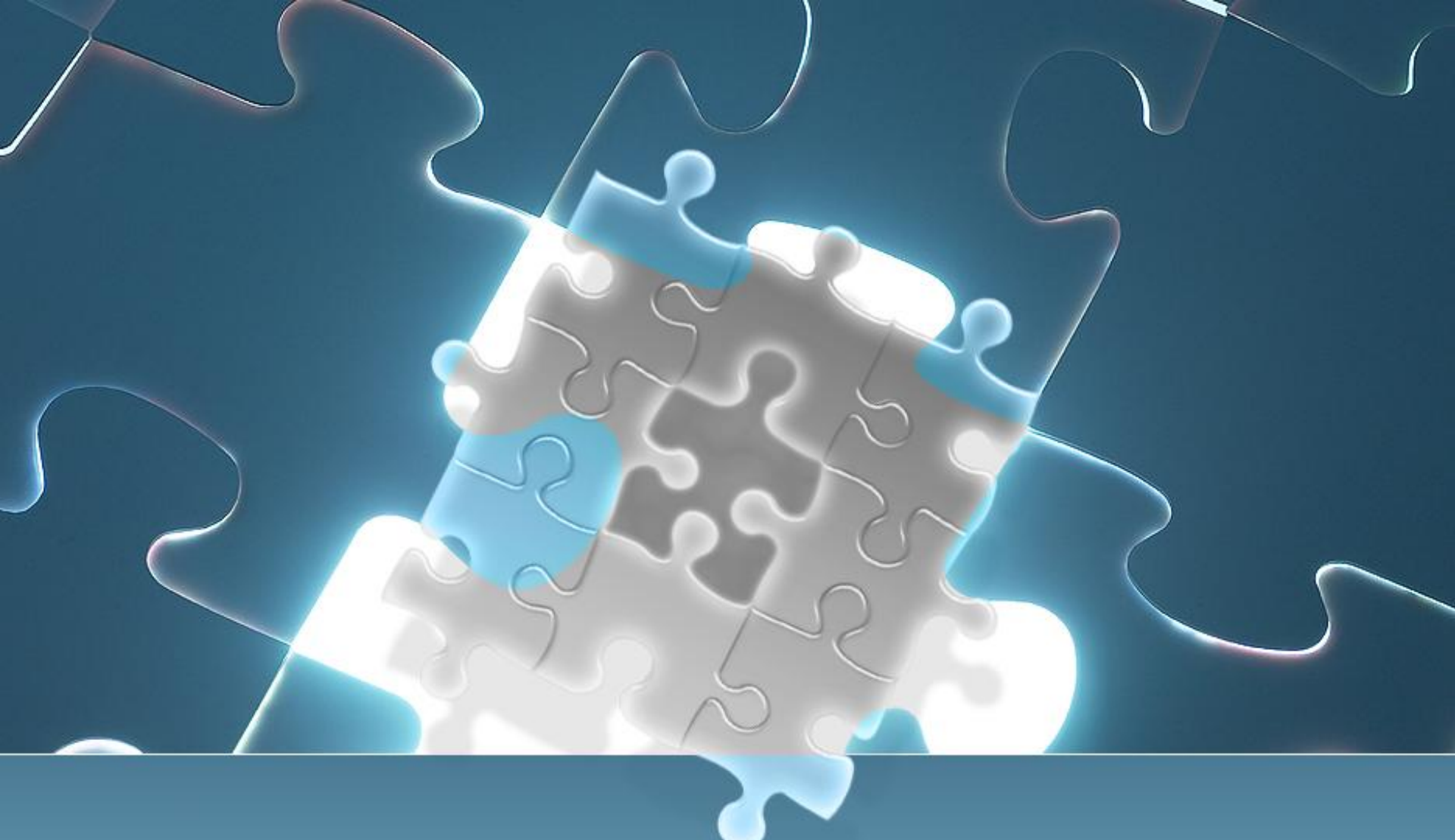
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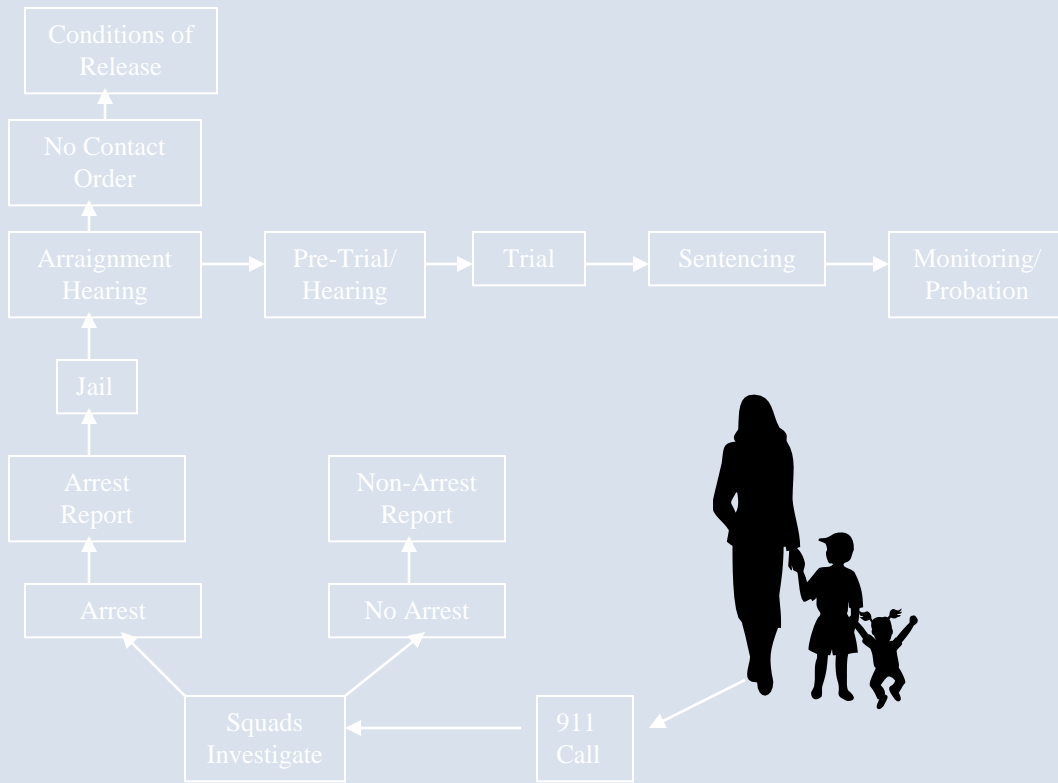
VIOLENCE AGAINST NATIVE WOMEN: BATTERING



