

OHIO FAMILY VIOLENCE PREVENTION CENTER

OFFICE OF CRIMINAL JUSTICE SERVICES

A DIVISION OF THE OHIO DEPARTMENT OF PUBLIC SAFETY

Excellence in Advocacy: A Victim-Centered Approach

2010

Message from the Executive Director of the Ohio Office of Criminal Justice Services

The Ohio Office of Criminal Justice Services (OCJS), the lead criminal justice planning agency for the State of Ohio, is pleased to provide this publication, ***Excellence in Advocacy: A Victim-Centered Approach***. This publication was developed through a collaboration of the Family Violence Prevention Center (FVPC) and the Family Violence Prevention Center Advisory Council. The FVPC Advisory Council consists of criminal justice experts from around the state who work on domestic violence, sexual assault, dating violence and stalking issues. ***Excellence in Advocacy: A Victim-Centered Approach***, is part of our continuing effort to educate and enhance services of professionals in the field. This publication, while helpful for all victim advocates, was specifically designed for victim advocates who have been in the field five years or less. The publication includes information on the following topics:

- What is advocacy?
- National/State Code of Conduct for advocates
- Unauthorized practice of law
- Picking your battles
- Legal remedies
- Safety planning
- Emerging issues

The success of this publication is not possible without the collaborative efforts of FVPC and its partners in the victim advocacy field.

It is my hope that ***Excellence in Advocacy: A Victim-Centered Approach*** will serve as a valuable resource for victim advocates and service providers as they work towards safety, education and awareness for victims/survivors of crime and enhancing public safety in Ohio.

Karhlton F. Moore
Executive Director
Ohio Office of Criminal Justice Services

This project was supported by Grant Number 2008-WF-AX-0021, awarded by the Office on Violence Against Women, U.S. Department of Justice.

The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Special Thanks

Ohio Family Violence Prevention Center Advisory Council
Victims' Services Publication Subcommittee:

Chair, Robin Bozian, Southeastern Ohio Legal Services
Chrystal Alexander, Ohio Department of Public Safety
Molly Burchfield, Athens Police Department
Mike Davis, Ohio Department of Rehabilitation and Corrections
Debbie Echesabal, Intern, The Ohio State University
Kate Foulke, Ohio Department of Youth Services
Gail Heller, Choices for Eliminating Domestic Violence
Sandy Huntzinger, Ohio Attorney General's Office

Special thanks to Cindy Kuhr for her assistance with the section
on Vicarious Trauma.

FORWARD

This publication is meant to be a helpful resource for advocates new to the field of victim advocacy. It is **not** intended to be a step by step guide for working with crime victims as procedures will vary from agency to agency. This publication is based on the collective work experience of the Victims' Services Publication Subcommittee members listed above, and also includes additional resources. Our intent is to provide a basis of knowledge about working in the advocacy field and to address different topics you may encounter such as vicarious trauma, emerging issues, legal remedies and other subjects. Because there are already several excellent publications available for Ohio advocates, we have tried to touch on subject matter that has not already been addressed. Some of the other great resources include *The ABC's of Crime Victim Advocacy* by Jeannette M. Adkins, *Ohio Domestic Violence Law* by Ronald B. Adrine and Alexandria M. Ruden and *Quality Victim Advocacy - A Field Guide* by David Voth.

The first two chapters of this publication are meant to be read straight through to provide a basic foundation. The remaining chapters are intended to be used as resources as you begin your work as a victim advocate.

It is our hope that this publication will assist advocates in navigating the victim advocacy field successfully by developing healthy coping and advocacy skills and utilizing what we have found to be helpful practices when working with community and criminal justice partners for the benefit of crime victims.

Table of Contents

Chapter 1:

<u>Just For Advocates</u>	6
<u>Outline of the Ohio Criminal Justice System</u>	7
<u>Unauthorized Practice of Law</u>	8
<u>Code of Conduct</u>	14
<u>Picking Up the Pieces</u>	17
<u>Victims Of Crime Compensation Program</u>	18
<u>Victim Information and Notification Everyday</u>	20
<u>Vicarious Trauma</u>	22
<u>Picking Your Battles</u>	26

Chapter 2:

<u>The Different Disciplines of Victim Advocacy</u>	29
--	-----------

Chapter 3:

<u>Safety Planning</u>	32
<u>Special Populations: Refugee and Immigrant Women</u>	37
<u>Children</u>	39
<u>Victims With Disabilities</u>	39
<u>Teens in Abusive Relationships</u>	46

Chapter 4:

<u>Legal Remedies</u>	48
------------------------------------	-----------

Chapter 5

<u>Emerging Issues</u>	57
<u>Cybercrimes: Cyberstalking</u>	57
<u>Cybercrimes: Sexting</u>	59
<u>Human Trafficking</u>	60
<u>Teen Violence Curriculum</u>	64
<u>Women Who Fight Back</u>	65
<u>Officers Who Batter</u>	69

<u>Conclusion</u>	83
--------------------------------	-----------

Glossary of Acronyms

AG's Office--The Ohio Attorney General's Office

CA--Credentialed Advocate (National Victim Advocate Certification)

CPO—Civil Protection Order

CSPO—Civil Stalking Protection Order

CSOPO—Civil Sexually Oriented Offense Protection Order

IPV—Intimate Partner Violence

JAG--Justice Assistance Grant

NOVA--National Organization for Victim Assistance

OCJS--Ohio Office of Criminal Justice Services

ODRC--Ohio Department of Rehabilitation and Corrections

ODYS--Ohio Department of Youth Services

ORC—Ohio Revised Code

OVW--Office on Violence Against Women

OVWA--Ohio Victim Witness Association

RA--Registered Advocate (State of Ohio Victim Advocate Certification)

SAFE—Sexual Assault Forensic Exam

SANE—Sexual Assault Nurse Examiner

TPO—Temporary Protection Order

VAWA--Violence Against Women Act

VINE—Victim Information and Notification Everyday

VOCCP—Victims of Crime Compensation Program

VS--Victim Services

Chapter 1:

Just For Advocates

¹What is an advocate?

Advocates are trained professionals who assist and/or advocate for victims of crime (in accordance with ORC 2930) in determining the best options in the aftermath of a crime, whether or not the victim goes through the civil or criminal justice system.

Advocacy may include but is not limited to:

- Court accompaniment
- Making victim notification
- Assistance with preparing victim impact statements
- Providing information about the criminal justice system
- Assisting with Victims of Crime Compensation Forms
- Explaining to survivors of crime their rights as afforded to them in Ohio Revised Code 2930
- Notifying crime victims of hearing dates and updating them on the status of their case
- Making referrals to appropriate community resources
- Serving as a liaison between victims of crime, law enforcement, the prosecuting attorney's office, the criminal justice system and community resources.

Victims may have been affected by misdemeanor or felony crimes or both. These crimes include but are not limited to:

- Murder
- Aggravated Vehicular Homicide (Assault)
- Sexual Assaults
- Burglary
- Robbery
- Assaults (Felony and Misdemeanor)
- Domestic Violence
- Stalking (Menacing by Stalking)

Please note that *advocacy* may also be called: victim assistance, victim witness and/or victim services. Generally, these terms are interchangeable. For this publication a *victim* may also be called a survivor. Additionally, the term *abuser* is used

¹ Information for State and National Advocates-<http://www.ovwa.org/>, <http://www.trynova.org/>

interchangeably with batterer and offender. The terms used in your area will depend on the community and the criminal justice system where you work.

Outline of the Ohio Criminal Justice System

Municipal Court

- Crime and Arrest
- Felony or misdemeanor charged and filed at Municipal Court
- Arraignment in Municipal Court (TPO may be issued in domestic violence cases) and Bond Set
- Preliminary Hearing (For bind over to Court of Common Pleas – felony cases)
- Pretrial Conference Hearings
- Trial or Change of Plea Hearing
- Sentencing

Court of Common Pleas

- Grand Jury
- Indictment (or No Bill- case is finished- no charges)
- Arraignment (Bond set, plea entered)
- Pretrial
- Motion Hearing (Suppression, Not guilty by reason of insanity hearing - NGRI)
- Change of Plea
- Trial
- Conviction or adjudication/Acquittal
- Pre-sentence Investigation
- Sentence
- Community Control or Confinement
- Release from Prison
- Community Control

***Note: There may be some variations in the above process based on jurisdiction, however, for the most part, the steps listed above are followed in the state of Ohio.

*No matter what organization you are part of, your role is that of an advocate. Your job is **not** to provide legal advice. Take some time to read the article below and become familiar with the chart outlining what a non-lawyer can do to help their clients. Be aware which activities fall under “practicing law without a license” and violate Ohio law.*

UNAUTHORIZED PRACTICE OF LAW IN DOMESTIC VIOLENCE CASES

The Ohio General Assembly has prohibited persons from practicing law without a license. R.C. 4705.01. Therefore, the Supreme Court has established a Board of Commissioners on the Unauthorized Practice of Law and adopted rules for filing and considering complaints alleging the unauthorized practice of law. See Ohio Gov. Bar R. VI. Potential unauthorized practice of law (UPL) by nonlawyers (e.g., clerks of court and victim advocates) in domestic violence cases includes providing legal representation to a client, such as representing the client in court, preparing and filing legal pleadings, briefs, or other legal documents for a client, or negotiating on behalf of a client. More difficult questions arise as to when giving legal advice or information to other persons constitutes the unauthorized practice of law and what assistance can legitimately be provided to pro se petitioners with regard to the distribution and preparation of CPO petitions or other legal forms. The Ohio Supreme Court and its Board of Commissioners promulgate rules, issue opinions, and decide cases concerning the unauthorized practice of law in Ohio. The opinions of Supreme Court and the Board of Commissioners define “unauthorized practice of law” in Ohio and, conversely, what types of assistance by nonlawyers to persons seeking legal advice or information are permissible conduct in Ohio.

In the domestic violence context, the Ohio Supreme Court has cited a Maryland Attorney General’s Opinion on the proper role of victim advocates as providing guidance in this area. In addition, enforcing the domestic violence laws is a high priority for Ohio courts, as noted by the Ohio Supreme Court in a landmark decision: “[C]ourts have an obligation to carry out the legislative goals to protect the victims of domestic violence.” *Felton v. Felton* (1997), 79 Ohio St.3d 34, 44-45. The

Ohio General Assembly has enacted strong and comprehensive domestic violence laws—providing for a wide range of both civil and criminal remedies and specifically acknowledging the roles of nonlawyer victim advocates and requiring the courts to provide court mandated protection order forms to pro se petitioners. These laws reflect the legislative intent and Ohio’s public policy priority to assist victims of domestic violence. The UPL requirements should not be used to bar the types of routine assistance provided to victims by clerks of court and victim advocates, and UPL enforcement decisions should take into account the high priority Ohio law and public policy place on assisting domestic violence victims.

The critical factor in determining whether legal advice or other legal assistance constitutes the unauthorized practice of law is whether the legal advice or assistance is tailored to the needs of a specific person. Application of the law to a client’s particular situation or circumstances, providing a legal analysis of the strengths and weaknesses of a person’s legal case, or the recommendation of a course of action for a particular person are examples of conduct which clearly falls outside the scope of permissible conduct by nonlawyers and constitutes the unauthorized practice of law. By contrast, providing general legal information, copies of statutes, or copies of standard court forms is permissible conduct by nonlawyers and does not constitute the unauthorized practice of law.

A recent ruling by the Board of Commissioners on the Unauthorized Practice of Law illustrates this key point. *Office of Disciplinary Counsel v. Palmer* (2001), 115 Ohio Misc. 2870. This case concerned the operation of a computer website offering “free legal advice” by David Palmer, a nonlawyer and judicial gadfly. The Board ruled the site did not constitute practicing law without a license. Although Mr. Palmer’s site invited members of the general public to contact him to seek legal advice regarding “any questions or concerns regarding any legal matter,” and Mr. Palmer included the initials “J.D.” after his name on his letterhead, the Commission focused on the types of legal advice or information actually provided by Mr. Palmer and his website to persons who visited the website. Despite Mr. Palmer’s invitation to persons seeking legal advice regarding their problems or concerns, the Board concluded that he had not actually responded to

requests for legal advice tailored to those persons' specific problems or circumstances. The legal advice provided by the website was only general information and thus did not constitute the unauthorized practice of law by a nonlawyer.

Published advice offered to the general public, the Board explained, lacks one essential element of the practice of law: the tailoring of advice to the needs of a specific person. Mr. Palmer's remarks on the website did not prove that he engaged in unauthorized practice, the Board found, since not all advice rises to the level of legal advice that only a lawyer may give. Nonlawyers may give out general legal advice or information such as that provided in books, magazines articles, newsletters, and brochures without violating the legal prohibition against nonlawyers engaging in the practice of law. Another important factor in UPL enforcement and determinations is whether the challenged conduct requires the exercise of professional judgment by a lawyer. For example, in a 1997 decision the Ohio Supreme Court ruled that the activities of real estate brokers (such as completing preprinted contracts with simple, factual information that does not require the skills of a lawyer to complete and does not require "legal knowledge not possessed by an ordinary layman") fall outside the scope of Ohio's UPL law. *Sharon Village Ltd. v. Licking Bd. of Revision* (1997), 78 Ohio St.3d 479, 482. In light of Palmer, Sharon Village, and other UPL decisions of the Ohio Supreme Court and the Board of Commissioners on the Unauthorized Practice of Law, it is possible to develop a classification of permissible and non-permissible conduct by clerks of court, domestic violence victim advocates, and other nonlawyers. The following chart should prove useful to both clerks of court and victim advocates because it clearly sets forth what activities are permissible (not UPL) and impermissible (is UPL) in light of the current state of the law in Ohio. It should be kept in mind, however, that these guidelines may change in the future if and when the Supreme Court or the Board of Commissioners expands or otherwise changes the definition of unauthorized practice of law" in Ohio.

