

Advocacy and Investigation: Identifying the Unique but Complementary Roles in Sexual Assault Response

When law enforcement officers and victim advocates work together to establish a support system for sexual assault victims, the resulting partnership strengthens investigations and benefits victims' recovery. Law enforcement and victim advocacy partnerships require each discipline to understand their unique role and how that role complements the other party. Although both disciplines work toward the same mission in the criminal justice process—bringing justice for victims—their perspectives may differ, resulting in collaboration challenges. Collaboration between law enforcement and victim advocates is critical to the case and for providing support to the victim in all situations. However, for many reasons, these professional relationships are not always easily built and maintained. It's important for these two disciplines to work together to provide a more complete response to victims' needs and enable cooperation throughout the criminal justice process. This National Sexual Assault Kit Initiative Training and Technical Assistance (SAKI TTA) resource provides guidance to jurisdictions regarding how to

- ◆ assist law enforcement officers and victim advocates in developing collaborative relationships while maintaining their unique roles in the criminal justice process, and
- ◆ resolve conflicts that may arise between the two disciplines.

Defining Roles

When working together, victim advocates and law enforcement personnel (i.e., patrol officers responding to calls for service and sexual assault investigators) need defined roles to provide the best support to victims and ensure a strong investigation. Multidisciplinary teams (MDTs) and sexual assault response teams (SARTs) can support local agencies by ensuring each discipline's role is understood and respected.

Both disciplines have several unique tasks. Whereas these tasks should complement those of the other discipline, the fundamental tasks of each discipline include those mentioned in the table.

Law Enforcement Officer	Victim Advocate
Ensures victim safety	Assesses the victim's needs and makes appropriate referrals
Gathers information to determine whether a crime occurred	Focuses on the victim and their personal support system (e.g., family)
Assists the victim to feel empowered to participate in the criminal justice system processes	Educates the victim about the criminal justice system and related processes; ensures the victim's rights are sustained
Provides concise and useful information about the criminal justice system processes and all services	Discusses the expectations and assumptions the criminal justice system has of victims

Sharing Information Between Disciplines

Ideally victims have access to both community- and systems-based advocates, due to their complementary roles and collaboration to ensure victims' various needs are addressed. Seeking assistance from both types of victim advocates can yield benefits for sexual assault victims. Both types of victim advocates must be cognizant of the role they play, versus the role by which law enforcement personnel abide. Specifically, victim advocates and law enforcement must be aware of each other when sharing victim-related information. Some information disclosed to a victim advocate and maintained within the victim advocate system can be described as *confidential*. It's important to understand how confidentiality plays into sharing information with community- and systems-based advocates.^a

- ◆ Community-based advocates belong to a nongovernment entity and can offer privileges and confidentiality when communicating with victims, in most cases. What qualifies as confidential varies by state.¹
- ◆ Systems-based advocates belong to a law enforcement or government agency. As such, they do not offer privilege and confidentiality when communicating with victims, in most cases. Note that what qualifies as confidential varies by state.¹

^a Refer to the SAKI TTA *Community- and Systems-Based Advocates* brief (http://bit.ly/cbas_sbass) for more information.

Developing Relationships and Building Trust

A strong partnership between law enforcement officers and victim advocates benefits from familiarity with each other's roles and responsibilities. However, as with all relationships, challenges can occur. Specifically, challenges may arise when there is a lack of consistent communication (via meetings or other forms of discussion), and these challenges can create discord if not addressed.

When victim advocates and law enforcement officers respond together to a report of a sexual assault, they can be task driven and singularly focused on their responsibilities to complete the call. This can create short, infrequent interactions between the victim advocate and law enforcement officer. Although trust and a strong relationship can be established in these brief interactions, developing a true, solid, trusting relationship is built on additional meaningful interactions and communication. Building a relationship can help alleviate any misunderstandings of actions or dispel unrealistic expectations.

Another challenge is to know the limitations or restrictions one agency may have when assisting victims. Law enforcement and victim advocacy agencies operate by a set of established policies and procedures and must work within those boundaries. Despite the best attempts to understand the other discipline's roles, preconceived notions or stereotypes may remain and hinder relationship building. It's important to address any stereotypes via frequent communications. Additionally, a research partner who serves on the MDT may be able to assist in this endeavor by implementing a survey to better understand the needs and roles of each discipline, without the challenge of discussing any issues verbally.

Establishing Common Goals and a Mission

Establishing common goals is foundational to building a professional relationship. Shared goals ensure that working partners understand what they as a community/organization are working to accomplish through their efforts in supporting victims. For example, a common goal may be to ensure **all responses to sexual assault occur in a coordinated effort that reflects best practices.**

Communicating at All Levels

Partnerships can be sustained over time by developing deeper relationships across all levels of both organizations. It's vitally important to create a sustainable plan to working together long term, as turnover and attrition within departments may occur.