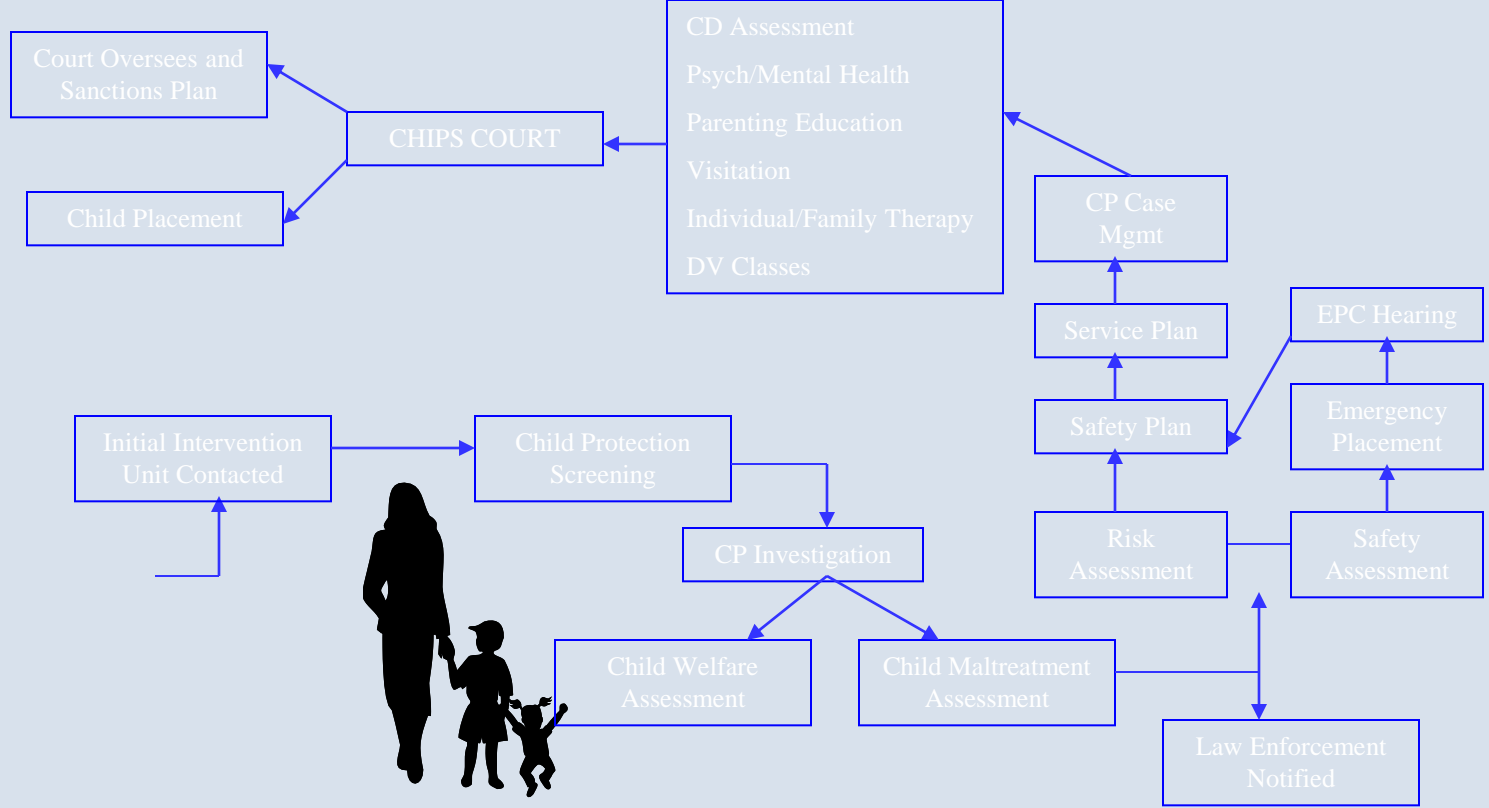


Maze Map

Battered Women's Justice Project & Praxis International

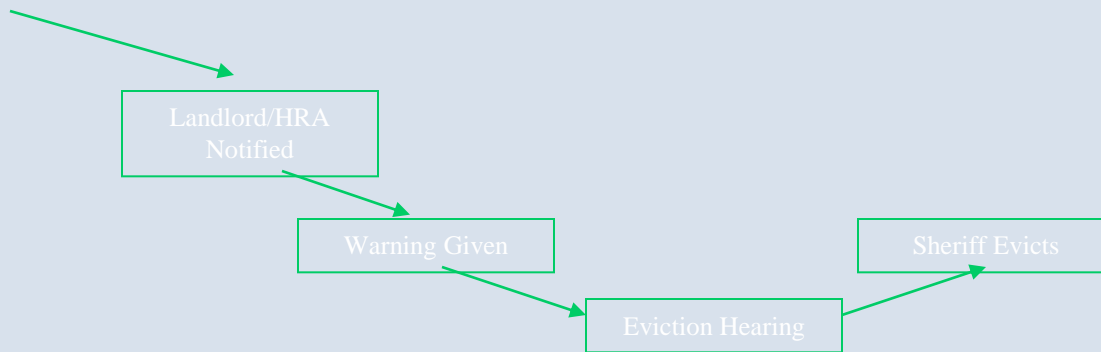


DOMESTIC VIOLENCE/ ARREST INCIDENT

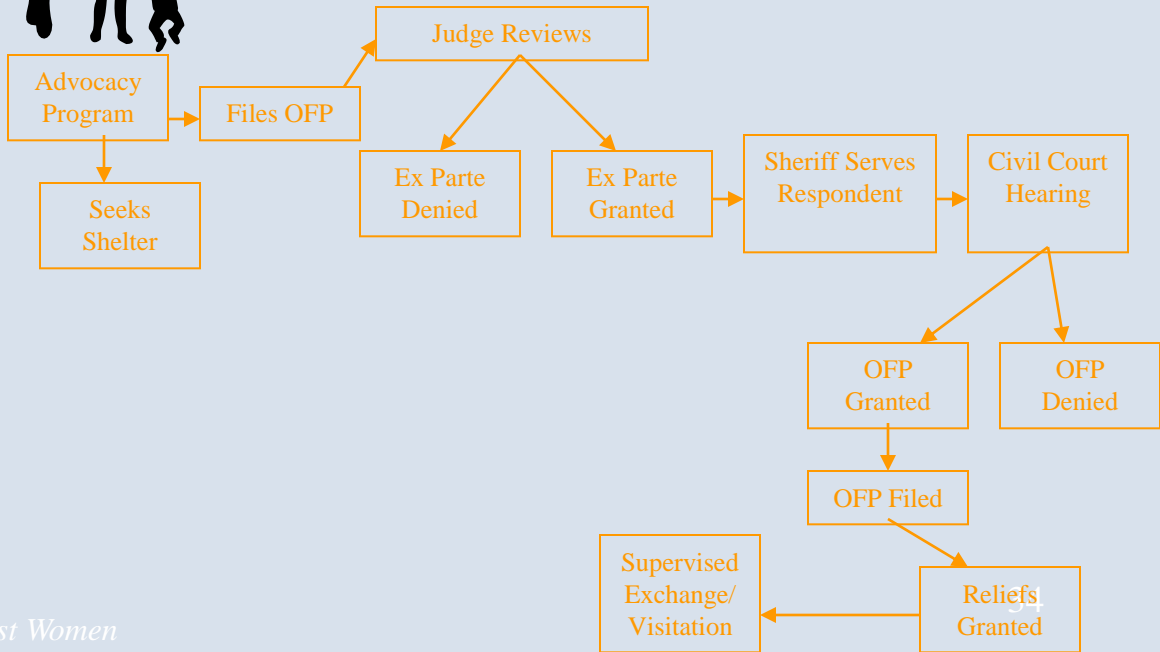


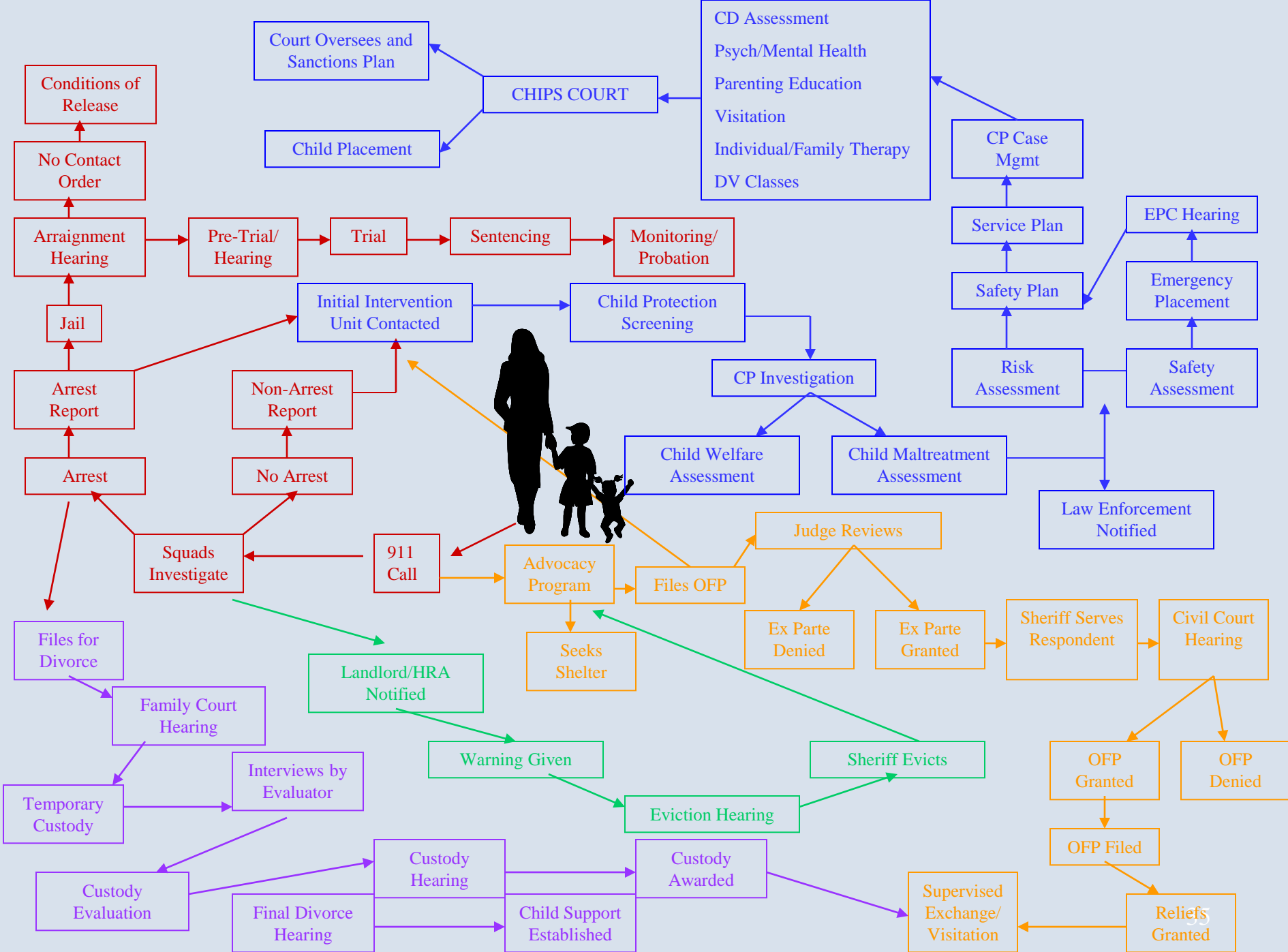
CHILD PROTECTION MAP

HOUSING MAP



ORDER FOR PROTECTION – CIVIL COURT PROCESS







Advocates in Later Years



Needs of Victims

1. **SAFETY:** Protection from perpetrators and revictimization; crime prevention through collaborative problem solving; a restored sense of individual and community safety.
2. **ACCESS:** Ability to participate in the justice system process and obtain information and services, regardless of individual or family circumstances.



Needs of Victims

3. **INFORMATION:** Verbal and written information about justice system processes and victim services that is clear, concise, and user-friendly.
4. **SUPPORT:** Services and assistance to enable participation in justice processes, recovery from trauma, and repair of harm caused by crime.



Needs of Victims