Courtesy of Michael Smalz, Senior Attorney with the Ohio Poverty Law Center

NONLAWYER ROLES AND ACTIVITIES

<u>CAN</u>	<u>CANNOT</u>
❖ 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 journal entry
❖ Answer questions concerning court rules, procedures, ordinary practices, and the types of legal actions that DV victims can pursue. -Such questions often contain the words “Can I” or “How Do I.”	❖ Answer questions regarding the merits of a person’s case or regarding the types of legal actions that the persons should pursue based on their particular circumstances
❖ Provide examples of forms or pleadings for the guidance of parties or victims	❖ Draft or prepare forms or pleadings for parties or victims
❖ Explain how cases generally are managed	❖ Explain how <i>this</i> case will be managed or give an opinion as to what will happen if you go to court
❖ Explain requirements to have CPO or TPO case considered by court	❖ Tell someone whether or not to bring action or recommend 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 person’s needs (warning: no guarantees and should seek attorney’s assistance)	❖ Suggest that a person must use a particular form, unless it is a court-approved form (e.g., the standard DV protection order forms)
❖ Provide guidance on how to complete court forms (where to write particular info)	❖ Answer questions on how to phrase particular responses on forms

CAN

CANNOT

<ul style="list-style-type: none">❖ Tell people where they can get assistance filling out court forms or other legal documents, or assist persons in completing court forms or other legal documents by reading aloud the questions, defining unfamiliar terms, explaining where on a form the person is to provide certain information, and filling in the blanks in a court form (on paper or on a computer screen) as directed by the person (Write down person’s exact words.)	<ul style="list-style-type: none">❖ Tell or suggest to people what specific answers they should give to fill in the blanks on a court form (on paper or on a computer screen) or interpret the meaning of court rules, laws, or ordinances
<ul style="list-style-type: none">❖ Read court or lawyer-approved forms and instructions to a person	<ul style="list-style-type: none">❖ Change the forms or instructions and give or read the modified forms or instructions to a person
<ul style="list-style-type: none">❖ Suggest that a person contact a lawyer and provide them with info about legal aid and referral resources	<ul style="list-style-type: none">❖ Suggest a specific attorney or refer a person to a specific attorney
<ul style="list-style-type: none">❖ Provide copies of requested rules, laws, and ordinances, or show or tell people where copies of rules, laws, or ordinances may be found	<ul style="list-style-type: none">❖ Interpret the meaning of those rules, laws, or ordinances for a party or victim
<ul style="list-style-type: none">❖ Educate yourself on domestic violence law by researching rules, laws, or ordinances	<ul style="list-style-type: none">❖ Research which rules, laws, or ordinances apply in a particular person’s situation and explain those rules, laws, or ordinances to that person
<ul style="list-style-type: none">❖ Give someone the statutory definition of “domestic violence” or “family or household members”	<ul style="list-style-type: none">❖ Advise someone as 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”
<ul style="list-style-type: none">❖ Tell a party how the judge hearing the victim’s case has ruled in past cases	<ul style="list-style-type: none">❖ Tell a party or victim the likelihood of getting a civil protection order based upon the facts in their case
<ul style="list-style-type: none">❖ Educate oneself on domestic violence law by researching and reading cases	<ul style="list-style-type: none">❖ Research cases and interpret or explain those cases to a party or victim, or advise a party or victim as to how to apply those cases to that person’s facts

<u>CAN</u>	<u>CANNOT</u>
❖ Do community education, operate a website, or otherwise provide general legal information on domestic violence laws and remedies to DV victims, the general public, etc.	❖ Give legal advice to a specific person that is tailored to that person's needs
❖ Provide people with basic information about the existence of legal rights and remedies	❖ Provide any advice relating to a specific person's rights or remedies
❖ Provide people 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 trial table, if permitted by the court, and accompany the victim to court (victim advocates)	❖ Present oral or written arguments to the court
❖ Engage in the general advocacy of the rights of battered women as a group	❖ Engage in advocacy before any court or governmental representative on behalf of a specific person

- ❖ Courts **must** give copies of court-mandated DV forms to anyone who requests a copy. Other persons, such as victim advocates, **may** give copies of such forms to other people.

Don't tell parties what to do, tell them how to do it.

This chart may not provide definitive answers concerning UPL in Ohio. There may be borderline cases or particular nuances that affect the UPL determination. Nevertheless, this chart should enable nonlawyers such as clerks of court and victim advocates to determine in the vast majority of cases whether requested or contemplated activity constitutes the unauthorized practice of law.

Code of Conduct for Victims' Advocates

National Organization for Victim Assistance (NOVA)

Adopted by the NOVA Board of Directors, April 22, 1995

CODE of PROFESSIONAL ETHICS for VICTIM ASSISTANCE PROVIDERS

Crime victims, community service providers and the criminal justice system expect every Victim Assistance Provider, paid or volunteer to act with integrity, to treat all victims and survivors of crime—their clients—with dignity and compassion, and to uphold principles of justice for the accused and accuser alike. To these ends, this Code will govern the conduct of Victim Assistance Providers:

I. In relationships with every client, the Victim Assistance Provider shall:

1. Recognize the interests of the client as a primary responsibility.
2. Respect and protect the client's civil and legal rights.
3. Respect the client's rights to privacy and confidentiality, subject only to laws or regulations requiring disclosure of information to appropriate other sources.
4. Respond compassionately to each client with personalized services.
5. Accept the client's statement of events as it is told, withholding opinion or judgment, whether or not a suspected offender has been identified, arrested, convicted, or acquitted.
6. Provide services to every client without attributing blame, no matter what the client's conduct was at the time of the victimization or at another stage of the client's life.
7. Foster maximum self-determination on the part of the client.
8. Serve as a victim advocate when requested and, in that capacity, act on behalf of the client's stated needs without regard to personal convictions and within the rules of the advocate's host agency.
9. Should one client's needs conflict with another's, act with regard to one client only after promptly referring the other to another qualified Victim Assistance Provider.

10. Observe the ethical imperative to have no sexual relations with clients, current or past, in recognition that to do so risks exploitation of the knowledge and trust derived from the professional relationship.
11. Make client referrals to other resources or services only in the client's best interest, avoiding any conflict of interest in the process.
12. Provide opportunities for colleague Victim Assistance Providers to seek appropriate services when traumatized by a criminal event or a client.

II. In relationships with colleagues, other professionals, and the public, the Victim Assistance Provider shall:

1. Conduct relationships with colleagues in such a way as to promote mutual respect, public respect, and improvement of service.
2. Make statements that are critical of colleagues only if they are verifiable and constructive in purpose.
3. Conduct relationships with allied professionals such that they are given equal respect and dignity as professionals in the victim assistance field.
4. Take steps to quell negative, insubstantial rumors about colleagues and allied professionals.
5. Share knowledge and encourage proficiency and excellence in victim assistance among colleagues and allied professionals, paid and volunteer.
6. Provide professional support, guidance, and assistance to Victim Assistance Providers who are new to the field in order to promote consistent quality and professionalism in victim assistance.
7. Seek to ensure that volunteers in victim assistance have access to the training, supervision, resources, and support required in their efforts to assist clients.
8. Act to promote crime and violence prevention as a public service and an adjunct to victim assistance.
9. Respect laws of one's state and country while working to change those that may be unjust or discriminatory.

III. In her or his professional conduct, the Victim Assistance Provider shall:

1. Maintain high personal and professional standards in the capacity of a service provider and advocate for clients.
2. Seek and maintain a proficiency in the delivery of services to clients.
3. Not discriminate against any victim, employee, colleague, allied professional, or member of the public on the basis of age, gender, disability, ethnicity, race, national origin, religious belief, or sexual orientation.
4. Not reveal the name or other identifying information about a client to the public without clear permission or legal requirements to do so.
5. Clearly distinguish in public statements representing one's personal views from positions adopted by organizations for which she or he works or is a member.
6. Not use her or his official position to secure gifts, monetary rewards, or special privileges or advantages.
7. Report to competent authorities the conduct of any colleague or allied professional that constitutes mistreatment of a client or that brings the profession into disrepute.
8. Report to competent authorities any conflict of interest that prevents oneself or a colleague from being able to provide competent services to a client, or to work cooperatively with colleagues or allied professionals, or to be impartial in the treatment of any client.

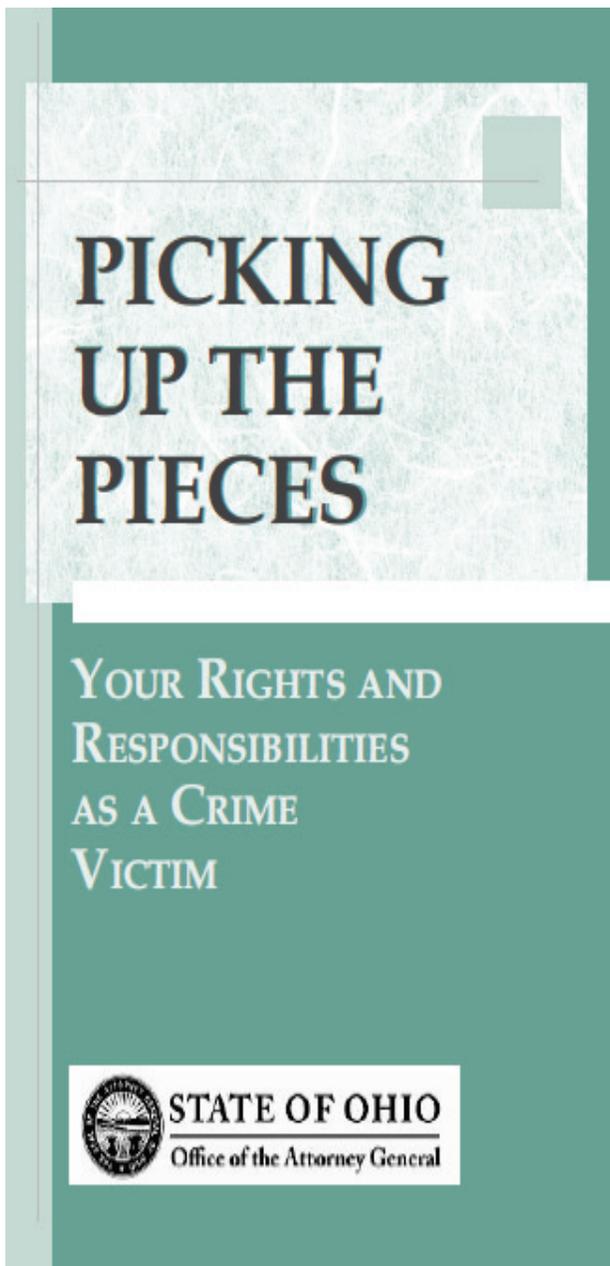
IV. In her or his responsibility to any other profession, the Victim Assistance Provider will be bound by the ethical standards of the allied profession of which she or he is a member.

©1987, 1994, 1997 National Organization for Victim Assistance

PICKING UP THE PIECES

<http://www.ohioattorneygeneral.gov/files/Publications/Publications-for-Victims/Picking-Up-the-Pieces.aspx>

Picking up the Pieces is a booklet written by the Ohio Attorney General's Office that provides guidance to victims of crime. These rights are afforded to crime victims under Ohio law per Ohio Revised Code (O.R.C.) 2930. It is important for advocates to know about this booklet as well as the victim rights listed in O.R.C. 2930.



Picking up the Pieces is given to crime victims by law enforcement promptly after their first contact with the victim. This booklet outlines the victims' rights during the court process. It also discusses protection orders, the Victims of Crime Compensation Program, the juvenile system and provides additional resource information. It is a good idea to keep extra copies of this booklet on hand to give to victims who may need one. *Picking up the Pieces* is available free from the Crime Victims Assistance and Prevention section of the Ohio Attorney General's Office by calling them at 1-800-582-2877.

Victims of Crime Compensation Program (VOCCP)

<http://www.ohioattorneygeneral.gov/Services/Victims/Victims-Compensation-Application>

The Ohio Attorney General's Office administers the Victims of Crime Compensation Program (VOCCP) which may assist crime victims with various expenses in the aftermath of crime.

What is it?

The Ohio Victims of Crime Compensation Program (VOCCP), is administered by the Ohio Attorney General's Office, and helps victims and/or their families with certain out-of-pocket expenses that arise when they are physically injured, emotionally harmed or killed because of violent crime. Program costs are paid from criminal fines and not by Ohio's taxpayers. The VOCCP is the payer of last resorts after all other options such as insurance have been exhausted.

If all of the following are true, a victim may be eligible for help from this program:

- The application is being filed within two years of the date of the crime. Victims who were minors at the time of the crime can file for compensation between ages 18-20 or someone may file on their behalf prior to the minor turning 18.
- The crime was reported within 72 hours (unless there is good cause for delay) and the victim cooperated with requests of law enforcement.
- The victim and claimant did not commit a criminal act that caused or contributed to the injuries.
- The victim has incurred expenses that are not fully covered by certain other sources.

Who is not eligible?

- The offender.
- A victim or claimant who has engaged in a felony offense of violence or drug trafficking within 10 years prior to the crime that caused the injury or during the pendency of the claim.

- A victim or claimant who has been convicted of a felony within 10 years prior to the crime that caused the injury or during the pendency of the claim.
- A claimant who has been convicted of a child endangering or domestic violence offense within 10 years prior to the crime that caused the injury or during the pendency of the claim.
- An adult victim who was injured while incarcerated and serving a sentence.

What are some costs that may be paid?

- Medical and related expenses.
- Counseling for the victim and immediate family members of victims for specific crimes (up to \$2,500 each, a maximum \$7,500 per claim).
- Lost wages from not being able to work.
- Replacement services.
- Crime scene cleanup/repair for personal security (up to \$750).
- Evidence replacement (up to \$750).
- Funeral expenses (up to \$7,500).

Are there limits on compensation?

- Compensation cannot be provided for pain and suffering, or for stolen, damaged or lost property.
- Compensation is not provided for expenses payable by collateral sources (e.g., insurance, worker's compensation benefits or restitution).
- The total award must be \$50 or more before payment can be made.

The Victims of Crime Compensation Program is not a guaranty. This program should be used only as a last resort after other funding sources have been exhausted.

Victim Information and Notification Everyday (VINE)

<https://www.vinelink.com/vinelink/initMap.do>

What is it?

Victim Information and Notification Everyday (VINE) is a free, anonymous, computer-based service that provides information and notification to victims of crime. VINE will provide offender status information including notice of any upcoming hearings or court events. Survivors may also register for automated telephone notification regarding status changes for an offender in the Ohio Department of Youth Services. It is important to note that survivors may register to receive information and notification from **both** VINE and the Office of Victim Services in the Ohio Department of Rehabilitation and Corrections or Ohio Department of Youth Services.

