

NEVADA VICTIM ADVOCATE MODEL PROTOCOLS

INTRODUCTION AND GUIDING PRINCIPLES

The Victim Services Movement is now over thirty years old. Throughout the years, advocates have learned from each other, and through input from survivors and multiple disciplines. The most important lessons are those shared amongst ourselves, guiding us to discover what works and what does not. Through shared experiences and knowledge, we have created a network of support, collaboration, and effective programs providing compassionate quality services and resources for victims regardless where or how their journey through the criminal justice system begins.

We have learned that continuing education, consistency, and promising practices are the basis for sustainability and viability. Victim services continually evolve based on changes in population, availability of funding, and legislative impact. However, the guiding principles remain consistent and serve as a roadmap to the future. Through best practice models, we can enhance professionalism and continue to grow and better serve victims despite the fluid nature of our field.

As the field of victim services has developed and grown, advocates have come to provide both community-based and system-based services. Community-based advocates generally work in non-profit organizations, many of which began as grassroots efforts. System-based advocates work in criminal justice agencies, such as law enforcement or prosecutors' offices. The primary distinction between these two is that community-based advocates have both privilege and confidentiality (as outlined further below) when providing services to victims of crimes such as domestic violence and/or sexual assault, while advocates working within system-based agencies do not have privilege and confidentiality. Policies also vary from agency to agency.

There are, however, guiding principles for advocates of both types, based upon national recommendations, which include:

- The creation of a victim-centered approach that takes into account the voice of the victims in assessing needs and strengths.
- The development of collaborative partnerships throughout the community, as well as the state, to promote coordination of services.
- Flexibility in establishing policies and procedures within agencies/organizations/offices to ensure that victim needs are met within the constraints of individual programs.
- The recognition that creating best practice recommendations is an ongoing process and requires feedback and input from both practitioners in the field and survivors.
- That training and education are critical components for effective service delivery, with cross-training as a means to promote positive relationships with multidisciplinary partners.
- The establishment of "best practices" to help empower victims and promote a safer community through increased offender accountability.
- That victims must be treated with dignity and respect at all times while protecting their right to autonomy and privacy.

CRITICAL NEEDS OF CRIME VICTIMS

Victims of crime experience a variety of physical, psychological and social needs, which can be classified under seven categories:

- *Safety*: Protection from perpetrators and assistance in avoiding re-victimization
- *Support*: Assistance to enable participation in the criminal justice system process and repair of harm
- *Information*: Concise and useful information about victims' rights, criminal justice system processes, and available victim services
- *Access*: Ability to participate in the justice system process and have ready availability to support services
- *Continuity*: Consistency in approaches and methods across agencies through all stages of the criminal justice system process
- *Voice*: Opportunities to speak out and be heard on specific case processing issues and larger policy questions
- *Justice*: Receiving the support necessary to heal and seeing that perpetrators are held accountable.

RIGHTS OF CRIME VICTIMS

Under Art. I, Sec. 8, of the Nevada Constitution victims of crime have a constitutional right to be:

- Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;
- Present at all public hearings involving the critical stages of a criminal proceeding; and
- Heard at all proceedings for the sentencing or release of a convicted person after trial.

Victims of crime also have statutory rights, which include:

- Right, upon written request, to notice of any release of defendant from pre-trial custody, amount of bail, and disposition of charges [NRS 178.5698];
- Right to secure waiting areas at court separate from those used by jurors, defendants and their families [NRS 178.5696(1)];
- Right to an attendant to provide support in court during testimony [NRS 178.571];
- Right to notice of the date of sentencing [NRS 176.015(4)] and to be heard at sentencing after the defendant and/or his counsel speaks [NRS 176.015(3)];
- Right to notice of the disposition of harassment and stalking cases and to a certified copy of any no contact order imposed as a condition of sentencing [NRS 200.601];
- Right to notice within 30 days of the defendant's conviction under NRS 205.980 and resulting civil liability for damage to the victim's property [NRS 205.980(3)]; and
- Right, upon written request, to notice of the date of any meeting to consider the defendant for parole and to submit documents and be heard at the meeting [NRS 213.130(4)].

There are additional specific statutory rights for victims of certain sexual offenses:

- Certain criminal justice information that reveals the identity of a victim of certain sexual offenses is confidential and can only be disclosed for preparation of the defense absent good cause or waiver by the victim [NRS 200.3771;]
- A victim of certain sexual offenses may, upon written request, choose a pseudonym to be used instead of the victim's name on all files, records and documents of the case [NRS 200.3772]; and
- A victim of certain sexual offenses has a right to notice of the disposition of the case and to a certified copy of any no contact order imposed as a condition of sentencing [NRS 200.3784].