5. **CONTINUITY:** Consistency in approaches and methods across agencies; continuity of support through all stages of the justice process and trauma recovery.
6. **VOICE:** Empowerment to speak out about processing of individual cases; opportunities to influence agency and system-wide policies and practices.



Justice is achieved when all stakeholders are satisfied with the process and the outcome is fair to all participants.

– *What Do Victims Want? Effective Strategies to Achieve Justice for Victims of Crime*,
International Association of Chiefs of Police, 1999



Advocates in Later Years

Early Years – Ongoing

- ⌘ Options
- ⌘ Support
- ⌘ Information
- ⌘ Shelter
- ⌘ Referrals
- ⌘ Crisis intervention
- ⌘ Safety planning
- ⌘ Individual advocacy

Later Years – New

- ⌘ Advocating for laws and policies
- ⌘ Systems advocacy
- ⌘ Criminal/civil justice system
- ⌘ Other systems: welfare, housing, employment, education, child support, healthcare, etc.
- ⌘ Community outreach
- ⌘ CCR/coalition building

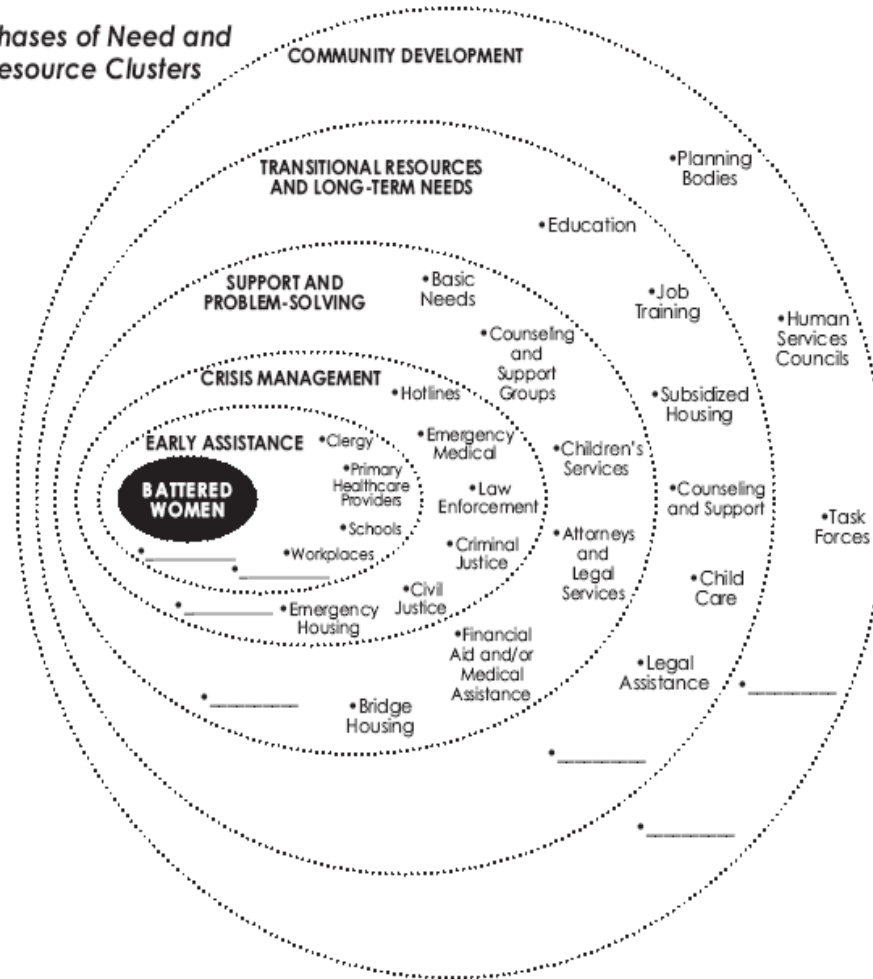


Programs/ Service Providers in Later Years

- ⌘ Assistance with protective order application process
- ⌘ Programs for children (i.e., art therapy and schools in some communities)
- ⌘ Sexual assault programs more closely aligned with domestic violence
- ⌘ Healthcare services
- ⌘ Assistance with the TANF/food stamp application process
- ⌘ Job training and educational assistance
- ⌘ Transitional housing

CONTINUUM OF CARING: COMMUNITY-BASED RESOURCES FOR BATTERED WOMEN

Phases of Need and Resource Clusters



Developed from:
The Community Audit: A Resource for
Battered Women's Advocates,
Pennsylvania Coalition Against
Domestic Violence (1997)

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Effective Responses to a Domestic Violence Survivor



Effective Responses to a Domestic Violence Survivor

ASK – instead of telling

LISTEN – instead of talking

SHARE RESOURCES/REFERRALS –
instead of advising



5 Things to SAY to a Victim

1. I'm afraid for your safety.
2. I'm afraid for the safety of your children.
3. It will only get worse.
4. I'm here for you.
5. You don't deserve to be abused.