The following organizational levels should be involved in relationship building:

- ◆ **Executive Leadership**—Executive leadership should actively support their organization's involvement in sexual assault response by fostering open dialogue and promoting positive interactions between agencies.
- ◆ **Management**—Agency management must regularly communicate and collaborate.
- ◆ **Responding Officers, Investigators, and Victim Advocates**—All groups should listen to each other's views, collaborate to create effective solutions, and respect opposing viewpoints to lay the foundation of a respectful relationship.
- ◆ **MDT and/or SART**—An MDT and/or a SART can provide training and education to all partners—emphasizing the importance of working as one team to achieve the goal of a trauma-informed, victim-centered approach to sexual assault investigation. SARTs can provide an environment for law enforcement and victim advocates to interact with each other regularly, which in turn fosters a better understanding of the collaborating disciplines.

Identifying Agency Champions

Agency champions are those individuals who are committed to building relationships between organizations. Knowledge and passion are two key aspects for identifying a champion; agency champions should also have the skills to understand the needs and complexities of sexual violence. Once each agency has its champion(s), it's important to turn to fostering commitment from all participating parties. A champion must have the skill to create inspiration and the ability to develop and nurture others' participation.

Establishing Policies on Confidentiality, Communication, and Response

The partnership between law enforcement and victim advocates is key to accomplishing a productive and positive cross-disciplinary team. There are times these disciplines work more independently of each other, creating unintended silos between groups. Silos can inhibit the ability to provide the best support for the investigation and victim. One method to promote and sustain communication and collaboration is to have a memorandum of understanding. These documents can include written rules of engagement, participation, and protocols that detail the roles of advocates and law enforcement.

Another method is to develop policies and best practices that ensure all responses are victim centered. Each discipline should know everything that they can know legally about

the victim and the case; this approach prevents the victim from feeling that the interactions are disjointed. Policies to establish communication and develop a teamwork mindset will ensure the victim knows everyone involved in their case. Additionally, it could be helpful for agencies and MDTs to establish criteria for when both community- and systems-based advocates are involved in a case.² To ensure the continuity and sustainability of knowledge over time (and through turnover), individuals (i.e., gatekeepers) should be assigned to ensure knowledge is properly maintained and disseminated, even with new individuals.

Consider the following tips to support development of policies that are centered on confidentiality and team communication at all levels:

- ◆ Ensure all members have a voice, especially when addressing challenges.
- ◆ Identify foundational information on participation, response, and support to sexual assault.
- ◆ Establish an organization or a person to facilitate meetings and communications.

Assisting in Conflict Resolution

Successful teams and collaborations establish communication avenues that ensure conflict resolution methods. Following this approach during each incident helps to prevent systemic challenges. Each agency should develop, and frequently review, their conflict resolution procedures to outline how isolated issues will be addressed. If necessary, an MDT and/or a SART can facilitate conflict resolution to address systemic issues between agencies.

When conflict occurs surrounding role responsibility, the issue should be addressed immediately using systematic conflict resolution steps. Start by identifying the source of confusion (e.g., an opinion). Was it something they heard or observed? Was it something the victim told them? Did it occur a long time ago or more recently? Was it something in the agency's culture, a difference in accepted policies or practices, or that personalities that are not agreeing? Use the following steps to systemically address the conflict:

1. Understand individuals' various roles.
2. Identify the problem.
3. Request solutions from everyone.
4. Acknowledge and present all possible solutions.
5. Come to a mutually agreeable resolution.
6. Follow up to prevent the issue from recurring.

Although it's unlikely that all MDT/SART members will agree on each outcome, it's important to compromise to ensure that relationships remain positive.

Utilizing experiences and testimonials from colleagues to show how conflict can negatively impact the case can be helpful to illustrate the significance to both disciplines.

Additionally, management must commit to addressing any issues or trust breaches in a way that does not ignore a situation or create negativity. All parties should be aware that there is open communication for conflict resolution, while also noting the accountability involved in group collaboration.

Tabletop Activity

As you read through the following scenarios, think about how your current jurisdiction or team would address these examples of issues and/or trust breaches. Discuss these challenges with your law enforcement and advocacy partners, and develop a strategy for how you could resolve the issues. These scenarios can be worked through as separate disciplines and/or in cross-trainings to help promote conflict resolution and improve trust, respect, and communication.