CONFIDENTIALITY

Confidentiality is critical for victims of violent crimes, including domestic violence and sexual assault, in order for them to receive the assistance they need and deserve. Confidentiality provides the victim with a sense of control, allowing the victim to decide who to tell and making disclosure safe. The information belongs to the victim. It is up to the victim to decide whether to share information and with whom it will be shared. Only information that falls under the limited exceptions of the law is expressly exempt from confidentiality.

The scope of confidentiality for nonprofit advocates who provide assistance to victims of domestic violence and sexual assault is outlined in NRS 49.2546 as follows:

NRS 49.2546 When communication deemed to be confidential; "communication" defined.

1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

- (a) A person who is present to further the interest of the victim;
- (b) A person reasonably necessary for the transmission of the communication; or
- (c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

- (a) The victim's advocate; or
- (b) The nonprofit program for which the victim's advocate works.

While advocates of all types may provide a confidential environment and define confidentiality in policies and procedures, nonprofit advocates may claim privilege on behalf of the victim of domestic violence or sexual assault under NRS. 49.2541-.2549, *inclusive*.

NRS 49.2547 General rule of privilege. Except as otherwise provided in [NRS 49.2549](#), a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in [NRS 49.2546](#).

NRS 49.2548 Who may claim privilege.

1. The privilege provided pursuant to [NRS 49.2547](#) may be claimed by:

- (a) The victim;
- (b) The guardian or conservator of the victim;
- (c) The personal representative of a deceased victim; and
- (d) The victim's advocate, but only on behalf of the victim.

2. The authority of a victim's advocate to claim the privilege is presumed in the absence of evidence to the contrary.

NRS 49.2549 Exceptions. There is no privilege pursuant to [NRS 49.2547](#) if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of [NRS 200.508](#), [200.5093](#) or [200.50935](#), but only as to that portion of the communication;

3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

In cases where there is an exception to the privilege of confidentiality, such as allegations of child or elder abuse, or harm to self or others, the advocate is mandated to release the information. However, it is important for the advocate to alert the victim of the third-party contact as well as the extent of the information covered in the report. *The exception to this would be if the disclosure to the client could further jeopardize the safety of the victim or others.*

It is highly recommended that advocates establish interagency agreements, cross-training plans and a protocol to alleviate many of the issues which may arise when providing comprehensive and collaborative services for victims of domestic violence and sexual assault.

In order to maintain a confidential environment, clients should be given appropriate paperwork giving consent if any information is to be relayed to a third party. Consent can be rescinded at any time. In addition, all interviews must be conducted in a confidential setting. The presence of a third party during interviews will impact privilege.

In order to further protect clients, staff should be trained about caller ID. All phone numbers within a shelter or advocacy program should be blocked to prevent abusers from identifying where a victim is located, or what contacts they have made to seek assistance. Blocked numbers allow the victims in a shelter program to make calls without disclosing their location.

DOCUMENTATION

The intake process for victims should:

Advocates with Community-Based Agencies:

- Gather basic demographic information as required by agencies and grants
- Assess the immediate needs for safety and security (shelter, temporary restraining order, financial, etc.)
- Assess any potential language barriers
- Detail any history of violence with the defendant
- Inform victims of the after-hours crisis line and the type of support they may expect
- Provide information on resources and referrals (housing, financial assistance, legal assistance, support groups, medical, mental health, substance abuse programs, Victim of Crime Program, prosecutor's office, etc.)
- Explain confidentiality and privilege within that agency
- Establish the personal support and assistance to ensure victim's interests are represented within all justice systems

Advocates with System-Based Agencies:

- Assess the immediate needs for safety and security (shelter, temporary restraining order, financial, etc.)
- Assess any potential language barriers
- Include any documentation required by agency and/or grants
- Clearly inform victims at the onset of a criminal case about the role of system-based advocates and the lack of privilege as it deals with confidential information provided to the advocate
- Discuss with victims the available on-going support services from other non-profit victim services agencies, and supply contact information
- Inform victims of the after-hours crisis line and the type of support they may expect
- Inform victims of the criminal justice process, and determine whether there is a need to take measures to ensure victim safety at the courthouse
- Inform victims of the implications when law enforcement and prosecution work toward making a chargeable case whether or not the victim agrees
- Inform victims of the discretion that may or may not be afforded law enforcement agencies, and prosecutors, and the role of the victim in the criminal justice process
- Explain the confidentiality rules for system-based victim services programs at the onset of a criminal case
- Ensure that victim input and any objections are communicated to the prosecutors
- Provide assistance to victims in the restitution process and/or Victims of Crime Program, including assistance with gathering and completing forms

- Provide victims with referral information regarding domestic violence programs, support groups, legal assistance, restraining orders, etc.
- Inform victims where a sexual assault component is involved of appropriate services, and connect the victim with Sexual Assault Support Services (SASS), as they are best suited to provide the necessary services

SERVICES AND RESOURCES

- **Nevada 211:** <http://www.nevada211.org/>
- **Nevada Attorney General’s Office:** http://ag.nv.gov/Hot_Topics/Victims/Victim/
- **Nevada Network Against Domestic Violence:** <http://www.nnadv.org>
- **Nevada Victims of Crime Program:** <http://voc.nv.gov>
- **VINELink:** <https://www.vinelink.com/vinelink/siteInfoAction.do?siteId=29000;>
<https://www.vinelink.com/docs/VINELinkQuickReferenceGuide.pdf>

TRAINING

Victim service professionals in Nevada face many challenges in providing services to victims. Staff training and development is one of them. A lack of funding, adequate staff coverage; and available, accessible training are all barriers for victim service agencies.