– Study by Sarah Buel and Quincy, MA Courts



5 Things to Say to an Abuser

1. I'm afraid you'll really hurt her badly or kill her next time.
2. I'm afraid you'll hurt your children.
3. It will only get worse.
4. I'm here for you when you're ready to change.
5. No one, including you, has the right to abuse/hurt another person.



Individual vs. Systems Advocacy




Individual Advocacy

- ⌘ Information/sharing/reflection
- ⌘ Referral and follow-up
- ⌘ Mentoring/critical thinking
- ⌘ Risk assessment/threat management
- ⌘ Resource acquisition
- ⌘ Support/community organizing
- ⌘ Accompaniment
- ⌘ Intervention; legal, medical, employment



Systems Advocacy

- ⌘ Expansion of resources for survivors
- ⌘ Seeking changes in structure and practice; human services/legal/education systems
- ⌘ Promotion of culturally inviting practices
- ⌘ Accountability; perpetrator and system through CCR and community organizing
- ⌘ Building community; workplace, neighborhood, faith organizations, etc.



Individual vs. Systems Advocacy Examples

Individual

- ⌘ Accompany a victim to the police station to sign an assault complaint and explain how the system works.
- ⌘ Help a victim restore their food stamps.
- ⌘ Ask the prosecutor to authorize a complaint after it has been turned down.

Systems

- ⌘ Work to change police policy so that an officer is the one to sign a complaint.
- ⌘ Work to change the policy so that victims from the shelter can get food stamps with no questions asked.
- ⌘ Convince prosecutors to implement effective domestic violence policies and procedures so that fewer complaints are denied.



Community-Based and Systems Advocates



**Victims
working with
domestic
violence
programs**

**Victims working
with the criminal
justice system**

**Victims NOT
using *either*
system**



Evolution of Advocates

- ⚡ Community-Based Advocates – working in independent, community-based agencies where victims of sexual assault and domestic violence seek services
- ⚡ Systems Advocates, commonly known as Victim Witness Advocates or Coordinators, working in law enforcement and prosecutor offices where victims are witnesses in criminal cases



Goals of CB Advocacy

- ⌘ Safety of victims
- ⌘ Authority/autonomy/empowerment
- ⌘ Restoration/resources
- ⌘ Justice
- ⌘ Accountability of perpetrator
- ⌘ Accountability of the criminal and civil justice systems
- ⌘ Well-being of victims



Goals of VW Advocacy

- ⌘ Safety of victims
- ⌘ Accountability of perpetrators
- ⌘ Deterrence of perpetrators
- ⌘ Restitution for victims
- ⌘ Implement victim rights – statutes and rules
- ⌘ Seamless criminal justice response



CB Advocate

VW Advocate

- ⌘ Victim/family support and advocacy
- ⌘ Information
- ⌘ Holistic service
- ⌘ Critical thinking
- ⌘ Risk assessment and safety planning
- ⌘ Promote authority/resources
- ⌘ Restoration
- ⌘ Community organizing

- ⌘ Victim assistance
- ⌘ Information
- ⌘ Police/DA assistance
- ⌘ Investigation
- ⌘ Case-based service
- ⌘ Notice on case developments
- ⌘ Risk assessment and threat management
- ⌘ Victim enlistment
- ⌘ Compensation



CB Advocate

VW Advocate

- ⌘ Confidential communications
- ⌘ Non-disclosure directives
- ⌘ Accompaniment
- ⌘ Assist victim in speaking for self
- ⌘ Advocate for victim position on sentence

- ⌘ Non-confidential communications
- ⌘ Disclosure to prosecution and defense
- ⌘ Accompaniment
- ⌘ Victim-impact statement
- ⌘ Bound by sentence proposal of DA



CB Advocate VW Advocate

⌘ Work with victims to navigate *multiple* systems:

- ▶ criminal and civil justice
- ▶ welfare
- ▶ housing
- ▶ employment
- ▶ education
- ▶ child support
- ▶ healthcare

⌘ Work with victims to navigate *single* system:

- ▶ criminal justice system
- ⌘ Work with victims of *all* crimes, not just domestic violence and sexual assault



CB Advocate

VW Advocate

- ⌘ Responsibility for system and case problem-solving/advocacy
- ⌘ System accountability
- ⌘ Media/cultural work
- ⌘ Community organizing/CCR
- ⌘ Community education

- ⌘ Time limited
- ⌘ Community education
- ⌘ Victims in criminal cases
- ⌘ Uphold constitutional responsibility to protect the defendant's civil rights, not the victim's rights



CB Advocate

VW Advocate

- ⌘ Cooperate with the criminal/civil justice systems, but not always
- ⌘ Work to meet the multiple needs of victims
- ⌘ Help victims identify their options
- ⌘ Don't tell victims what to do – let them make own choices

- ⌘ Encourage victims to participate in the criminal justice system
- ⌘ Help develop a more “user friendly” system
- ⌘ Help victims recover in the aftermath of crime
- ⌘ Facilitate the process of prosecuting cases, getting POs or serving as a liaison with law enforcement



CB Advocates Believe

- ⌘ Responsible to the *individual* victim of domestic violence
- ⌘ Victim/perpetrator relationship does not determine if act is criminal
- ⌘ Battered women face many risks besides continued violence
- ⌘ Victims can best assess their risks and devise a personal safety plan
- ⌘ The criminal justice system should neither re-victimize victims, nor collude with the offender



