VICTIM ADVOCACY: WHO, WHAT, WHEN, WHERE AND HOW

Panel members - advocates
- Tammie Atkin
- Melanie Clark
- Shelley Haupt
- Marsh Probst
- Deb Wood

Interloper – Kris Knowlton

ETHICS AND THE VICTIM ADVOCATE

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CODE OF ETHICS PURPOSES

- Safeguards reputation of the profession
- Protects public from exploitation
- Furthers competent and responsible practice

Foundation for Code of Ethics

- Client autonomy, privacy and self-determination
- Objectivity and abstention from abuse
- Honesty and equity of service
- Compassion and respect for individuals
- Social responsibility and confidentiality
- Working within one's range of competence

- National Victim Assistance Standards Consortium (NVASC) was formed to develop professional standards for the field.

SCOPE OF SERVICES

Standards 1.1 thru 1.5

Ethical Standard 1.1
FOLLOW THE LAW

- The victim assistance provider understands his/her legal responsibilities, limitations and the implications of his/her actions w/in the service delivery setting and performs duties in accord with laws, regulations, policies and legislated rights of persons served

Ethical Standard 1.2
ACCURATE REPRESENTATION

- The victim assistance provider accurately represents his/her professional title, qualifications and/or credentials in relationships with people served and in public advertising

Ethical Standard 1.3
PROFESSONAL CONDUCT

- The victim assistance provider maintains a high standard of professional conduct

commentary

- Respectful of rules, procedures and decorum in court or other type of hearing
- Avoid impropriety or appearance of impropriety
- Avoid violence, dishonesty, interference with administration of justice, abuse of professional position or public office
- Applies to personal as well as professional life, including expression of personal views vs views of employing organization

Ethical Standard 1.4

PROFESSIONAL COMPETENCE

- The victim assistance provider achieves and maintains a high level of professional competence

commentary

- Keep current on professional services info
- Limits on services provided
  - To those permitted by program
  - To those w/in range of knowledge and skill
- Make referrals to other professional when required services are beyond program or competence

Ethical Standard 1.5
INFORM ABOUT COSTS

- The victim assistance provider who provides a service for a fee informs the person served about the fee at the initial session or meeting

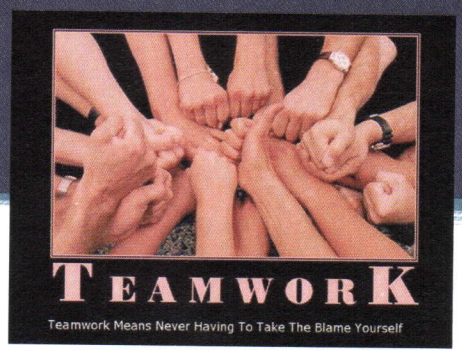
commentary

- Written agreement at very beginning including insurance reimbursements, charges for missed or cancelled appointments, other financial issues
- Cannot accept goods or services from person served or from 3rd party for services rendered
  - EXCEPTION: if refusal would disrespect culturally specific customs, then get advice from supervisor

COORDINATING WITHIN THE COMMUNITY

collaboration

Standards 2.1 thru 2.3



Ethical Standard 2.1
RESPECT COLLEAGUES

- The victim assistance provider conducts relationships with colleagues and other professionals in a way that promotes mutual respect, public confidence and improvement of services

commentary

- Professional conduct
  - With co-workers
  - With police agency victim advocates, prosecutor victim advocates, other advocates (paid or unpaid)
  - With other professional service providers
  - With police, prosecutors and courts

Ethical Standard 2.2
SHARE KNOWLEDGE

- The victim assistance provider shares knowledge and encourages proficiency in victim assistance among colleagues and other professionals

commentary

- View own role and responsibilities as part of overall team effort by justice and service personnel
- Effective and sensitive interaction with team members
- Cooperation, listening, leadership, conflict management

Ethical Standard 2.3
IMPROVE SYSTEMS

- The victim assistance provider serves the public interest by contributing to the improvement of systems that impact victims of crime

commentary

- Efforts to prevent victimization, improve justice/services systems, improve access to those systems, advocate for change in policies, laws or systems that are unjust, discriminatory or ineffective
- May be limited by agency policy and/or funding source