The following recommendations are intended to guide victim service agencies in their staff training in suggested topics.. Multi-disciplinary training opportunities that include law enforcement, prosecution, judicial and medical professionals are optimal. Advocates should also experience “ride-alongs” with local law enforcement to observe the initial response at a crime scene.

Recommended Training Topics for Victim Advocates:

- Basic Victims’ Rights and Overview of the Justice System
- Case Management & Documentation
- Collaborating for Victims’ Rights
- Communicating with Victims and Survivors
- Community Resources
- Confidentiality and Privilege
- Custodial Interference
- Crimes Against Children
- Crisis Intervention
- Cultural and Spiritual Competence
- Dating Violence
- Developing Resilience – Compassion Fatigue/Vicarious Trauma & Self Care
- Domestic Violence
- Domestic Violence Homicide
- Elder Abuse

Recommended Training Topics (continued):

- Effects of Domestic Violence on Children
- Ethics in Victim Services
- History of the Victim Services Field
- Human Trafficking
- Impact of Crime on Victims
- Management Level Capacity Building & Organizational Sustainability
- Mental Health
- Protection Orders
- Providing Direct Services to Victims and Survivors
- Release of Information Training
- Safety Planning
- Sexual Violence
- Stalking
- Suicide
- Substance Abuse
- Sex Trafficking
- Sexual Exploitation of Minors
- Strangulation
- Victims' Compensation

Nevada Victim Advocacy Training Resources:

Nevada Attorney General's Office: <http://ag.nv.gov/>

Nevada Coalition Against Sexual Violence: <http://ncasv.org>

Nevada Network Against Domestic Violence: <http://www.nnadv.org/>

- Provides frequent trainings on various topics
- Domestic Violence Certification Program – The certificate is earned by completing five separate individual study modules. Requirements include 40 hours of coursework that includes study, observation, and response submissions.
- Newsletters
- Resource Library of books, videos, and manuals

Nevada Partnership for Training Project:

<http://www.nvpartnership4training.com/Public/calendar1.aspx> – This project is a collaboration between Nevada Division of Child and Family Services, Clark County Department of Family Services, Washoe County Department of Social Services, University of Nevada Reno, and University of Nevada Las Vegas. It offers a variety of training opportunities for professionals who work with children, youth, and families. Check the calendar for upcoming courses.

Victim Assistance Academy of Nevada (VAAN) – Foundational training for victim service providers. Held annually at an affordable cost. Scholarships are available.

National Advocacy Organizations and Training Resources:

End Violence Against Women International: <http://www.evawintl.org> – Conferences, webinars, and online training institute.

Identity Theft Victim Assistance Online Training: Supporting Victims' Financial and Emotional Recovery: https://www.ovcttac.gov/views/TrainingMaterials/dspOnline_IdentityTheft.cfm – A user-friendly e-learning tool that will teach victim service professionals and allied professionals knowledge and skills to more effectively serve victims of identity theft and assist with their financial and emotional recovery.

National Calendar of Crime Victim Assistance-Related Events: <http://ovc.ncjrs.gov/ovccalendar> – A national calendar that lists events and trainings across the country.

National Center for Victims of Crime: <http://www.victimsofcrime.org>

National Coalition Against Domestic Violence: <http://www.ncadv.org> – Conferences, training tools and materials.

National Human Trafficking Resource Center: <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtrc/overview>

National Suicide Prevention Lifeline: <http://www.suicidepreventionlifeline.org/>

National Organization for Victim Assistance: <http://www.trynova.org> – NOVA offers a National Conference on crime victim related topics for victim service professionals but also crisis response team trainings, a National Advocate Credentialing Program, Victim Relations Training, and other topics and events.

Office for Victims of Crime (OVC) Training and Technical Assistance Center: <https://www.ovcttac.gov> – This site offers a variety of options for training of victim service professionals. Webinars, conferences, online training, and support in bringing training to your area. Please visit this site for up to date information and opportunities.

Rape Abuse and Incest National Network: <http://www.rainn.org>

Stalking Resource Center: <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

Victim Assistance Training Online: <https://www.ovcttac.gov/vatonline> – A basic victim advocacy web-based training program that offers victim service providers and allied professionals the opportunity to acquire the basic skills and knowledge they need to better assist victims of crime.