CB Advocates Believe

- ⌘ The criminal justice system may be helpful to victims if the resources and processes are:
 - ▶ Accessible
 - ▶ Timely
 - ▶ Responsible
 - ▶ Effective
 - ▶ Culturally sensitive



VW Advocates Believe

- ⌘ Crimes are violations of society's laws, i.e., they are against the state
- ⌘ Victims/witnesses are critical to the enforcement and prosecution of crimes
- ⌘ They are responsible to the system and the victim



VW Advocates Believe

- ✧ To gain victim cooperation, the system should:
 - ▶ Act to provide safety during the victim's involvement in the criminal justice system
 - ▶ Assist the victim to fulfill the role of witness
 - ▶ Seek support and restitution for the victim
 - ▶ Listen to the victim at sentencing on the impact of the crime



Community Cooperation, Coordination, Collaboration



Cooperation

- ⌘ Relationships usually formed around one area of information exchange.
- ⌘ Resources and organizations kept separate.
- ⌘ May be short-term or project-oriented.
- ⌘ There will be little planning or evaluation, but will be some problem-solving.



Coordination

- ⌘ Relationships may be broader in scope and more in-depth communications occur.
- ⌘ Resources are specifically allocated by the partnering organizations and individuals will be designated as responsible for the effort.
- ⌘ Usually longer-term, more of a program rather than a project and involve some planning and evaluation.



Collaboration

- ⌘ Relationships are very intertwined with open communications designed to problem-solve and create new approaches.
- ⌘ Resources are avidly shared and may be sought jointly.
- ⌘ Responsibilities and roles in the effort are clear, with leadership coming from both/several organizations.
- ⌘ The venture has an articulated vision and is planned, with evaluation and redesign based on performance.

SUCCESSFUL COLLABORATION WHEEL

When to collaborate?

The general rule is that law enforcement agencies or personnel should engage in collaboration with other organizations or individuals when stakeholders have a common, long-term goal; are committed to working together as a team; and cannot achieve the goal more efficiently as independent entities. Not all law enforcement relationships must be collaborative, nor should they strive to be. Under some circumstances, it may be appropriate for law enforcement personnel just to establish a good communication plan. Under other circumstances, cooperation between two individuals may be sufficient. Perhaps coordination between two agencies to avoid duplication of effort is all that is required. Collaboration is, however, critical for many community policing endeavors.



Reproduced from "Collaboration Toolkit: How to Build, Fix, and Sustain Productive Partnerships," by Tammy A. Rinehart, Anna T. Laszlo, and Gwen O. Briscoe, Ph.D., Community Oriented Policing Services, U.S. Dept. of Justice, Washington, D.C.: 2001

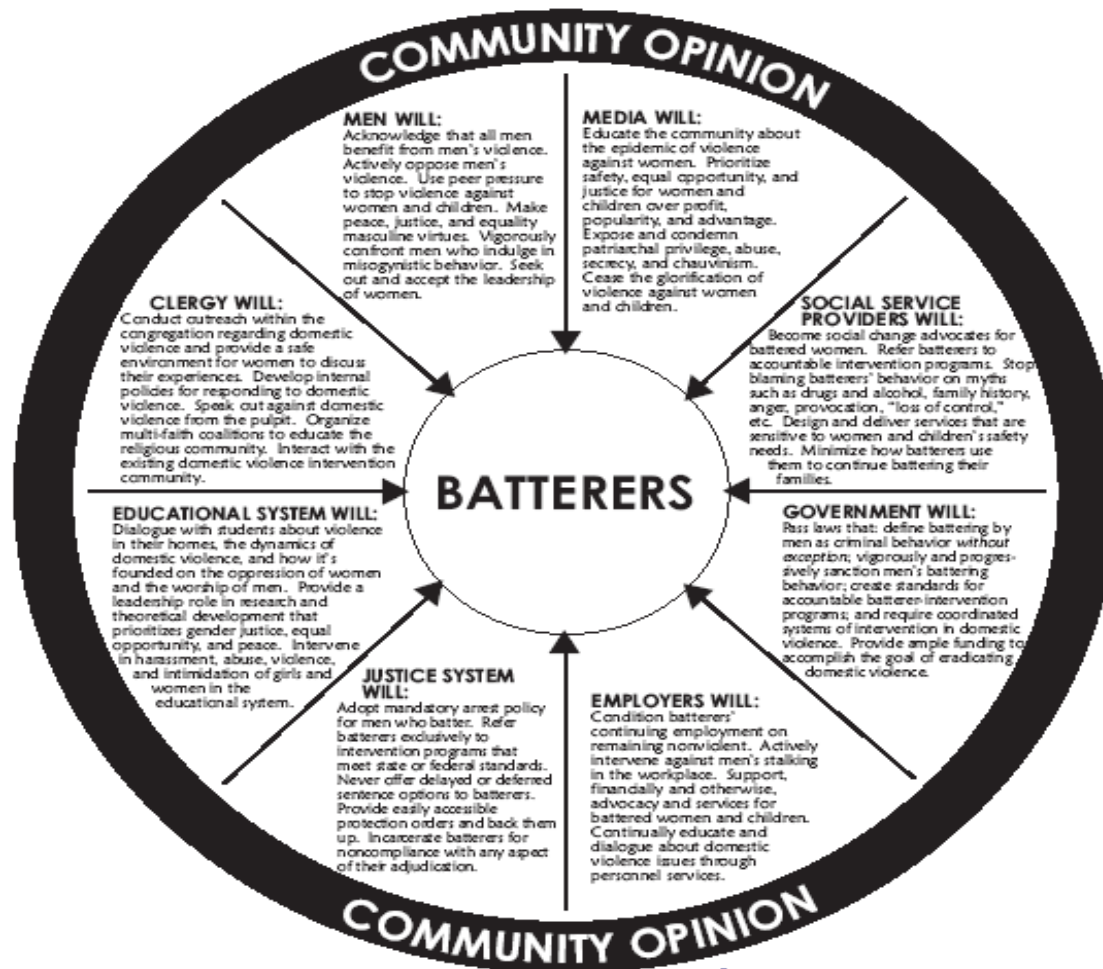
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COMMUNITY ACCOUNTABILITY WHEEL

This wheel *begins* to demonstrate the ideal community response to the issue of domestic violence. Community opinion, which strongly states that battering is unacceptable, leads all of our social institutions to expect full accountability from the batterer by applying appropriate consequences. This wheel was developed by Mike Jackson and David Garvin of the Domestic Violence Institute of Michigan (P.O. Box 130107, Ann Arbor, MI 48113, tel: 313.769.6334).