What information does VINE provide?

- **Custody Status Information**

Includes 24-hour access by telephone or online to the status of offenders in the:

-Ohio Department of Rehabilitation and Correction

-Ohio Department of Youth Services

-County jails (offenders housed in city jail facilities are not included in the VINE database)

- **Custody Change Notification**

Register for automated telephone or e-mail notification when an offender has a change in custody, including release, transfer, escape, re-arrest (return from escape) or death. Notification is available in English and Spanish.

*County juvenile detention centers **are not** part of VINE. Notification is not available regarding juvenile offenders until they are committed to the Ohio Department of Youth Services. Notification for youth in ODYS does not currently include facility transfer or notice of upcoming court hearings.

Who can register for VINE?

In the adult system anyone can register including victims, law enforcement, prosecutors, judges, probation and parole officers, advocates, neighbors, family members and the general public.

In the juvenile system, due to confidentiality regulations ***only*** the victim is permitted to register for notification regarding the juvenile offender.

How to register for VINE?

Call (800) 770-0192 and follow the prompts or visit www.VINELink.com.

Telephone interpreter services are available.

- More than one telephone number can be registered with VINE, but each registration must be done separately and requires a four-digit Personal Identification Number (PIN) to confirm call receipt. You may use the same PIN for several registrations.
- If you are not home or your phone is busy when VINE calls, VINE will leave a message on the answering machine and will continue to call for 24 hours or until the four-digit PIN is entered.
- If you have caller ID, calls from VINE will appear as a 502 area code.
- If you have a call-blocking or interception device, you must disable the blocking feature in order to receive notification calls from VINE.

To register for VINE notification regarding a juvenile offender incarcerated in the Ohio Department of Youth Services you must have that offenders ODYS number. To obtain that number, please call the ODYS Office of Victim Services at 1-800-872-3132.

The VINE program provides you with access to offender information and helps you prepare for an offender's release. VINE is in addition to any notice offered by the Ohio Department of Rehabilitation and Correction's Office of Victim Services, Ohio Department of Youth Services Office of Victim Services, local prosecutor's offices and other victim service providers.

Vicarious Trauma

Working with crime victims every day can be very traumatic for victim service providers. Listening to victims recount traumatic events that have occurred may cause psychological consequences for the service providers. This can result in something called *Vicarious Trauma*, also known as *Secondary Trauma*. It is important that advocates have a plan for self-care and allow positive, supportive co-workers, friends or family members to help you when you feel emotionally fatigued.

What is Vicarious Trauma?

Vicarious trauma is a term used to describe the negative psychological consequences people in the helping professions such as victim advocacy, may experience as a result of being exposed to a survivor's accounts of trauma and witnessing the survivor's pain and suffering. Vicarious trauma has also been called compassion fatigue, empathic strain, and secondary trauma.

Vicarious trauma may be thought of as the natural behaviors and emotions resulting from knowing about domestic violence and other traumas. Any advocate who bears witness to the stories of survivors will experience some degree of vicarious trauma. Vicarious trauma is sometimes referred to as "secondary trauma" because it refers to the traumatic symptoms experienced by those who care for, or are involved with, others who have been directly traumatized. It is a result of hearing about another's trauma experience, something domestic violence advocates engage in on a daily basis. The symptoms associated with vicarious trauma are very similar to Post Traumatic Stress Disorder (PTSD) and may include nightmares, intrusive thoughts, numbing or dissociation.

Some Signs and Symptoms of Vicarious Trauma

Physical Reactions:

- Fatigue/lack of energy
- Sleep or appetite disturbance
- Muscle tension or aches
- Stomachaches
- Headaches
- Sexual difficulties

Psychological Reactions:

- Recurrent dreams or nightmares
- Intrusive imagery
- Flashbacks
- Decreased motivation
- Cynicism
- Shift in worldview – involving a disruption in important beliefs that advocates feel about themselves, others, or the world

Emotional Reactions:

- Feelings of detachment
- Loneliness
- Depression
- Hopelessness
- Anxiety
- Sadness
- Grief
- Fear
- Rage
- Feeling overwhelmed
- Feelings of incompetence and hopelessness

Behavioral Reactions:

- Withdrawal from supports
- Withdrawal from work or over- involvement in work
- Difficulty balancing work and personal life

Coping with Vicarious Trauma

Since all advocates working with victims of crimes will experience some degree of vicarious trauma, understanding and working with vicarious trauma is both an individual and an organizational challenge. This piece of the manual will address what advocates can do on an individual level to prevent and/or heal from vicarious trauma and will include a discussion of boundaries in an advocacy relationship. The experience of working with survivors of victims of crime affects both the advocate's professional and personal life. **Please note, having and or suffering from vicarious trauma is ***not*** a sign of weakness. There are important measures that advocates can take to prevent or heal from vicarious trauma. Below are some general guidelines.

General Guidelines

- Understand the dynamics of vicarious trauma.
- Understand that experiencing vicarious trauma is common for people in helping professions.
- Know your own issues and vulnerabilities, for example, what kind of traumas might trigger strong emotional reactions for you.
- Set boundaries.
- Balance work, play, and spiritual renewal.
- Seek supervision.
- Access your support system.
- Seek counseling if symptoms persist.

Self-Care

Self-care is a critical part of responding to vicarious trauma and keeping advocates healthy in general. Self-care includes seeking immediate support after particularly difficult advocacy interactions. Advocates should be aware of their own “triggers” and debrief with a trusted person as soon as possible after encountering a trigger.

Often this support system will include other advocates, friends, or family members. At times, these supports may not be adequate or accessible. Advocates should consider personal therapy if the symptoms become overwhelming or feel they are affecting functioning at work or in social situations.

Physical exercise or release is also an important part of a self-care plan. Massage may provide a physical release of traumatic stories that are held in the body, and exercise releases powerful chemicals that help to re-establish a sense of well-being and diffuse anxiety and depression.

The most important component of self-care involves the advocate’s commitment to self-development and preservation. We all grow and change. This growth can be positive and invigorating or it can lead us in negative directions. Advocates should take a mindful, pro-active approach to coping and growth.

Safety

When working with victims of crime, safety is a top priority. We routinely consider safety concerns for the survivors we work with, but often pay scant attention to our own safety. Each advocate should develop a personal safety plan just as we encourage clients to do. At times, developing a “buddy system” with another advocate at our agency helps to increase our sense of safety and accountability around safety issues.

Advocates may want to consider enrolling in a self-defense course to increase their sense of emotional, verbal, and physical safety.

Professional Guidelines

There are a number of things advocates can do in their professional life that will lessen the effects of vicarious trauma. Not all of these strategies will be possible for every advocate, but consider what will be effective in your work environment. When you take better care of yourself, you are offering better care to your clients.

Regulate the number of survivors you see per day. For some advocates, numbers of survivors vary based on court dockets and other factors beyond their control (hotline calls, for example), but other advocates could set up a weekly schedule that controls the number of interactions they have with clients daily. This should not be done in an effort to decrease services given to clients, but rather with the intention of not overwhelming an advocate on any given day.

Take breaks during the work day. This is crucial in the advocacy field. It can be tempting to do paperwork over lunch or make a phone call in the brief moments we have to ourselves. Resist the temptation to work every second you are at the agency. Instead, schedule in breaks to re-energize yourself. Cope *during* the day, not just at the end of it!

Set realistic goals for yourself. Do you overwork at the expense of your emotional and physical health? Assess and maintain your limits around workload and achievable goals. We cannot do all that needs to be done. There is always more to do.

Seek and attend training. Learn about the new developments and findings in the field. Get out of the office and learn new skills, concepts, and attitudes.

Change your routine. Do something different from your typical job description. Try public speaking about victims. March in anti-violence events. Attend meetings to represent your agency. Try something different other than your normal job activity that still contributes to the well-being of survivors.

PICKING YOUR BATTLES

Helpful tips for the new advocate

- It is important to know the political lay of the land in the community in which you work. For example: Is the criminal, civil and community justice system “victim friendly” or do they prefer that victims not have a part in the criminal justice system (which is a violation of O.R.C. 2930)? If the criminal, civil and community justice system is not “victim friendly” then you will have a lot of bridge building and educating to do with the professionals in the system.
- No matter how much you want to or how hard you try, you cannot “save” everyone. This does not mean you didn’t do enough or care enough; it is just the reality of the 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 of the year, make sure you are answering your cell phone and/or pager regardless of what time it is or how tired you may be.
- Never make promises to victims regarding the outcome of a case. For example, if the case has gone to a jury trial, do not predict the outcome. It cannot be done and you may re-traumatize the survivor 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 that was committed. For example, vehicular homicides are cases where a victim died but the penalty is only a Misdemeanor of the 1st degree. A lot of surviving family members cannot understand how their

loved ones death can only be “worth” a maximum of 6 months in jail. Being thoughtful and empathetic, while providing the reality of the situation to surviving family members is the best way to work these cases.

- Always be honest with victims. It is difficult sometimes to give people information that may upset them. However, if they find out you were not totally honest or kept things back from them, they may feel betrayed and cut off contact with the system entirely.
- As an advocate, if you work with law enforcement and prosecution there will be times when you do not see eye to eye 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/survivor. 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 their guidance on how to handle the situation.
- Respect the roles of all professionals in the system, they are there for a reason and are just as passionate and proud about their job as you are of your job. This includes defense attorneys.
- There are times when you are going to have to “agree to disagree” on matters in the advocacy profession.
- Know the strengths and weaknesses of the system you work in and in the community agencies assisting the victim. If you know that protection orders are not actively enforced in your area, educate the victim about whether it is their best and safest option, as well as how best to document violations. If a local resource is reluctant to assist the victim, advocate for the victim by contacting the service provider directly for assistance.
- Know where the gaps are in services for victims and how to fill them. Think outside of the usual services and get creative in finding new resources.
- Never lie.

- Always be on time.
- Never let your boss find out something “in the street first.” If you know critical information, always let your boss know as soon as possible. This can include but is not limited to: poor treatment of victims, violations of ORC 2930, and poor systemic response or unethical behavior.
- Know the system in which you are working inside and out. Victims of crime get concerned if their advocate has just as much or less information than they do.
- Remember that 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, they may not want to talk about the event or may spend hours talking about it. Learn about trauma responses to better understand the range of behaviors you will see.
- Remember that victims make decisions based on where they are at that moment. They may not make the decisions you would make and you may not agree with them, but it is not your decision or your life, it is theirs.
- Find someone you can vent with. You will need a support system. Please read the section on vicarious trauma. It is ideal if at least one of the people in your support system is an advocate or person in a similar job that can appreciate what you are dealing with on a daily basis.
- Do not be afraid to say, “I don’t know but I can find out.” You do not have to know everything as long as you know where to go to get answers. Create a list of contacts you can call for information. Develop a resource list of other services in your community to help you make referrals. .
- Develop and practice healthy coping skills. You are spending your days surrounded by trauma and ugliness. 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.

Chapter 2: ***The Different Disciplines of Victim Advocacy***

There are many different types of advocacy for victims. Some programs are community-based and others are affiliated with criminal justice agencies such as prosecuting attorney's office, law enforcement agencies, the court, probation or the prison system. Some programs specialize in serving domestic violence or sexual assault survivors, while others work with victims or surviving family members regardless of the crime. Below are brief descriptions of the various disciplines of victim advocacy.

- **Court Advocates:** Court advocates work with survivors who are going through either the civil or criminal justice system. In the case of a civil matter, the court advocate is available to help survivors in their efforts to obtain a Civil Protection Order (CPO), or Civil Stalking Protection Order (CSPO)/Civil Sexually Oriented Offense Protection Order (CSOOPO). In some jurisdictions these advocates may even help survivors through the divorce process.

In the matters of a criminal case, a court advocate can assist a victim or surviving family members (in cases of death of the victim) through the misdemeanor, felony or juvenile criminal justice process. These advocates can explain and help obtain Temporary Protection Orders (TPO's) and Criminal Stalking Protection Orders (CSPO's) for victims of domestic violence or stalking cases in which criminal charges have been filed. The court advocate may work for a government agency or for a community-based program. Some of these advocates are on-call 24/7, 365 days of the year.

- **Corrections -Based Advocates:** These advocates are part of the adult or juvenile correctional system and work with victims and survivors after an offender has been committed to the Ohio Department of Rehabilitation & Corrections or the Ohio Department of Youth Services. These advocates provide notice of the offender's current status (incarcerated, paroled, etc.) as well as upcoming hearings and reviews. They assist the victims with making impact statements, both written and oral, to the adult parole board or the juvenile release authority. Correction-based advocates may resolve situations where victims are receiving unwanted contact from the offender.

They may accompany victims to parole violation hearings. Adult corrections-based advocates may also work with surviving family members through the execution of their murdered loved one's offender. As with the court-based advocates, the corrections-based advocates also serve as monitors, working to ensure that the victim's rights are not violated.

- **Domestic Violence (DV) Shelter Advocates:** Domestic violence advocates play a vital role in assisting victims of domestic violence in understanding their rights as a victim of crime and assessing their safety as they make decisions about next steps in their relationship. A shelter-based advocate can range from a shelter case manager to a court liaison to a therapist. Shelter-based advocates walk a thin line in collaborating with other community agencies. They have the responsibility of assisting victims of domestic violence in accessing the resources they need to stay safe, while maintaining confidentiality and advocating on behalf of the victim.

- **Law Enforcement-Based Advocates:** These advocates are employed by a law enforcement agency. Many of these advocates are available in the immediate aftermath of a crime and they link the survivor with either the court-based advocate or the prosecutor-based advocate which could also be one in the same. Some of the law-enforcement based advocates are on-call 24/7, 365 days of the year and accompany law enforcement to crime scenes.

- **Prosecutor-Based Advocates:** These advocates are employed by the elected prosecuting official. These advocates work closely with prosecutors, law enforcement and other professionals within the criminal, civil and community justice system. They may work with victims of crime at any level, misdemeanor, felony or juvenile crimes. Some of these advocates are on-call 24/7, 365 days of the year and may also accompany law enforcement to crime scenes. Prosecutor-based advocates work to ensure that the victim's rights are not violated throughout the court process, offer emotional support, accompany the victims to court and can serve as the victim's designee and speak for them in court. As their name implies, prosecutor-based

advocates are also employees of the prosecutor's office and as such often assist in gathering information from victims to aid in the prosecution of offenders. This could include taking statements from the victim, photographing injuries, requesting medical records or listening to 911 calls.