DIRECT SERVICES

Standards 3.1 thru 3.10

Ethical Standard 3.1
RESPECT CIVIL RIGHTS

- The victim assistance provider respects and attempts to protect the victim's civil rights

commentary

- Utah Constitutional Amendment on Victims' Rights
- Utah statutes on victims' rights
- Right against discrimination
  - Race/ethnicity, language, sex, gender, age, sexual orientation, ability, social class, economic status, education, marital status, religious affiliation, residency or HIV status in provision of services
- Retained right to release confidential information and records and have that right protected
  - Including right to know exceptions

exception

- Mandatory Reporting of Child Abuse/Neglect 62A-4a-403
  - Any person who has reason to believe a child has been subjected to abuse or neglect or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect shall immediately notify the nearest LE office or DCFS
  - Willful failure to report = class B misdemeanor

Sexual assault counselor confidentiality

- SA counselor defined as a person who is employed by or volunteers at a rape crisis center who has a minimum of 40 hours of training and counseling and assisting victims of sexual assault and who is under the supervision of the director or designee of a rape crisis center *see 77-38-201 et seq*

Cont.

- Confidential communication means information given to a sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship

Exceptions to SA confidentiality

- Victim is a minor and counselor believes in best interest of minor to disclose to parents
- Victim is a minor and parents or guardian have consented to disclosure to third party as in best interests of minor
- Adult victim has given consent and counselor believes disclosure necessary for desired result of counseling
- Mandatory child abuse reporting law

Ethical Standard 3.2
PROTECT VICTIM'S INTERESTS

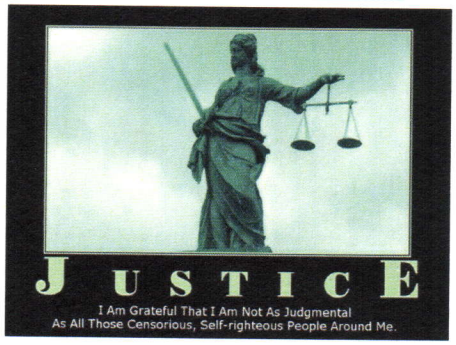
- The victim assistance provider recognizes the interests of the person served as a primary responsibility

commentary

- Pursue the best interests of the person served and advocate for what the VICTIM desires
  - If that advocacy conflicts with the VA or program, disclose conflict to victim and give referral to alternative provider or seek professional consultation re: appropriate resolution

Ethical Standard 3.3
NONJUDGMENTAL

- The victim assistance provider refrains from behaviors that communicate victim blame, suspicion regarding victim accounts of crime, condemnation for past behavior or other judgmental, anti-victim sentiment



commentary

- There is a difference between explaining potential issues to victim for court preparation vs blame
- Suspend personal judgment so as to maintain professional trust and effective advocacy

Ethical standard 3.4
SELF DETERMINATION

- The victim assistance provider respects the victim's right to self determination

commentary

- Perceptions of victim's wants, needs and rights may not correspond with victim's perception
- Victim should be provided ALL options and make own informed choice which should be supported by provider
- Victim in best position to assess own history, needs, risks and resources

Ethical Standard 3.5
CONFIDENTIALITY

- The victim assistance provider preserves the confidentiality of information provided by the person served or acquired from other sources before, during and after the course of the professional relationship

commentary

- Provider must abide by program policy and legal authority governing confidential communications
  - Program policy may require disclosure: prosecutor's office and rules of discovery; police advocate and rules requiring disclosure of exculpatory evidence to prosecutor
  - Mandatory reporting statutes on child abuse and vulnerable adult abuse

Cont.

- Sexual assault counselor confidentiality
- Disclose limits on confidentiality ASAP

Other exceptions

- Consultation w/ supervisors or professional consultants
- Written consent from victim
- In cases of death or disability, w/ written consent of personal representative (unless PR inflicted disability and disclosure could put victim at risk
- When victim reveals intent to commit crime or harmful act
- Medical emergency
- Person waives confidentiality if brings suit or charge against provider

commentary

- Providing statistical info to outside source w/o identifying victim is OK
- Do not use confidential info to own advantage or to disadvantage of victim
- All persons with access to files or participates in providing service also bound by confidentiality

Ethical Standard 3.6

AVOID CONFLICT OF INTEREST

- The victim assistance provider avoids conflicts of interest and discloses any possible conflict to the program or person served and also to prospective programs or person to be served

commentary

- Make effort to avoid compromising influences and loyalties
- Conflicts may be due to previous assignments, family relationships, business relationships
- Discuss w/ supervisors