Example Scenarios to Work Through Potential Conflict

1. A systems-based advocate overhears a detective saying to a victim over the phone, “This case can’t go anywhere. There is nothing else I can do to follow up, and I need to work on my other cases.” Afterward, the advocate goes to their director to express the negative statements about this case; the director then speaks to the detective’s sergeant. The sergeant did not address the lack of trauma-informed communication and instead told the detective only that the advocate had overheard the phone conversation. Now the detective closes the door to the interview room to prevent the advocate from overhearing the interviews.

Consider the ways in which this conflict could have been resolved more effectively:

- The sergeant could have addressed the lack of trauma-informed communication with the victim and invited the advocate to offer insight about ways to improve future interviews.
- The sergeant and the director could have organized a cross-training so that the advocates and officers are informed about the importance of trauma-informed interactions with victims.
- The advocate could have spoken to the detective about the case directly to see if there was anything the advocate could have done to help the detective relieve stress and ensure trauma-informed communication.

2. A sexual assault investigator is conducting a victim interview that is being video- and audio-recorded with a community-based advocate in the room. Every time the survivor cries, the advocate pauses the interview and encourages the survivor to take a break or get some water. At times, the advocate answers the detective’s questions, interrupting the survivor.

Consider the ways in which the interview experience could be improved for all parties before any conflict arises:

- The investigator and advocate should have been cross-trained to fully understand the implications of confidential communication between the community-based advocate and victim. If the victim previously shared information with the community-based advocate in private and the advocate relays that information in front of the investigator, those details will become part of the investigation.
- The investigator and the advocate should work to create a professional relationship that builds trust between them so that both parties know about and can practice victim-centered, trauma-informed interview techniques that will limit re-traumatization of victims.
- The two agencies should organize forums and create plans that ensure investigators and advocates are able to trust that both parties understand victim-centered response and that they can talk ahead of interviews to understand goals of the interview.

3. A patrol officer responds to a sexual assault call for service at the hospital where the victim is having a sexual assault forensic examination. The community-based advocate is already in the room with the survivor. The patrol officer begins to collect pertinent information from the victim to affirm their safety, and the advocate jumps in to say the survivor has the right not to provide this information; this creates a tense environment in the room. The patrol officer completes his initial interview and leaves the room. The sexual assault nurse examiner then informs the patrol officer that the advocate had said negative statements about the law enforcement agency’s response to victims prior to the patrol officer’s arrival.

Consider the ways in which this systematic conflict could be resolved or avoided in the future:

- The patrol officer should speak with their sergeant about the incident at the hospital; the sergeant should then contact the director of the advocacy agency to address the advocate's inappropriate commentary about the law enforcement agency.
 - The director of the advocacy agency should enact procedures to ensure advocates understand that speaking negatively about the agency or law enforcement's response is never acceptable; this applies no matter the experience or situation that occurs between the advocates and law enforcement. If such procedures are already in place, advocates should be reminded of these policies and the importance of maintaining a strong working relationship with law enforcement.
 - The sergeant and the director should bring in MDT and/or SART members to facilitate conflict resolution and relationship building across both agencies.
 - The sergeant and the director can organize cross-training so that the advocates and law enforcement officers can learn about the importance of trauma-informed interactions with victims.
4. The Director of Sexual Assault Services at the local rape crisis center and the lieutenant of the Sex Crime Unit have met at quarterly MDT meetings for the last year. Several recent situations involving the detectives, systems-based advocates, and rape crisis center advocates have resulted in mistakes that prevented cases from moving forward to prosecution. The director and lieutenant have been talking with their employees and preparing to make individual recounts to the MDT; however, the director and lieutenant have been unable to connect on the phone.

Consider the ways in which this negative situation could be managed in the future to avoid having (1) cases be unresolved and (2) victims be deprived of the justice they deserve.

- The director and lieutenant need to set up regularly occurring meetings outside the quarterly MDT meetings; additionally, they need to develop a way to communicate informally so that they build a relationship based on trust and respect.
- The director and lieutenant should address issues in an honest and open way, acknowledging the mistakes that their employees have made and how they, as leaders, plan to follow up to correct these errors.
- The sergeant and director should bring in MDT members to facilitate conflict resolution and relationship building across both agencies. Additionally, the sergeant and director should work with the MDT to develop concrete, written policies or protocols detailing the roles of advocates and law enforcement officers, and best practices for maintaining a collaborative relationship.

References:

1. National Center for Prosecution of Violence Against Women/National District Attorneys Association. *Victim Advocate Confidentiality Statutes*. Retrieved from http://bit.ly/NCPVAW_VACS
2. National Sexual Assault Kit Initiative (SAKI). (February 2018). *Community- and Systems-Based Advocates*. Prepared for U.S. Department of Justice, Bureau of Justice Assistance. Retrieved from http://bit.ly/cbas_sbas

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