- **Rape Crisis/Hospital Advocates:** Rape crisis advocates may be employed by the rape crisis program or be a trained volunteer. These advocates respond to emergency departments and police stations to provide survivors and their friends or family members with information, support, resources and advocacy and to facilitate communication with law enforcement, medical professionals and others. Rape crisis programs may be available 24/7, 365 days a year.

State and National Credentialing

Victim Advocates can be credentialed on a state and national level. On a state level victim advocates may apply to the Ohio Advocate Network (OAN), a division of the Ohio Victim Witness Association (OVWA) <http://ovwa.org/> . The Ohio Victim Witness Association is a statewide organization that seeks to bring together all of the different types of advocates for networking and training purposes.

On a national level advocates may apply for credentialing to the National Organization for Victim Assistance (NOVA) <http://www.trynova.org/>.

Chapter 3: Safety Planning

Safety planning is often thought of as filling out multi-page documents identifying what paperwork/documents are needed, where to store an “escape” bag, and who victims of intimate partner violence (IPV) should share their information with. Yes, it is important to document an escape strategy to help guide survivors but it is also important to know that safety planning needs to take place whether a victim stays in or leaves the relationship. It is impossible to capture in this manual, all the safety plan variations that may occur when working with victims. Safety planning will look different for each person and should be revisited as circumstances change. ***It should be noted that many of the safety planning tools referenced in this publication may be useful for victims of other crimes.***

* “Her” and “she” will be primarily used to identify the survivor and “he” as the abuser. Please note that males can be victims of domestic violence and other crimes as well, however the majority of cases involve male on female violence. This language may be adapted to address abuse in same sex relationships or if the victim is a male abused by a female.

Whether a survivor stays or goes, the main thing to remember is they know their partner best. *They* are the expert. *They* live with the abuser daily and have heard the threats of what will happen if they leave. The survivors have a complex and complete view of their partners – they see the good along with the bad. So when speaking with friends and family, encourage them to listen to the survivor to gain a better understanding of the situation and what is likely to happen if changes are made too quickly. Determine what the safest strategy is at that moment in time because the same strategy or approach may not work the next time. Safety planning may also look different across the lifespan. For instance, teens have little control over their lives; they attend school, activities and social events which can put them in proximity to their abusive partner.

To be effective, safety plans must be comprehensive, address basic human needs and provide a life plan, not just strategies for responding to physical violence. In many

instances, contact with their partner may be part of their safety plan or something out of their control, such as when there is a court order mandating visitation. The survivor consciously or unconsciously knows the way their abusive partner may react to any behavioral changes, usually based on past experiences. In the end, there is always a consequence for their actions.

The first steps in developing a safety plan are:

- Start by talking about what she feels would be helpful, what she needs from you.
- Work with the survivor to identify her biggest concerns. There may be multiple issues, but which ones keep rising to the top (child custody/visitation, financial issues, and immigration concerns)?
- What are some things she has done in the past to deal with those concerns? Did they work? If not, what other options can she try?
- What are the possible outcomes to this new strategy (both positive and negative)? How does she think her partner will react?

Questions to think about:

- How does she believe/feel her partner might react if she does...(get a CPO, move out, call the police, file for divorce, tell someone, etc.)?
- She said he threatened to _____. Does she think he would carry out his plan? Has he told her how? (for example: he threatens to shoot her and has access to a gun.)
- Identify what actions have been successful in the past as well as what hasn't been successful (lack of success may be due to lack of resources).
- Talk about the abuser (This may be best done with an advocate. It may be difficult for family/friends to listen to things done to harm her emotionally/physically). What is he like when really angry or scary? What is the scariest thing he has done?
- If there has been violence in the past, try to identify the first, last and worst incident. This will assist in determining if the violence is escalating.

- If the abuse is primarily emotional, identify what frightens her the most. Does he show her weapons, threaten to kill her, take the kids or ignore her for periods of time?
- What are his primary tactics and what strategies did he use the last time (he hurt her, she left, etc.)

Identifying Possible Options

- When analyzing options you must know whether the options are truly available.
Talk through:
 - How will she access the options?
 - What the process will look like?
 - How long will it take?
 - What will she need to have to access the options (phone, money, transportation, etc.)?
 - What other barriers might this option create?

Characteristics of Safety Plans

When battered women ask themselves about staying, the questions they consider cover the range of possible implications for their lives. They think about what they have to gain or lose by staying in or by leaving the relationship and weigh the risks or consequences they may face if they try to leave. A safety plan can be for 24 hours, a week, or for a year or more. The reality is that as she plans to stay safe, her partner may attempt to undermine her safety by using new or additional tactics. ***A safety plan should be a fluid process, not a rigid document.***

Not all risks a battered woman includes in her analysis are batterer-generated. Life-generated risks are aspects of women's lives over which they may have little or no control, such as financial limitations, racism, and language barriers among others. If a victim is aware of life-generated risks, she will consider them in her planning. If she is

not, she may consider the risk only when it actually affects her present plans, including how her abusive partner uses life-generated risks to further his control.

The following information outlines how victims can assess their situation and develop safety plans based on short, intermediate, and long-term implications. Their analysis of batterer and life generated risk factors inform their decision about the type of safety planning strategy they will use.

In safety planning the role of the advocate is defined by the victim. The advocate is a partner in the process and the victim, the expert. Allow the victim to determine what strategy is best at that moment, based on her past experience with her abusive partner. Each of type of strategy is outlined below:

Protection strategies - seek to prevent and/or respond to physical violence. Some strategies are:

- Fleeing.
- Third Person Intervention (Family, friends, law enforcement).
- Self-defense (Assess if this increases or decreases her safety).
- Temporarily leaving to let him know she is serious about her demands.

Staying strategies – respond to a range of batterer or life-generated risks while she remains in the relationship. Some of these strategies are:

- Identify/join support groups (church, DV/SA sponsored, women’s group).
- Always agree with her partner’s point of view, try to placate him.
- Preserve her support system.
- Develop complex ways to have contact with family or friends.

Leaving strategies – respond to a range of abuser risks and life risks to her as she leaves or after she has left. Some of these strategies are:

- Ending the relationship.
- Attending college or technical school to improve economic viability.

- Developing a financial plan (such as hide or borrow money, wait for tax refund).
- Allowing her children to finish school or become adults.
- Legal system involvement.

Adapted from Safety Planning With Battered Women by Jill Davies, 1998

Notes Related To Safety Planning:

- Some victims are going to remain in the abusive relationship, so safety plan accordingly.
- Many survivors leave and return to an abusive relationship several times before leaving permanently.
- Not all women benefit from arrests and protection orders.
- Know how the “systems” (criminal justice, jobs and family services, shelter, child protective services) respond to domestic violence and share with the survivor for a more informed safety plan.
- With every action taken there are consequences for the survivor.
- Any option may result in an escalation of violence toward the survivor.
- Advocates need safety plans, too!

Adapted from the *Domestic Violence Advocacy Fundamentals* training manual, Ohio Domestic Violence Network (2007).

Domestic Violence and Safety Planning in Special Populations

Refugee and Immigrant Women

When discussing safety concerns with immigrant women, it's important to remember all of the barriers she faces including legal, cultural barriers, social isolation, and a lack of understanding about the U.S. legal system, immigration status and language. These pressures can result in very difficult situations and pose specific challenges as she is accessing services, especially if she is undocumented.

Advocates should assist battered immigrant women with the typical safety plans. Remember that one of the most important parts of a safety plan for immigrant women, whether they are leaving their abuser or not, is having the documentation that will support their immigration claim kept in a safe and accessible place.

Barriers Immigrants Must Overcome When Safety Planning

- Language Barriers
- Perception of Law Enforcement and the Legal System
- Fear of Deportation
- Cultural Issues
- Religious Issues
- Racism
- Economic Barriers
- International Parental Kidnapping

In order to offer battered immigrant women effective assistance through the systems, advocates need to allow and encourage battered immigrant women to choose when they are ready and when it is safe to leave their batterers. All victims need to know that the advocate will offer assistance whether or not they choose to leave their abuser or if they choose to reconcile with them.

Civil Protection Orders for Immigrant Women

Although immigrant women may be reluctant to call the police or use the court system, it is important they know these options are available to them. Regardless of her immigration status, she can apply for a protection order against her abuser. She can also call the police to enforce that order. Protection orders can be valuable to immigrant women by reducing the violence in their lives and providing legal protection. A protection order may also prove valuable to her immigration case by showing evidence of the battering. Remember when suggesting the option of a protection order, to listen to the survivor to determine if she believes it will keep her safe or escalate his threats. When safety planning it is also important to evaluate how well protection orders are enforced in your community and specifically detail for the victim how to provide evidence when violations occur and to be aware of the local climate towards undocumented citizens.

Accessing Resources

Since language may pose the primary problem, it's important to know what resources are available in her language. Even when these resources exist in the community, the woman may still be reluctant to call. She may have no concept of how the system works. Therefore, it's important to let immigrant women know that emergency and crisis services are free and do not require her to reveal her identity, immigration status, or to make any specific plans about her future.

Children

Safety Education

Many programs provide general safety education for preschoolers. Children should never be made to feel responsible for their own safety or that of family members.

Teach children to call for help in emergency situations. An easy way to do this is to role-play with the child.

A practice call might go like this:

Pretend to dial 9-1-1.

Advocate: “911 What is your emergency?”

Child: “My mom is hurt, we need an ambulance (or the police).”

Advocate: “Where do you live?”

Child: “My address is.... and my phone number is...”

Child: Tell the problem (e.g., “Our house is on fire.”; “Someone is being hurt.”)

Child: Tell where you are, “We need help at...”

Advocate: “OK, (child’s name) Stay on the phone with me until the police get there.”

- We suggest informing parents when you are going to provide safety education and obtain permission for their child to participate. There are situations where parents may NOT want certain information taught to their child. For example, sometimes it is not safe for a young child to know his/her address because this information may be relayed to the offending parent and the safety of the other family members may be compromised.

Victims With Disabilities

Advocates can’t know every detail about every type of disability, but should be able to envision basic functions involved in safety planning and start to explore how issues of disability might affect those safety planning functions. If you are unsure of a victim’s abilities and limitations, ask them, don’t assume.

Listed below are some general issues for the advocate and victim to consider when safety planning. Advocates should not make assumptions about an individual victim and their abilities. These categories are given to assist the advocate when thinking of

the various ways victims accomplish safety planning every day. Also, many people with disabilities fit into more than one of the categories listed below.

A Disability May Be...

- Congenital or Adventitious (resulting from a specific event like a car crash)
- Hidden or Overt
- Chronic or Temporary
- Progressive & Degenerative OR Static
- May have episodes of presence OR remission

Common types of disabilities

Sensory: Any impairment affecting one or more senses

Auditory: Hard of Hearing/Deafness

9% of US population

25% of persons older than 65 yrs and 30% of persons older than 75 yrs are hard of hearing/impacted by deafness.

Speech: Communication deficits/speech impairments

Visual: Blindness/other visual impairments

15 million Americans diagnosed with a visual impairment

70% of persons with visual disabilities are older than 75 yrs

Physical:

Any impairment that affects the movement of the body. Onset could be brought on by age, disease, disorder, or development.

Developmental Disabilities: It is the result of a mental and/or physical impairment that is severe and long lasting and occurs before the age of 22.

Diverse population that possesses a wide range of abilities:

- Cognitive/Conceptual skills
- Communication & Language skills
- Self-Awareness
- Capacity for Independent Living

Do's and Don'ts of Working with Victims With Disabilities

- Use preferred language, orally and in writing, regardless of it being within earshot of individuals with disabilities.
- Talk with the survivor, not about him or her with others who may be present.
- Don't touch the survivor without asking for permission first.
- Don't talk down to the survivor or treat them like a child.
- Don't touch the survivor's wheelchair or other mobility devices.
- Explain what you are about to do.
- Use plain English.
- Don't talk to the interpreter, talk to the survivor.

Victims with Cognitive Disabilities

Many individuals with cognitive disabilities have been taught to comply with authority at all times (using behavior reinforcement techniques) and this can impact the victim's ability to identify options for safety. They may have never been taught that they have a right to stand up for themselves or to keep themselves safe.

Possible Safety Solutions

- Conduct frequent safety planning sessions.
- Arrange for shelter that does not have to be kept confidential to support a victim who is not able to maintain confidentiality.
- Ask for a guardian ad litem to be assigned to victims when appropriate.
- Be aware of resources available under Adult Protective Services.
- In group living situations, develop strategies with staff to allow for monitoring and dual oversight of the resident's safety at all times. This could include providing staff with a photo of the abusive partner, educating staff about the use of protection orders and encouraging them to partner the victim up with other residents when leaving the home.

Victims Who Are Deaf, Deaf-Blind and Hard of Hearing

Safety Issues

- Not all Deaf individuals use sign language or even the same kind of sign language. If you suspect the individual is an immigrant, try to determine in what language they prefer to sign. Some Deaf individuals may have difficulty reading and understanding complex documents due to syntax problems. Ask the person what method of communication is preferred.

Possible Safety Solutions

- It is always best to check with the victim before using any specific services for the Deaf. When contacting an interpreter ask both the victim and the interpreter service if they work with or for the abuser.
- Remind the victim to erase the memory on the TTY machine after a confidential conversation. The TTY has a computer chip that retains previous phone calls in its memory. If a caller is leaving the TTY behind, the abuser can find out where the victim went by reading the TTY memory.
- You cannot tell the identity, gender or attitude of a person talking on the TTY. For example, some abusers have pretended to be victims using the TTY to try to gain information. If the victim is a frequent caller, establish a code word between your agency and the victim to verify the identity of the speaker.
- Suggest that the victim save an outgoing message to 911 typed into her TTY memory so that she can quickly ask for emergency police response. The message should include her address and any court order numbers.
- Abusers often damage TTY machines to prevent the victim from communicating with others. If this is a common tactic, safety plan to address other ways the victim can access help.