Ethical Standard 3.7
TERMINATE APPROPRIATELY

- The victim assistance provider terminates a professional relationship with a victim when the victim is not likely to benefit from continued services

commentary

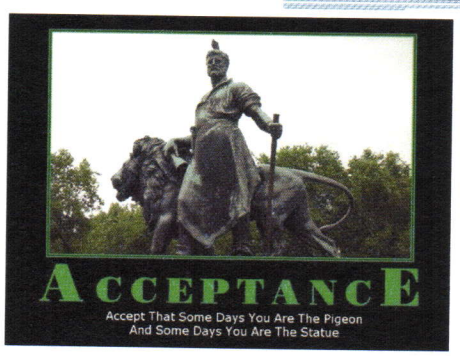
- Give reasonable notice of anticipated termination
- Provide appropriate referrals upon request
- Strongly discouraged from terminating professional relationship in order to begin personal or business relationship with person served

Ethical Standard 3.8
GOOD BOUNDARIES

- The victim assistance provider does not engage in personal relationships with person served that exploit professional trust or that could impair the victim assistance provider's objectivity and professional judgment

commentary

- Provider solely responsible for acting appropriately; no defense that client [or family member or significant other of client] initiated inappropriate conduct (sex, alcohol, seduction, harassment)
- Applies to all persons involved in providing service to person



Cont.

- Maintain clear and healthy boundaries
  - "need to be needed" addiction
  - Find balance in your own life between work and health, family, spirituality

Ethical Standard 3.9
NONDISCRIMINATORY

- The victim assistance provider does not discriminate against a victim or another staff member on the basis of race/ethnicity, language, sex, gender, age, sexual orientation, ability, social class, economic status, education, marital status, religious affiliation, residency or HIV status

commentary

- If provider has concerns about potential discrimination, make appropriate and timely referral or discuss with supervisor to resolve

Ethical Standard 3.10
SUPPORT COLLEAGUES

- The victim assistance provider furnishes opportunities for colleague victim assistance providers to seek appropriate services when traumatized by a criminal event or client interaction

commentary

- Limited resources may necessitate provision of services to colleagues
- Try to utilize providers in other jurisdictions

ADMINISTRATION AND EVALUATION

Standard 4.1

Ethical Standard 4.1
REPORTS MISTREATMENT AND MISCONDUCT

- The victim assistance provider reports to appropriate authorities the conduct of any colleague or other professional (including oneself) that constitutes mistreatment of a person served or that brings the profession into dishonor

commentary

- Report to professional boards, program administrators, funding administrators or other entities responsible for adoption of standards
- Submit reports w/in 30 days of occurrence

"Don't think or judge, just listen."

Sarah Dessen, *Just Listen*

The End

Scenario #1

DV and homicide: Mary, her husband Officer Dan, and their children: 8 year old Sally, 12 year old Trevor, and 18 month old June

MOTTOS

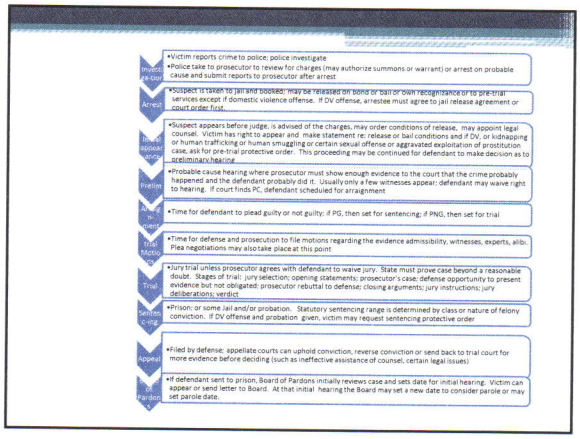
Your host: Deb Wood

Group Sharing time

Mottos

Criminal Justice System in Utah

Process in felonies



Scenario #2

Teen sexual assault: Ella, her mom, step-father and the criminal justice system

ALWAYS/NEVER

Your host: Shelley Haupt
Co-host: Melanie Clark

WRAP-UP

"We believe in ordinary acts of bravery, in the courage that drives one person to stand up for another."

– Veronica Roth, *Divergent*