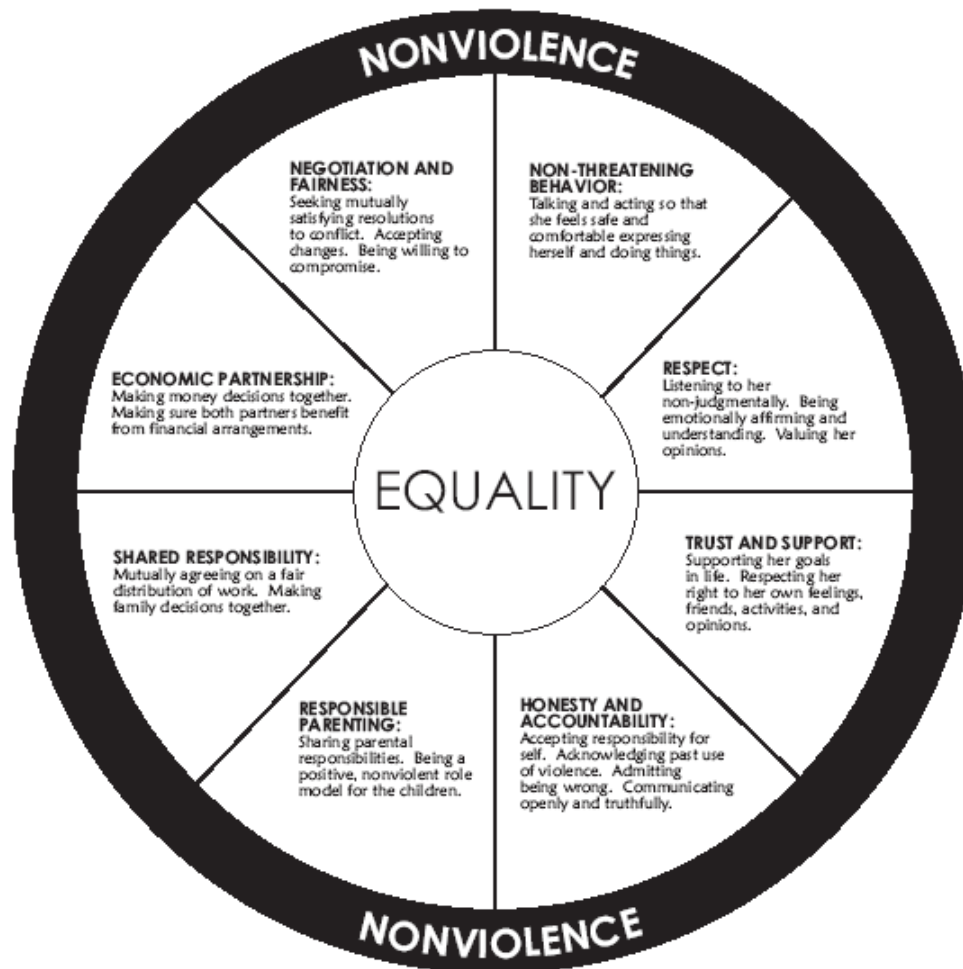
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EQUALITY WHEEL



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We Are Here for You



We Are Here for You

⌘ We **are here** to listen...

Not to work miracles.

⌘ We **are here** to help a woman discover what she is feeling...

Not to make her feelings go away.

⌘ We **are here** to help a woman identify her options...

Not to decide for her what she should do.



We Are Here for You

- ⌘ We **are here** to discuss with a woman...
Not to take steps for her.
- ⌘ We **are here** to help a woman discover her own strength...
Not to rescue her and leave her still vulnerable.
- ⌘ We **are here** to help a woman discover she can help herself...
Not to take responsibility for her.