- Flashing lights and vibrating pagers can be connected to a motion detector, alarm system, doorbell or other device to improve a victim's safety. For example, a baby monitor alarm makes a light flash when it hears loud noises.
- If the victim has a speech disability but does not use a TTY or other specialized phone, have someone record a message (giving name, address, and other pertinent information) for the victim to use in a tape recorder next to the phone.

Victims with Mental Health Disabilities

Safety Issues

- Mental illnesses typically are recurring, ongoing conditions that do not follow a regular pattern of development and outcome. The abuser may use the victim's mental health history to discredit a disclosure of abuse. Some abusers have manipulated mental health systems, resulting in confinement of the victim in a mental health institution.
- Dissociated or fragmented thoughts and an inability to process information may affect a victim's ability to recognize and avoid danger as well as her ability to participate in the criminal justice system response.

Possible Safety Solutions

- Many individuals are able to identify their memory triggers and are willing to work to avoid these situations.
- Recognize that while a victim's statements regarding her abuse experience may not parallel the advocate's understanding, the abuse is causing the victim to seek out domestic violence services. Willingness to start an ongoing safety discussion with a victim will bring out more information, help you recognize abuse patterns and build the victim's trust of the program.

- Community collaboration with the local mental health provider network can provide a forum for cross-training and support across service systems.
- Help identify a person or a system that has information about the victim's personal history and abuse chronology and is willing to assist the victim in explaining their situation in a crisis.

Victims with Mobility Disabilities

Safety Issues

- There is a wide range of physical abilities among those who use wheelchairs or other assistive devices. Some people do not use wheelchairs exclusively and may also use canes, leg braces or nothing at all for brief periods of time.
- When giving directions to a person, consider distance, weather conditions and physical obstacles such as stairs, curbs, steep hills and other possible transportation barriers.

Possible Safety Solutions

- Phones with large buttons, universal fire and police symbols, speed dials, receiver holders, headsets and e-mail-to-phone systems are sometimes helpful.
- When the victim needs immediate help and must use a phone that is monitored or controlled by the abuser, it may be helpful to develop a prearranged code word or designated illness that communicates to the advocate that the victim is in a crisis situation.
- Alert buttons can be purchased with 24-hour monitoring services and used to request help from anywhere within the home.
- It is important that people with limited mobility stay as close to the pathway to safety as possible. A victim could consider sleeping on the ground floor of a

multi-story residence, making escape easier. Have a telephone installed near where the victim sleeps.

- Safety items should be within reach of the victim. For example, put the front door peephole at the eye level of the person who will be using it.
- Review with the victim specific disability-related information that would be helpful to provide to 911 in an emergency situation.

Victims with Blindness or Low Vision

Safety Issues

- There are several kinds of visual impairments. People who are described as legally blind may be able to read large print and move about without mobility aids. They may be able to perceive light and darkness, some colors, or see nothing at all. Some persons who are blind can read Braille, but the majority of people who are blind do not.

Possible Safety Solutions

- Service dogs can signal the presence of someone they know well and victims can use this as a cue to their surroundings.
- Service dogs can serve as an excuse to get out of the house for a walk in a dangerous situation.
- Flashing lights, vibrating pagers or fans can be connected to a motion detector or alarm system to signal the victim quietly that the alarm has been set off.
- Be aware of accessible travel routes. You may offer to escort the victim. If your offer is accepted, allow the person to hold your arm and direct rather than pulling them. It is important to let the person control his or her own movements. Verbally describe the area as you travel through it.

Washington State Coalition Against Domestic Violence. *Model Protocol on Safety Planning for Domestic Violence Victims with Disabilities.*

Safety Planning with Teens In Abusive Dating Relationships

Safety planning with teens is very much like safety planning with adults. However, it is important to keep in mind that teenagers live and move in different places and social circles than adults. Their abusive partners may be classmates, teammates, or neighbors. Safety plans for teenagers may include issues of safety at school, parties, part-time jobs, in their homes, with friends, at school activities and in their neighborhoods. If the teenager is living at home they may have little control over their day-to-day lives. Teens may have little control over many aspects of their lives such as their phone privileges, finances, daily routines, car use, where they live, what they wear and many other issues. Teens may be reluctant to discuss abuse with their parents, and share what is occurring in their dating relationship. This can limit some of their safety options. Many teenagers spend more time with friends than with their family or adults. Exploring ways that teenagers can be safe with their friends and in their dating relationships and get help from their family may be useful.

You should work with teens to think ahead about ways to be safe if they are in a dangerous or potentially dangerous relationship. Consider these points when creating a safety plan for a teen.

- Suggest they tell someone: school guidance counselors, teachers, church members, coaches, employers, neighbors, parents, families, and hotlines.
- Let ***them*** tell you what they need—if they feel they aren't being heard they may not discuss it again.
- Advise them to change their travel route to/from school, work and other activities.
- Use a buddy system for going to school, classes and after school activities.
- Think ahead—If they get stranded who could they call?
- Suggest they keep a journal describing the abuse—keeping a dated record of abuse can be helpful if they decide to use the civil or criminal justice system.
- Recommend they change or get rid of any cell phones given to them by the abuser.

- Keep spare change, calling cards, the phone number of the local shelter, a phone number of someone who knows about the abuse and copies of protection orders with them at all times.
- Suggest they create a code word with friends to alert them when they are in trouble.

Chapter 4:

Legal Remedies

The Ohio Revised Code (ORC) provides many protections and guidance when working with victims of crime. The crimes can be but are definitely not limited to stalking, sexual assaults and domestic violence cases. Below are some statutes that are especially helpful to know when working with crime victims.

3109.042 Custody rights of unmarried mother.

<http://codes.ohio.gov/orc/3109.042>

An unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian. A court designating the residential parent and legal custodian of a child described in this section shall treat the mother and father as standing upon equality when making the designation.

Effective Date: 01-01-1998

2919.251 Bail in certain domestic violence cases. (Amy's Law)

<http://codes.ohio.gov/orc/2919.251>

(A) Subject to division (D) of this section, a person who is charged with the commission of any offense of violence shall appear before the court for the setting of bail if the alleged victim of the offense charged was a family or household member at the time of the offense and if any of the following applies:

(1) The person charged, at the time of the alleged offense, was subject to the terms of a protection order issued or consent agreement approved pursuant to section [2919.26](#) or [3113.31](#) of the Revised Code or previously was convicted of or pleaded guilty to a violation of section [2919.25](#) of the Revised Code or a violation of section [2919.27](#) of the Revised Code involving a protection order or consent agreement of that type, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to either section, a violation of section [2909.06](#), [2909.07](#), [2911.12](#), or [2911.211](#) of the Revised Code if the victim of the violation was a family or household member at the time of the violation a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the offense;

(2) The arresting officer indicates in a police report or other document accompanying the complaint any of the following:

(a) That the arresting officer observed on the alleged victim objective manifestations of physical harm that the arresting officer reasonably believes are a result of the alleged offense;

(b) That the arresting officer reasonably believes that the person had on the person's person at the time of the alleged offense a deadly weapon or dangerous ordnance;

(c) That the arresting officer reasonably believes that the person presents a credible threat of serious physical harm to the alleged victim or to any other person if released on bail before trial.

(B) To the extent that information about any of the following is available to the court, the court shall consider all of the following, in addition to any other circumstances considered by the court and notwithstanding any provisions to the contrary contained in Criminal Rule 46, before setting bail for a person who appears before the court pursuant to division (A) of this section:

(1) Whether the person has a history of domestic violence or a history of other violent acts;

(2) The mental health of the person;

(3) Whether the person has a history of violating the orders of any court or governmental entity;

(4) Whether the person is potentially a threat to any other person;

(5) Whether the person has access to deadly weapons or a history of using deadly weapons;

(6) Whether the person has a history of abusing alcohol or any controlled substance;

(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;

(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;

(9) Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including but not limited to, stalking, surveillance, or isolation of the alleged victim;

(10) Whether the person has expressed suicidal or homicidal ideations;

(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.

(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in which the alleged victim of the offense was a family or household member at the time of the offense may set a schedule for bail to be used in cases involving those offenses. The schedule shall require that a judge consider all of the factors listed in division (B) of this section and may require judges to set bail at a certain level if the history of the alleged offender or the circumstances of the alleged offense meet certain criteria in the schedule.

(D)(1) Upon the court's own motion or the motion of a party and upon any terms that the court may direct, a court may permit a person who is required to appear before it by division (A) of this section to appear by video conferencing equipment.

(2) If in the opinion of the court the appearance in person or by video conferencing equipment of a person who is charged with a misdemeanor and who is required to appear before the court by division (A) of this section is not practicable, the court may waive the appearance and release the person on bail in accordance with the court's schedule for bail set under division (C) of this section or, if the court has not set a schedule for bail under that division, on one or both of the following types of bail in an amount set by the court:

(a) A bail bond secured by a deposit of ten per cent of the amount of the bond in cash;

(b) A surety bond, a bond secured by real estate or securities as allowed by law, or the deposit of cash, at the option of the person.

(3) Division (A) of this section does not create a right in a person to appear before the court for the setting of bail or prohibit a court from requiring any person charged with an offense of violence who is not described in that division from appearing before the court for the setting of bail.

(E) As used in this section:

(1) "Controlled substance" has the same meaning as in section [3719.01](#) of the Revised Code.

(2) “Dangerous ordnance” and “deadly weapon” have the same meanings as in section [2923.11](#) of the Revised Code.

Effective Date 11-09-2003

2907.27 Testing and treatment for venereal diseases and HIV (In sexual assault cases).

<http://codes.ohio.gov/orc/2907.27>

(A)(1) If a person is charged with a violation of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to any of those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim, shall cause the accused to submit to one or more appropriate tests to determine if the accused is suffering from a venereal disease.

(2) If the accused is found to be suffering from a venereal disease in an infectious stage, the accused shall be required to submit to medical treatment for that disease. The cost of the medical treatment shall be charged to and paid by the accused who undergoes the treatment. If the accused is indigent, the court shall order the accused to report to a facility operated by a city health district or a general health district for treatment. If the accused is convicted of or pleads guilty to the offense with which the accused is charged and is placed under a community control sanction, a condition of community control shall be that the offender submit to and faithfully follow a course of medical treatment for the venereal disease. If the offender does not seek the required medical treatment, the court may revoke the offender’s community control and order the offender to undergo medical treatment during the period of the offender’s incarceration and to pay the cost of that treatment.

(B)(1)(a) If a person is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised Code or with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, the court, upon the request of the prosecutor in the case, upon the request of the victim, or upon the request of any other person whom the court reasonably believes had contact with the accused in circumstances related to the violation that could have resulted in the transmission to that person the human immunodeficiency virus, shall cause the accused to submit to one or more tests designated by the director of health under section 3701.241 of the Revised Code to determine if the accused is infected with HIV. The court, upon the request of the prosecutor in the case, upon the request of the victim with the agreement of the prosecutor, or upon the request of any other person with the agreement of the prosecutor, may cause an accused who is charged with a violation of any other section of the Revised Code or with a violation of any other municipal ordinance to submit to one or more tests so designated by the director of health if the circumstances of the violation

indicate probable cause to believe that the accused, if the accused is infected with HIV, might have transmitted HIV to any of the following persons in committing the violation:

(i) In relation to a request made by the prosecuting attorney, to the victim or to any other person;

(ii) In relation to a request made by the victim, to the victim making the request;

(iii) In relation to a request made by any other person, to the person making the request.

(b) The results of a test performed under division (B)(1)(a) of this section shall be communicated in confidence to the court, and the court shall inform the accused of the result. The court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request. Additionally, regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request. If the accused tests positive for HIV, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated. If the accused tests positive for HIV and the accused was charged with, and was convicted of or pleaded guilty to, a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to any of those sections, the test results also shall be reported to the law enforcement agency that arrested the accused, and the law enforcement agency may use the test results as the basis for any future charge of a violation of division (B) of any of those sections or a violation of a municipal ordinance that is substantially equivalent to division (B) of any of those sections. No other disclosure of the test results or the fact that a test was performed shall be made, other than as evidence in a grand jury proceeding or as evidence in a judicial proceeding in accordance with the Rules of Evidence. If the test result is negative, and the charge has not been dismissed or if the accused has been convicted of the charge or a different offense arising out of the same circumstances as the offense charged, the court shall order that the test be repeated not earlier than three months nor later than six months after the original test.

(2) If an accused who is free on bond refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court may order that the accused's bond be revoked and that the accused be incarcerated until the test is performed. If an accused who is incarcerated refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court shall order the person in charge of the jail or prison in which the accused is incarcerated to take any action necessary to facilitate the

performance of the test, including the forcible restraint of the accused for the purpose of drawing blood to be used in the test.

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) As used in this section:

(1) “Community control sanction” has the same meaning as in section 2929.01 of the Revised Code.

(2) “HIV” means the human immunodeficiency virus.

Amended by 128th General Assembly File No. 9, HB 1, § 101.01, eff. 10/16/2009.

Effective Date: 01-01-2004

Shynnera Grant Law (Juvenile Civil Protection Order Law)

Shynnera Grant’s Law also known as Amended Substitute House Bill 10, allows Juvenile Courts in Ohio to issue a civil protection order for the protection of a minor who has had or has a dating relationship with the respondent, if certain offenses are alleged.

Shynnera Grant was seventeen years old and had just graduated from high school when she was murdered by her ex-boyfriend who had stalked her for at least a year prior to her murder. At the time of Shynnera Grant’s death, juveniles in the state of Ohio were not consistently across jurisdictions able to obtain protection orders against juvenile respondents. Shynnera Grant’s Law was originally crafted as a teen dating violence protection order bill but was passed into law as a general violence bill in which civil protection orders may be issued against juveniles who have engaged in violent behaviors. This bill authorizes juvenile court judges to issue and enforce protection orders defending one minor from another when one has been accused of committing felonious or aggravated assault, menacing by stalking, a sex crime, or a similar offense.

Laws authorizing the juvenile civil protection orders against juveniles are found in the juvenile code under ORC 2151.34 and in the domestic violence statute, ORC 3113.31.

- Expungement of Juvenile Protection Order: <http://codes.ohio.gov/orc/2151.358>
- Civil Protection Orders: <http://codes.ohio.gov/orc/3113.31>
- Article along with video regarding Shynnera’s Law:
<http://abclocal.go.com/wtv/story?section=news/local&id=7333960>

Effective Date 06-17-2010

Tina Croucher Law (Teen Dating Violence Prevention Curriculum in schools)

<http://codes.ohio.gov/orc/3313.60>

The law was named after Tina Croucher who was murdered by her abusive ex-boyfriend in December 1992. After breaking up with her ex-boyfriend, he broke into her house, shot and killed her and then killed himself.

It requires public schools to incorporate dating violence into their policies prohibiting harassment, intimidation, or bullying and requires school districts to include dating violence prevention education in the health curriculum.

Effective Date 03-29-2010

Model harassment prevention policy (3301.22)

<http://codes.ohio.gov/orc/search/3301.22>

The state board of education shall develop a model policy to prohibit harassment, intimidation, or bullying in order to assist school districts in developing their own policies under section 3313.666 of the Revised Code. The board shall issue the model policy within six months after the effective date of this section.

Effective Date: 03-30-2007

Violence Against Women Act (VAWA) 2005 Certifications

The United States Department of Justice (DOJ), Office On Violence Against Women (OVW) awards federal violence against women act grant dollars for each state in order to assist states with combating crime in their communities and providing victim assistance to those impacted by crime. This funding is provided to Ohio through the Ohio Office of Criminal Justice Services. This funding is crucial in assisting law enforcement, prosecution and victim services agencies with tools to address violence against women and to provide needed services for women affected by crimes. To be eligible for these federal dollars there are federal requirements or certifications that each state receiving funding must adhere to. Below are the most recent VAWA certifications for Ohio. Failure to adhere to these certifications may result in Ohio losing federal VAWA funding. These certifications are the law and are helpful for advocates to know when working with crime victims.

☐ Judicial Notification Certification

Compliance Issue:

OVW wants to ensure that defendants and/or respondents of protection orders know that they may lose their right to own or possess a firearm upon the issuance of a protection order or conviction of domestic violence (also known as Brady disqualified) in accordance with federal law 18 USC 922 (g)(8) and (9). (O RC § 2919.26, 3113.31, 2151.34 and § 2903.214)

☐ Polygraph Certification

Compliance Issue:

OVW wants to ensure that sexual assault crimes are not ignored or investigated due to a survivors participation in a polygraph test. Therefore, federal law prohibits the use of a polygraph test as the basis to proceed with the investigation or prosecution of a sexual assault crime.

O.R.C. §2907.10 *Preliminary polygraph test of sex offense victim* states the following: (A)(1) A peace officer, prosecutor, or other public official ***shall not*** ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of the alleged sex offense.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

☐ Fees and Costs Certification

Compliance Issue:

OVW wants to ensure that victims are not charged any fees associated with filing for any protection orders.

ORC §2903.213, ORC §2903.214, ORC §3113.13, and ORC 2151.34

☐ Forensic Exam Certification

Compliance Issue:

OVW wants to ensure that survivors of sexual assault are provided the ability for forensic exams at no cost to them and without any conditions of mandatory reporting to law enforcement.

Chapter 5:

Emerging Issues

While working as a victim advocate there may be many different types of cases and issues that you may encounter when working with victims of crime. Some of the emerging issues and crimes discussed below are as follows: cyber crimes which can include sexting and cyber stalking, human trafficking, teen dating violence, women who fight back, and law enforcement who batter.

CyberCrimes

□ Cyberstalking

Cyberstalking can be defined as threatening behavior or unwanted advances directed at another using the Internet and other forms of online and computer communications. Cyberstalking is a relatively new phenomenon. With the decreasing expense and increased availability of computers and online services, more individuals are purchasing computers and "logging on to" the Internet, making another form of communication vulnerable to abuse by stalkers. Cyberstalkers target their victims through chat rooms, message boards, discussion forums, and e-mail.

Cyberstalking takes many forms such as: threatening or obscene e-mail; spamming (in which a stalker sends a victim a multitude of junk e-mail); live chat harassment or flaming (online verbal abuse); leaving improper messages on message boards or in guest books; sending electronic viruses; sending unsolicited e-mail; tracing another person's computer and Internet activity, and electronic identity theft.

Similar to stalking off-line, online stalking can be a terrifying experience for victims, placing them at risk of psychological trauma, and possible physical harm. Many cyberstalking situations do evolve into off-line stalking, and a victim may experience abusive and excessive phone calls, vandalism, threatening or obscene mail, trespassing, and even physical assault.

Victims of on-line abuse begin planning for their safety long before they reach out to advocates and other practitioners for assistance. It is vital that advocates continue to

support the strategies survivors have been successfully using. Regardless of an advocate's own level of technological expertise, it is important that advocates work with survivors to plan for safety around technology and stalking. Although technology is changing rapidly and abusers are adept at misusing these new tools, advocates should remember that the motive for stalking is to maintain power and control over a victim, not simply to use available technology. Therefore, safety planning with survivors about technology methods may have a similar format to other non-technology related safety planning approaches and advocacy.

Strategies for Advocates:

- Focus on the survivor's needs and make sure that the options suggested are feasible.
- Try to share information about technology safety risks in ways that are relevant to the concerns raised by a survivor. Some survivors may feel relieved to finally figure out why their stalkers are able to know everything they do; others may choose to focus first on other priorities and prefer to discuss technology information later.
- Consider introducing the topic of technology stalking and safety in survivor support groups. Also educate victims about the positive benefits of emerging technology tools that can enhance their safety such as secure encryption for emails.
- Educate survivors about these new tools and the potential use of technology to stalk without prohibiting access to technology. For example, explain cell phone features to survivors, but do not ban cell phones from shelter. Advocates might also provide safer computer and Internet access and education to victims in the shelter.
- Some survivors may have heightened risks of stalking through their technology use and may need additional information and support. For example, some people with disabilities rely on assistive technologies to communicate and access

resources online and might be more vulnerable to specific methods of technology monitoring and stalking. Consider additional factors -- such as geographic location, ethnicity, income, accessibility, age, or sexual orientation -- that could impact a survivor's access to or reliance on various communications or technology.

- Educate survivors about the timing challenges of some digital evidence such as voicemail messages, telephone traces, Internet user records, and email "headers." If a victim wants to report these crimes to the police, law enforcement may have a short window to collect the digital evidence as many companies retain the information for a limited amount of time. For example, some Internet service providers only keep user records for thirty days.

□ **Sexting**

“Sexting” is a relatively new term used for the act of sending a sexually suggestive or explicit text message (aka texting, SMS, MMS) to someone else. These messages may vary from simple text, to photos, or even short videos sent from a mobile phone to either another phone and/or email account.

References to sexting in mainstream society only date back to 2006. It is a newer concept that appears to be directly correlated to the emergence of faster mobile networks, more sophisticated phones with photo and video cameras and different messaging options, and the increasing availability of these networks and devices to teens.

Harmful Effects of Sexting

A shared sexting message could have disastrous consequences. For starters, the impact of such content getting “leaked” could result in social isolation from friends, bullying, and unwelcome sexual solicitations. Further, in cases where such content might have been shared as the result of revenge, it could lead to violence. Aside from reputation and social issues, sending, receiving, and/or sharing this type of content could lead to disciplinary action by schools, employers, and possibly even criminal

prosecution by state and federal law enforcement. Most importantly, what might start out as a fleeting and thoughtless lapse of judgment could lead to serious emotional and self-esteem issues for a child or young adult.

Human Trafficking

Victims of trafficking are often subject to the same kinds of abuse as battered women and children: restrictions on freedom of movement, isolation, financial control, threats, intimidation, physical and sexual violence, and the fostering of drug and alcohol dependencies due to their situations. In addition, they may be isolated because the trafficker has taken away their passport, or may have physically isolated them. Trafficking victims may not know the language, and are not connected to any family or community of support. They don't know their legal rights, may not trust the police, and may fear deportation. Some of the lessons learned from the battered women's movement – and in particular, the battered immigrant women's movement – can be applied.

However, for victims of trafficking, their situations have significant differences from that of domestic violence and child abuse victims, which require different strategies. Trafficking victims usually have little to no interaction with the public, and in many cases never visit a health care practitioner at all. They tend to experience feelings of mistrust towards outsiders and can be under debilitating psychological control of their captors which limits their access to services, information and intervention.

Types of Human Trafficking

➤ Sex Trafficking

Being forced to perform commercial sex acts, such as working in strip clubs or brothels, and coerced prostitution are all types of sex trafficking.

In the United States, sex trafficking occurs in all types of communities: urban, suburban, or rural and involves both U.S. citizens and international immigrants. Sex trafficking occurs under the various types of forced/coerced labor listed above, in

environments such as bars, farm worker camps, sex entertainment (strip clubs or massage parlors) and organized prostitution (e.g. rotation through truck stops or hotels). Additionally, traffickers include professionally organized crime individuals, individual pimps, and friends or family members of trafficked victims. Many victims are promised good jobs, love, or marriage and are usually forced into sex work (prostitution, pornography, and working in strip clubs) and/or a combination of labor work (cooking, cleaning, and nanny work) and are physically, sexually, and emotionally abused.

➤ **Labor Trafficking**

Labor trafficking occurs when a victim is forced to work. Traffickers will use force, fraud or coercion to obtain victims. Labor trafficking often occurs on farms, factories, and in households. Even if the individual originally chose to engage in the work proposed to them, the individual is still considered a victim (in both sex and labor trafficking) when they are not allowed to stop working. Common methods of coercion include: fear of deportation, debt bondage, lies by traffickers, imprisonment, threats and manipulation.

One type of labor trafficking is “stoop labor”. “Stoop labor” is a term used to describe the agricultural portion of labor trafficking that usually entails cultivating and harvesting crops. Domestic servants can be involved in stoop labor, as well as household labor (cooking, cleaning) in which victims are paid little to no money with few breaks, long work hours, emotional, sexual, and/or physical abuse, and often poor living conditions.

➤ **Sexual Exploitation of Children**

Domestic minor sex trafficking can be described as the sexual abuse or exploitation of a minor for economic gain. It involves physical abuse, pornography, prostitution, and smuggling of children for exploitation purposes. Like any other form of trafficking, child sex trafficking occurs in all types of communities and within a city, within a state, or across many state lines.

Minors may be recruited and coerced or kidnapped into the sex industry. Common recruitment locations include: schools, after school programs, malls, stores, and bus stations. Additionally, some minors may initially seek out prostitution because of its perceived glamorous lifestyle and later become victimized by pimps and traffickers. Minors may also be prostituted by their parents or other family members, but these cases are thought to be rare in comparison to children prostituted by pimps or traffickers. Both boys and girls are victims of sex trafficking, but most research finds that girls are more frequently victims of sex trafficking. Many minors are recruited and trafficked into prostitution by traffickers or pimps. Seventy-five percent of prostituted commercially exploited girls are under pimp control. Minors who are trafficked by pimps may be found at escort and massage services, private dancing, sports and recreational events, conventions, and tourist destinations.

Common Indicators of Human Trafficking

- Multiple People in Cramped Space
- Poor Living Conditions
- Living with Employer
- Injuries from Weapons
- Inability to Speak to an Individual Alone
- Employer Holding Identity Documents
- Signs of Physical Abuse
- Major Trauma, Depression, or Post-Traumatic Stress Disorder
- Untreated Illnesses or Infections (Such as STDs)
- Submissive or Fearful
- Unpaid or Paid Very Little
- Heavy security at the commercial establishment including barred windows, locked doors, isolated location, electronic surveillance. Women are never seen leaving the premises unless escorted.
- Victims live at the same premises as the brothel or work site or are driven between quarters and "work" by a guard. For labor trafficking, victims are often

prohibited from leaving the work site, which may look like a guarded compound from the outside.

- Victims are kept under surveillance when taken to a doctor, hospital or clinic for treatment; trafficker may act as a translator.
- High foot traffic especially for brothels where there may be trafficked women indicated often by a stream of men arriving and leaving the premises.

Common Indicators of Victims of Domestic Minor Sex Trafficking

- Teens Dating Much Older, Overly Controlling or Abusive Men
- Lying About Age and/or Giving False ID
- Restricted or Strict Communication
- Missing Lots of School
- Inconsistencies in Story
- Disappearing for Blocks of Time, Chronic runaway
- Exhaustion, Fear, Anxiety, Nervous, Depressed
- Involved in the Foster Care System and Child Protective Services
- Pagers or Cell Phones not Paid for by a Parent or Guardian
- Hotel Room Keys
- Lack of Knowledge about a Given Community or their whereabouts
- Recurrent Sexually Transmitted Infections
- Needing Pregnancy Tests Frequently
- Bruising and Injury
- Signs of Branding (Tattoo or Jewelry)
- Inability or Fear to Make Eye Contact
- Increased Mental Health Symptoms
- Substance Use and Abuse
- Extreme Weight Loss
- Expensive and trendy jewelry and clothes that could not be supported by family's financial circumstances.

- Having quantities of cash that exceed what the family or “legitimate” employment could provide.

****The list is not comprehensive and not all people who display some of these characteristics may be victims of human trafficking.**

Teen Dating Violence-Bringing Curriculum to Schools

Tina Croucher’s Law Dating Violence Prevention Education

<http://codes.ohio.gov/orc/3313.60>

- School districts must include dating violence prevention education in the health curriculum in grades 7 through 12.
- All requirements of the bill are to be met by school districts no later than six months after the effective date of the act.
- The Ohio Department of Education will provide technical assistance to districts and links to guidelines and resources to help districts get started.

Anti-Harassment, Intimidation and Bullying Model Policy

<http://codes.ohio.gov/orc/search/3301.22>

- School districts are required to have a policy in place prohibiting harassment, intimidation or bullying of any student on school property or at a school sponsored activity as of December 30, 2007.
- Districts must consult parents, school employees, school volunteers, students and community members in policy development.

District Policies must include:

- Legal definition of bullying, harassment and intimidation.
- A process for reporting, investigations, and interventions.

Safety and Violence Prevention (SVP) Curriculum

- K-12 professionals are required to take in-service child abuse training.
- SVP Curriculum is designed to increase school professionals' awareness and knowledge beyond child abuse to include common student behavioral health issues.
- The SVP Curriculum provides awareness and knowledge in the following behavioral health areas: suicide, alcohol and drug use/abuse, bullying, violence and child abuse.
- Provide training in dating violence prevention as discussed earlier under the Tina Croucher Law.