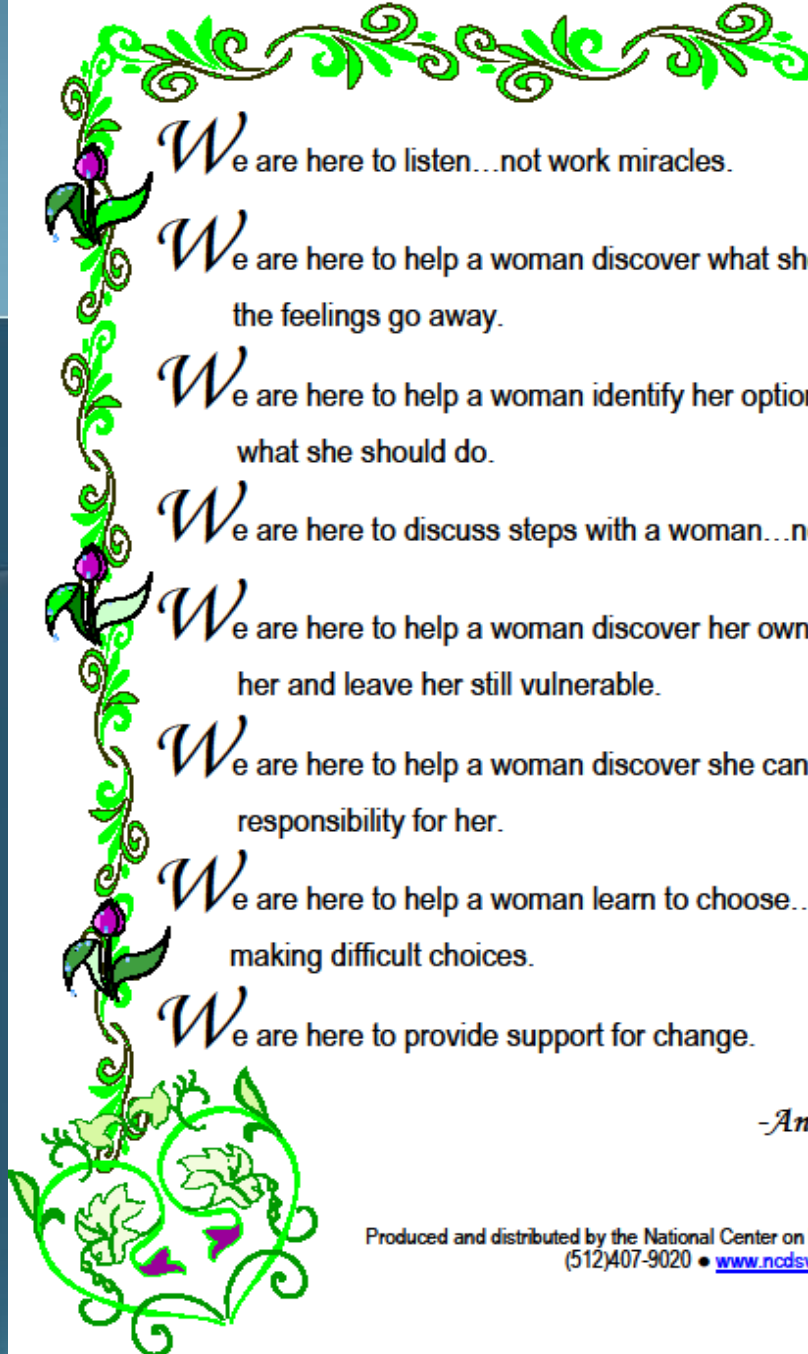
We Are Here for You

⌘ We **are here** to help a woman learn to choose...

Not to keep her from making difficult choices.

⌘ We **are here** to provide support for change.

– Anonymous



We are here to listen...not work miracles.

We are here to help a woman discover what she is feeling...not to make the feelings go away.

We are here to help a woman identify her options...not to decide for her what she should do.

We are here to discuss steps with a woman...not to take steps for her.

We are here to help a woman discover her own strength...not to rescue her and leave her still vulnerable.

We are here to help a woman discover she can help herself...not to take responsibility for her.

We are here to help a woman learn to choose...not to keep her from making difficult choices.

We are here to provide support for change.

-Anonymous

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Questions?

Note: reference slides follow

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Advocating for Laws and Policies



Advocating for Laws and Policies

⚡ Local

- ▶ Zoning

⚡ Federal

- ▶ Violence Against Women Act
- ▶ Interstate stalking
- ▶ Firearms
- ▶ Immigration
- ▶ Full Faith and Credit



State Domestic Violence Laws and Policies

- ⌘ Mandatory arrest and warrantless arrest
- ⌘ No-drop policies
- ⌘ Orders of protection, full faith and credit enforcement of protection orders
- ⌘ Assaulting an intimate partner
- ⌘ Marital rape
- ⌘ Stalking
- ⌘ Divorce and mediation
- ⌘ Custody and visitation in battering relationships



State Domestic Violence Laws and Policies

- ⌘ Prohibiting insurance discrimination
- ⌘ Funding for domestic violence and sexual assault programs
- ⌘ Identification of predominate aggressor
- ⌘ Requiring medical professionals to report and/or document suspected abuse
- ⌘ Training requirements for law enforcement officers and judges
- ⌘ Requirements to notify victims of their rights and available services



Unauthorized Practice of Law



The next five slides are excerpted from *Court Advocates and the Unauthorized Practice of Law – Instructions to Court Advocates*, Alabama Coalition Against Domestic Violence, November 1, 2002.



Unauthorized Practice of Law

- ⌘ State definitions of UPL differ greatly.
- ⌘ UPL laws are open to interpretation by the courts and each jurisdiction differs in its activities and interpretations.
- ⌘ UPL interpreted to occur when a non-lawyer engages in any activities which affect and impact upon the legal rights and obligations of clients.
- ⌘ Various methods such as injunctions and criminal prosecutions have been used to enforce UPL regulations.



Unauthorized Practice of Law

Courts have identified general parameters to determine whether there has been UPL:


1. whether the service is commonly understood to involve the practice of law;
2. whether the service requires legal skills and knowledge beyond that of the average lay person; and, in some cases,
3. whether there has been harm to the consumer of those services.



Practice of Law


All states have general statutes limiting the practice of law to licensed attorneys. Generally, the practice of law includes:

1. accepting cases from a client;
2. setting fees;
3. giving legal advice, thereby rendering independent legal judgment on behalf of a client;
4. preparing or signing legal documents; and
5. appearing in a representative capacity before a court or other adjudicatory body.



Tips for Advocates to Avoid UPL

- ⌘ Make certain that those with whom you communicate realize that you are a non-lawyer court advocate, and that court advocates are not attorneys and cannot give legal advice.
- ⌘ When conveying information which may be construed as legal advice, you should clearly identify the source of the advice as the attorney, e.g., "I questioned Attorney Smith on the point that you raised, and the attorney's opinion is that..."



Tips for Advocates to Avoid UPL

- ⚡ Make certain that all legal documents and correspondence which may include information that could be construed as a legal opinion are reviewed, approved and signed by an attorney, if possible.
- ⚡ Make certain that you communicate effectively with the attorney and keep him/her advised of your work and activities. Ensure that all your work is reviewed and approved by the attorney.