Women Who Fight Back

Women who fight back are those with the fewest options for addressing the violence against them. They are women who lack access to resources, may be afraid or unwilling to turn to the police or other professionals for assistance, and whose status may deprive them of the ability to make any choices besides retaliation. They are women who may be conflicted about turning to the civil legal system or those who find that when they do, and when they are honest about how they have defended themselves, they are punished for exercising one of the few options open to them to prevent or escape from an assault.

Studies of women who use force against their partners indicate that an overwhelmingly large number of those women have been battered. While researchers agree that the vast majority of women who use violence do so to defend themselves or their children or to prevent an impending attack, women cite other reasons as well: to stand up for themselves, to get their partners' attention, to earn their partners' respect, to retaliate for threats against their families, and to retaliate for their partners' abusive behavior. Women may also use violence because they lack (or believe that they lack) other options to address the violence against them. This use of violence can be organized into two categories: defensive behavior (the attempt to escape or avoid a violent incident against the woman or her children, typically after the man has already used violence against her) and frustration responses (expressive acts conveying the woman's

frustration over her inability to escape the violence or control the violent situation). Both of the reasons differ significantly from the reasons that men typically resort to violence within relationships. Research overwhelmingly documents that men, unlike women, use violence to apply coercive control over their partners.

Women are often unsure about using violence against their partners. Although many women who fight back believe that they have no choice but to use violence to defend themselves or their children, they are nonetheless conflicted about what they have done. While they recognize that their actions may be illegal, they also believe them to be morally justified. But their belief in the morality of their actions does not prevent women who fight back from reacting negatively to having done so. Women who use violence experience higher levels of depression and fear or anxiety than violent men and often feel guilty about their actions. Women who fight back are more likely than men to admit to using violence and to take responsibility for their behavior. These women tend to include a great deal of detail in their stories, including exactly where they struck their abusers and how hard they hit. This willingness to admit to and the ability to recount their violence may be tied to how society perceives violence by women. Because women are socialized to refrain from using violence, they may perceive their violence as unacceptable societal behavior, making these actions more memorable.

Battered women enter the courtroom at a disadvantage. Social science research establishes that women are generally perceived as less credible than men. The claims of battered women are viewed with a great deal of suspicion; the credibility of battered women is challenged at every turn. A common misconception is that women seek protective orders only to gain advantage in divorce and custody proceedings. While it is rare to see such advice in print, advocates and judges have both described the disbelief with which battered women's claims are received in certain contexts. Doubt intensifies by professionals in the criminal justice system when women describe how they fight back against their abusers. Stories that challenge pre-existing understandings of victim behavior are likely to raise doubts about the victim's credibility. Women who fight back enter the courtroom with their credibility in question because of their failure to comply with the "good" victim stereotype. Women who fight back are not seen as needing

protection, and their claims are routinely downplayed or dismissed. Given the private nature of domestic violence and the frequent lack of evidence other than the victim's testimony, advocates might be tempted to edit unhelpful details out, "to spin the victim's demeanor to be consistent with the myth of the helpless battered woman" to convince criminal justice professionals of the credibility of women who fight back. The process of coming to court to seek protection is not undertaken lightly by most victims. Having been assaulted by someone she likely loved and trusted, the battered woman then must decide whether to make that violence public by sharing it with court staff, judges, and advocates. She may come to court knowing that going public is likely to anger her abuser further or to change their relationship forever. Calculating all of the variables—her needs, her fear, her love for her partner, and so many more—she decides to tell her story. It is essential that the victim find a listener willing to hear and accept her story. A determination that her story is not credible can be crushing for a battered woman who summons the courage to come before the court and describe her abuse. Doubting her story rejects her reality, recreates her life in a way that clashes with her own experiences, and ultimately, denies her the court's protection. Once doubted, these women may be less likely to seek the assistance of the courts, criminal justice system or other resources available again.

Given the high stakes for women seeking the court's assistance, the regret battered women and their advocates feel to tell stories that go along with the court's preconceptions about victims of violence makes perfect sense. But the failure to allow or to encourage battered women to tell their stories as they see fit has a price as well. The failure to tell the stories of women who fight back not only denies the experiences of the individual women, but also undermines the credibility of the women who will come after them seeking assistance from the courts. Until the criminal justice system grows accustomed to hearing the diversity of battered women's stories, they will continue to look suspiciously at non-conforming stories. Skilled advocates can help professionals to understand these stories, working with clients to shape and present their stories in ways that might be accepted. But given the lack of representation for victims of domestic violence, few women have such advocates. Women without counsel cannot benefit from the techniques of 'demeanor repackaging' used to make the stories of women who fight back more acceptable. When advocates counsel women who fight back to edit their

stories rather than helping criminal justice professionals to reformulate their notions of who a battered woman is, they deny unrepresented women the opportunity to gain from the telling of their clients' stories as well. When advocates are unwilling to accept that women fight back and to present fighting back as a coping strategy, they are complicit in the silencing of their clients and in the creation of additional hurdles for other women.

How can advocates for battered women educate the system to look beyond the typical victim? Advocates can bring the cases of women who fight back and other non-conforming victims of violence before the courts. They can help clients tell the stories they want to tell and explain why, despite fighting back, those women should be entitled to the protection of the courts. Lawyers can appeal cases when necessary, fighting for binding precedent that acknowledges that women who fight back are entitled to protection. These stories can carry the potential to transform the system because they force decision-makers to confront the human lives their decisions affect; the hope in telling such stories is that professionals will view their work through a more empathic lens. These stories bring into stark relief the gap between systemic assumptions about battered women and the real women seeking the court's protection. Faced with the combination of the "typical" victim verses the actual survivor telling very different stories, professionals within the criminal justice system may have to rethink the stereotypes on which they have come to rely. One story might be easy to reject, but regular exposure to these stories should make professionals question their beliefs about battered women.

Advocates should share their experiences with the legal system, not only to give the client a sense of what she might face should she decide to tell her own story, but also to provide the client with a sense of the importance of her story within the larger context of the legal system and of the battles that women without counsel face when they tell their stories. Battered women might be more willing to share their stories regardless of the consequences if they understood how doing so could benefit the women who come after them. The advocate and the client should discuss short and long-term goals, not only around what the legal system can offer by way of immediate protection, but also in terms of additional legal options, how her choices will affect her family and other

relationships, how telling her story relates to her sense of herself, and any other concern that the client puts on the table. Only after these discussions have taken place can the client make an informed choice about how to formulate her story for the court. Creating space for that choice, and providing context for making the choice, recognizes the client's independence and underscores the advocate's commitment to empowerment, both for her own client and for the battered women she cannot represent. Moving away from the typical victim with these stories is neither quick nor easy. Some have asked whether, given the many pitfalls it poses for battered women, it is worthwhile to attempt to tell these stories in the legal system at all. The lack of other avenues to address violence, however, and the benefits that can increase for those who are successful in bringing legal claims, both by way of protection and by way of the validation that can come from telling a story and having the system respond positively as a result, makes it imperative that advocates attempt to create a forum for the stories of women who fight back in the legal system. Criminal justice professionals must first be convinced of some inadequacy in the old story before being open to a new one.

Information from *When Is a Battered Woman Not a Battered Woman? When She Fights Back* by Leigh Goodmark

Law Enforcement/Police Officers Who Batter

This section is about some police officers or law enforcement officers who batter.

There are batterers in every segment of our population and in every profession.

Law enforcement officers are not exempt. Please note that it is not the intent of this publication to disparage law enforcement or the critical work that they do on a daily basis. Instead the intent is to address the small portion of law enforcement officers who may be abusive and to address the special needs and safety issues their victims may have.

As an advocate, you may be the only source of support and information for the victim of an officer who is an abuser. It is important to learn about police culture, address the issue of police domestic violence with law enforcement, and search for creative remedies that decrease the victim's vulnerability and risk. This is a challenging task.

Even police departments and advocates who have a history of enjoying a respectful and cooperative relationship can become adversaries when advocates work to protect the victim of an officer perpetrator.

When the Batterer Is an Officer: 10 Things Advocates Must Know

1. If at all possible, seek out advocates with more experience regarding these types of cases. For example, the advocate should understand the complexities of battering, have a solid knowledge of available criminal, civil and community interventions, and understands the practices and politics of local law enforcement agencies.

2. Never underestimate the danger. Safety planning is even more complicated for victims of law enforcement batterers than it is for other victims. Police training, access to information, use of firearms, knowledge of the criminal justice system process, and fear of losing employment heighten the complexity and potential danger. There is a high risk for murder, suicide, or both with these cases.

3. Police have unique access to information. An abusive law enforcement officer may know the locations of local shelters and could potentially discover the address of any shelter. By training and profession, police have investigative skills and access to many types of information, making it possible for the abuser to track the victim or obtain and use personal information against the victim and her family or friends.

4. Police training can reinforce the tactics of battering. Specialized training in investigation, surveillance, and use of force reinforce dominance and control and make police officer abusers among the most dangerous.

5. Police culture and officer-to-officer relationships can limit the department's response and victim support. Responding officers may be reluctant to believe that a fellow officer is an abuser. They may be less believing of and less sympathetic to the victim, or may feel conflicted between upholding the law and protecting their fellow officer's job. Please note, it is not just law enforcement that has a hard time believing that someone they know may be an abuser. There are people in everyday life that may know an abuser or that an abusive situation may be happening and are reluctant to believe it is happening regardless of their profession.

6. A victim's help-seeking may threaten employment. The victim of a police officer may believe that any step she takes to protect herself will jeopardize her abuser's career. The victim will be reluctant to call 911, obtain an Order of Protection, or report the abuse to a batterer's supervisor because she fears retaliation from the abuser for tarnishing his reputation and/or interfering with his career. The victim may also have feelings of guilt. Although she knows something terrible has happened to her, she may still not want to be the cause of the officer losing their job.

7. Linkages between police and other agencies can limit intervention. Similar to the effect of working relationships between officers, the dispatcher, the prosecutor or the judge may be reluctant to believe that an officer is a batterer. The prosecutor's decision whether to proceed against a law enforcement officer who batters relies heavily on police cooperation, reports, investigation, and evidence collection.

8. Knowledge of the criminal justice system can be used to manipulate it. Police officer abusers know where the line is between criminal and non-criminal behavior. They have detailed knowledge about how the criminal justice system operates, know the people who work in the system, and know how to use the system against the victim.

9. The abuser's profession confers credibility. An officer's professional standing brings with it a high degree of credibility. At the same time, he may do everything in his power to destroy the victim's credibility. Victims who fight back, use drugs or alcohol, and/or are mentally ill will be particularly vulnerable in comparison to the officer's credibility and position within the criminal justice system.

10. When both the victim and the perpetrator are law enforcement officers, complications multiply. A female officer's victimization at home may be used as an indication that she is incompetent to perform her official duties. Other officers may ostracize her as a whistle blower. Her career and life are at stake and typical safety remedies will most likely not be viable options. Risks for the victim and others are magnified and the situation requires thoughtfulness and caution.

When the batterer is a police officer, the advocate must recognize that the standard remedies and responses are limited, ineffectual, or even dangerous. When a victim responds to an advocate by saying, "You don't understand, he's a police officer;

but this is different, he's a police officer; or I can't DO that, he's a police officer," she is expressing her frustration that no one understands the many ways in which she is limited. When even advocates do not understand her experience, we exacerbate her sense of isolation and hopelessness.

Safety planning is seriously challenged when the abuser is a police officer. Since the police are usually our first line of defense, their actions set the tone for subsequent criminal justice system action. We expect the police to intervene, arrest the abuser, sign a criminal complaint, collect evidence, and enforce an Order of Protection. We count on the competent performance of police officers to make victim safety and offender accountability central to the system's response. When an officer of the law breaks the law, the system is turned upside down. So, too, are advocates' and victims' usual safety plans.

It is important to remember that many victims of police officer batterers have the same ambivalence toward their partners as other victims have. The victim may be angry that her batterer is using his professional status to manipulate the system, but still want to protect his career. An advocate's desire to get an abusive officer off the streets can make it hard to remember that it is not the victim's responsibility nor the advocate's to see that the law is enforced or to reform the police department or the entire criminal justice system. As always, our first commitment is to support her wishes and decisions and help ensure her safety.

10 Things Advocates Should Discuss with the Victim

1. Police officer abusers are among the most dangerous abusers.

Explore whether the abuser is using his police training, tactics and equipment to intimidate and terrorize the victim.

2. There are long-term implications with every crisis safety measure.

Examine crisis options with a careful eye to determine the long-term consequences.

3. The response to her 911 call may differ from usual policies and procedures.

Inform the victim how the police *should* respond and warn her about how they *might* respond. Know the department's domestic violence policy and protocol.

4. An internal investigation is extremely threatening to the officer and is a dangerous period for the victim.

Review the process, implications, and safety concerns in an internal (departmental) investigation. It is up to the victim whether to cooperate. She needs to know that interviews with the Internal Affairs Division, as it is often known, or other designated investigators are *not* confidential. The abuser will know what she disclosed to investigators.

5. Though it is unlikely that the officer will lose his job, it is always a possibility.

Discuss what the victim thinks the abuser would do if he were to lose his job. Consider the potential for retaliation, the threat to her and her family's safety, and the financial consequences she will face if the abuser is suspended or terminated.

6. Getting an Order of Protection may be difficult.

Consider the impact and long-term repercussions of obtaining and losing a protective order. Obtaining an emergency Order of Protection will be relatively easy compared to getting a final order. Assess whether local police could be relied upon to enforce the order.

7. Prosecuting a law enforcement officer involves many obstacles.

Give the victim information about the criminal justice system and the players in the system – their roles, their objectives, and their priorities. Talk about the complexities of pursuing charges when the abuser is an officer.

8. Saving her own documentation and evidence is important.

Advise the victim to save evidence of everything and to store it in a safe place. It is not uncommon for reports, photographs, and other evidence to disappear when the batterer is an officer.

9. Hiding from a law enforcement officer is practically impossible in the long run.

Articulate the realities and difficulties of hiding, as well as strategies. He knows the locations of local shelters and can find those in other areas. He can track her down using her license plates or tracing credit card usage. He can find her even if she gets a new Social Security number.

10. Suicide / homicide are ways abusers exert their ultimate control over the victim.

Emphasize the danger of suicide threats. There is a high risk of homicide/suicide in officer-involved cases.

How Officers Can Abuse Their Power

Central to the dangerous nature of police perpetrated domestic violence is abuse of the training, access to information, discretion, and authority that distinguish policing from other professions.

There are many ways in which officers who are abusive use their law enforcement powers. Advocates should be familiar with them in order to provide the best support to victims, both to validate their experiences and to help them obtain meaningful, safe intervention.

➤ Police Presence

PROFESSIONAL: Officers are taught to develop a “command presence.” Many police trainers acknowledge that men and women change once they don the uniform and equipment of an officer. The uniform, body armor, badge, gun belt, and squad car are powerful symbols of their authority.

PERSONAL: An officer intimidates his victim by:

- His mere presence in uniform while standing with his hand on his gun.
- Giving her “the look” and making it clear without a word that he knows everything she is up to and with whom.
- Letting her know that he is capable of watching her at all times, by showing up at unpredictable times and/or locations.

➤ **Surveillance**

PROFESSIONAL: When the police identify a suspect, they begin surveillance of the person in order to gain information and attempt to catch the suspect in criminal behavior. Once the suspect realizes he is being watched, he will alter his behavior.

PERSONAL: An abuser often makes it clear that his partner is under surveillance, in his attempt to control her behavior. Whether the surveillance is physical, telephonic, or electronic (or all three), he robs the victim of her sense of privacy and control over her life. The victim alters her behavior based upon the possibility that he is watching. The abuser gets information about where she goes, with whom she spends time and what she does. This gives him the ability to intrude upon her life whenever and wherever he pleases. Stalking is a perverted form of surveillance. A law enforcement officer who is stalking his victim might:

- Sit outside her residence, workplace, gym, or friends' homes in his personal vehicle, squad car, or unmarked police car.
- Gain access to her apartment or house and leave evidence that he has been inside her personal living space, such as turning on a light or moving a picture.
- Install devices and software that enable him to record telephone calls, read her e-mail, track her automobile, or see the interior of her home.
- Use contacts within the telephone company to check on whom she calls and who calls her.
- Use his squad car camera to videotape her as she walks to and from her residence.
- Use vehicle license plates and registrations to track down visitors to her residence.

➤ **Information**

PROFESSIONAL: Police officers have access to many sources of confidential and personal information, such as local, state, and national law enforcement databases (such as: National Crime Information Center, Federal Bureau of Investigation or LEADS); motor vehicle records in all states; and telephone and utility records. A police officer can discover an individual's current and former names, aliases, date of birth,

Social Security number, current and former addresses, vehicles and driving record, criminal history, and credit reports.

PERSONAL: Although officers can legitimately access such records for official investigations, some officers may misuse them for personal reasons. For example, where an officer may use vehicle registration information to learn a person's name, address, and other personal information. An officer batterer can use these same tactics to discover the identity of someone visiting his ex-wife or girlfriend. Through access to these and other records, the police officer batterer can hunt down a victim who has left him.

➤ **Interview and Interrogation**

PROFESSIONAL: Law enforcement officers are taught how to interview people. Eye contact, how and where to stand, non-verbal body language, and detecting signs of deception are techniques that officers learn to practice and to observe. They also learn how to interrogate a suspect. This includes tactics such as holding the suspect in a small room until the investigator declares the questioning is complete, and controlling whether and when the suspect gets something to drink, permission to use the restroom facilities, access to make a telephone call, or contact with family and friends.

PERSONAL: The battered intimate partner of an officer is a "suspect" in her own home. He interrogates her and the children about any suspicions he may have concerning finances, infidelity, or friendships. He might use any or all of the following tactics:

- Stand over her while in uniform, using his command presence and asking where she has been.
- Demand that she look at him while he is talking.
- Block the doorway so she cannot exit the room without physically touching him.
- Barrage her with questions.
- Raise his voice in disbelief at her responses.
- Slam his fist on the wall to intimidate her.
- Rip the telephone from the wall, so she cannot summon anyone for help.
- Refuse to let her to leave until he is done with his questioning.

➤ **Manipulation and Deception**

PROFESSIONAL: Within many scenarios in policing, lying to a suspect is legal.

Officers must be convincing to prostitutes, pimps, drug dealers, drug couriers, and delivery personnel to facilitate the arrest of someone involved in illegal activity.

PERSONAL: An officer who is a batterer can use his experience manipulating and deceiving suspects against his intimate partner. He can lie to the victim and appear sincere and truthful. If he is adept at fabricating an identity and demeanor, he can distort or lie about events, and be convincing to the courts and other interveners. He can get access to information from unsuspecting officers, neighbors, and co-workers.

A batterer can:

- Convince other officers to drive by the victim's residence and report any activities including license plate numbers and vehicle descriptions of anyone present.
- Convince her neighbors that he is a "knight in shining armor," and a protector of their city. Neighbors may then be more than happy to answer any questions about strangers coming and going from the residence next door.
- Manipulate her co-workers into believing that the victim and the officer share a healthy, loving relationship by sending cards and flowers to her office. They then unwittingly provide information about where she is and with whom.

➤ **Professional Authority**

PROFESSIONAL: An officer gives directions or orders to a person with the expectation of compliance. Depending upon the circumstances, failure to comply can be cause for a citation or a physical arrest. Society grants police enormous power, with the expectation that they will use their authority and discretion wisely, without abusing it.

PERSONAL: An officer batterer sees conflict in his personal life as a challenge to his dominance, authority, power, and control of his partner and his surroundings.

Everything is wrong or right as he defines it, and there is no room for the victim to voice her opinion or position. She will face some form of punishment if she questions him or disagrees with his opinion.

➤ **Continuum of Force**

PROFESSIONAL: Law enforcement officers are trained to use only the amount of force necessary to control the situation and the suspect. In the “use of force continuum,” officers are taught to use techniques to incapacitate someone without causing death or serious bodily injury. The continuum begins with officer presence, verbal direction or commands and “soft” empty-hand techniques (no nightstick, pepper spray, or gun), which include applying various holds and pressure points that encourage compliance, but within a relatively low threshold of pain. If resistance continues, the officer may escalate to “hard” empty-hand techniques, chemical agents, and finally toward lethal force with a firearm.

PERSONAL: The same techniques can be used in an abusive officer’s home. A continuum of abuse often involves verbal, emotional, psychological, sexual, and physical violence. Physical violence, however, is not always necessary to control the victim. Many officer batterers maintain control through intimidation and threats, their “command presence,” or a gentle reminder of the “last time.” His victim knows what he is capable of and his expertise with a variety of weapons, including his hands and legs. Most injuries caused by these techniques are not easily seen. Victims may complain of pain, and be very frightened, but may not have an obvious injury.

➤ **Power Within the Criminal Justice System**

PROFESSIONAL: Law enforcement officers work within the system that answers 911 calls, dispatches police, fire, and emergency medical services, advocates for victims of crime, houses prisoners, prosecutes defendants, sentences those found guilty by the court, and monitors individuals on home detention. Officers are trained on how to present themselves not only at the scene of an investigation, but also in the courtroom, where they appear in uniform to testify and swear to tell the truth. In court they recall the crime scene and evidence to support their written report.

PERSONAL: An officer batterer has established working relationships with dispatchers, victim advocates, officers from his agency and other jurisdictions, prosecuting and defense attorneys, judges, and corrections personnel. In many cases, they are on a first name basis. A batterer will use these relationships and their knowledge about the criminal justice system to their advantage.

A victim in a rural area is particularly vulnerable to the batterer's abuse of his police powers. Many in the community, including other officers, may be aware that he batters her, but are afraid to confront him or to help her. She may fear that the batterer will find a way to fabricate charges against her or her friends and family, such as planting drugs or stolen property, and use his authority to arrest and jail them. She may know that he is capable of rigging her car to cause an auto "accident" or running her off the road. She knows that he has close working and personal relationships, and the resulting credibility, with prosecutors, judges, and others in the criminal justice system.

When the batterer is an officer, the **linkages between law enforcement and other criminal justice system agencies can limit intervention**. The working relationships within and across the system reinforce a reluctance to believe that an officer is a batterer. Victims must also overcome the widespread resistance that exists against disciplining or prosecuting an officer. A victim will have to present an extremely compelling account of her experience to the investigating law enforcement agency and the prosecutor. She will need to convey that, in addition to common types of abuse, the officer abuser exploits his professional status and power to control and terrorize her. Meeting with the abusive officer's chief or supervisor is intimidating to most victims. It may help if an advocate accompanies her, if allowable. The presence of someone from outside the department may ensure that the chief or supervisor treats the victim respectfully. As an advocate you can support her, take notes, and witness the meeting, in case any discrepancies emerge later about the content of the discussion. Advocates **must be aware of the general public complaint procedure within the department** – often known as the "citizen complaint" procedure. Each law enforcement agency is an independent entity. Each receives and responds to complaints differently. Factors that influence the response to an abusive officer include the size of the department, its attitude toward officer misconduct, its position and policy on domestic violence, and resources available in the community. Advocates **must be familiar with departmental domestic violence policies**, including any that address officer-involved domestic violence. It is also important to understand the department's internal investigation process and supervisory structure.

It is wise for advocates to talk to the chief or sheriff about officer-involved domestic violence **before** they work with victims, in order to get an idea of the chief or

sheriff's attitude, beyond the official policy. Would they want to be informed if one of their officers is involved? Is there any formal arrangement with neighboring jurisdictions to report if they respond to a call involving one of his officers? How would they deal with a complaint? Who would investigate? Would they allow the domestic violence advocate to be a liaison? Would they refer for criminal prosecution?

If the batterer is a chief or sheriff, the advocacy challenges are even greater. The agency providing victim advocacy and support should consult with other domestic violence service agencies, its state coalition, and other resources. Advocates must also understand the political landscape and the role of the police and fire commission, the mayor, the county executive, or other entities that may have some oversight of law enforcement agencies. ***Reporting might put her at further risk: always focus on the victim's safety.***

An internal investigation is extremely threatening to an officer and is a dangerous period for the victim. The victim needs to know that her conversations with the department will **not** be kept confidential. Once notified of officer misconduct, the chief or supervisor cannot keep the disclosure confidential and risk becoming personally liable by failing to initiate an investigation and follow reporting procedures. While those with access to her complaint may be small in number – i.e., the chief, immediate supervisor, and internal affairs investigators – confidentiality cannot be guaranteed and rumors can easily travel back to the abuser. Before going to the department, the victim and her advocate should consider whether there is someone trustworthy who could provide a sense of the likely response to a “hypothetical” report of officer-involved domestic violence. Find out what the department can do to prevent retaliation by the abuser and other officers. Can the chief issue an Administrative Order of Protection? Are there penalties for officers who fail to protect the victim, or who support the abuser's harassing and stalking behavior? Are officers aware of those penalties? Ideally, as an advocate you will have made these inquiries in advance, as part of your broader systems advocacy work, and have a good understanding of the department's approach to officer domestic violence.

Use your most experienced advocate and never underestimate the danger. Ask the victim if she thinks she will be in more danger if and when: the abuser learns that she reported the abuse to the department; the department opens an

investigation, suspends the abuser during the investigation or disciplines or fires him. Design a safety plan that addresses each of these possibilities.

As an advocate you can discuss possible reactions to her complaint, so that she is prepared for them. If you have previous experience with the department's response to officer batterers, tell her what she might expect. Is the department likely to be supportive or dismissive? When the response has been dismissive, or is unknown, you can assist her in anticipating the less than supportive responses.

- Let her know that some police administrators may not understand the coercion and control dynamics of domestic violence. They may respond to her complaint as a problem of “mutual combat” or “marital discord.” The chief or supervisor may suggest that she is equally responsible for what has occurred.
- Let her know that the chief or sheriff or other supervisor may defend the officer or not believe the victim's story and insinuate that she is exaggerating or lying. Unless she has some independent proof of serious physical violence (such as police reports, medical records, or witnesses), the agency may not take her complaint seriously.
- Provide information about disciplinary options. If the department is likely to fire an officer, the victim should know that. If one of her fears is her partner losing his job, she should be aware of that possibility in making her decision about reporting the abuse to the department. Help her prepare a clear statement of what she would like to have happen as a result of her complaint, and wherever possible link it to the department's standards of conduct for officers.

Please note, your role when the victim meets with agency supervisors depends on the level of participation the victim wants you to have, and any restrictions that the department places on your participation. You must discuss the role the victim wants you to play **before** the meeting. For example, does she want you to ask questions about certain things, such as departmental policy or disciplinary action? As an advocate, never volunteer information that the victim does not want the department to know. If the victim does not want to report that her abuser held a gun to her head because she is afraid he will lose his job, you must not disclose that information. In cases where child abuse is indicated, let the client know if you are a mandated reporter for child abuse. Encourage her to report incidents of violence that have occurred in front of the children

or toward the children. If you are unsure if you are a mandated reporter, ask your supervisor. Generally, an advocate who accompanies a woman is a **witness**, not a participant in the proceedings. As such, you are there to provide silent support, to review the event afterwards and to provide a “reality check” for the victim about what occurred. You can assist her in making notes of what was said and promised.

Among the contributions that advocates can make to create prevention through collaboration is to remind law enforcement agencies and other partners that it is risky to promise victim safety and/or abuser accountability that they cannot, in reality, provide. When any intervention fails the victim of police-perpetrated domestic violence, the abuser has the ability to retaliate both personally and institutionally, and the victim’s willingness to seek help in the future is diminished. Among the challenges to law enforcement and advocates is to understand their respective roles and “generate thoughtful consideration among police administrators and victim advocates on various elements that may be considered for inclusion in a policy.”

Information taken from *When the Batterer is a Law Enforcement Officer: A Guide for Advocates* by Diane Wetendorf with Contributions from Jane M. Sadusky

Conclusion

As an advocate you are in a unique position that allows you to make a difference in many people's lives. Each day will bring new challenges. You will make mistakes. Learn from them and don't give up. We hope this publication and the supplemental information will be helpful to you.

“We must not, in trying to think about how we can make a big difference, ignore the small daily differences we can make which, over time, add up to big differences that we often cannot foresee.” **Marian Wright Edelman**