

Using Ethics to Enhance Services for Crime Victims

MV: Male Voice
FV: Female Voice
(IB) = Inaudible
(PH) = Phonetic
(SL) = Speaker Low
(AC) = Accent
(OV) = Overlapping Voices
(BN) = Background Noise
(CH) = Cough Interference
(LH) = Laugh
(MC) = Music

-Transcript begins-

Kevin

Good morning. It's a pleasure to be with you and I'm now going to begin the presentation.

I would like to start by talking a little bit about the background for this. Ethics is something that people are very familiar with, but the idea of ethics and ethical considerations in victim services, while not new, has only begun to be formalized. And today, I'm going to talk about a couple of things, and the goals for the presentation: to define the importance of our personal values and personal values in ethics, to recognize how important a code of ethics is to the victim service provider. And we're going to become familiar with the ethical standards that have been defined by the National Victim Assistance Standards Consortium.

Then I hope if there's time to apply some of the ethical considerations to some case scenarios as we proceed. But before we start, I just want to begin by asking you to think back upon what it was that brought you to do the work with victims of crime. How was it that you got involved in this? One of the reasons why I ask this is because one of the conflicts, in terms of ethics, is when our personal values may or may not conflict with our professional values or the shared values in the field.

So one of the things is, a lot of us got into this work for the idea of helping other people, of trying to make sense of a violent act, whether we were victims of crime ourselves, or also trying to do some work in terms of enhancing social justice. Regardless of the reasons that brought you to the work, it is

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important to understand that in doing this work, it is possible to live out your values as well as being an ethical person.

So, essentially, I want to start by talking a little bit about what values are. Values are our internal beliefs and attitudes that actually drive our behaviors. When we think about it, the way we make judgments is based on the values we hold or what we recognize in terms of importance or unimportance or who's good, who's bad, what needs to be done, what needs to be changed.

I'd like to begin the presentation by asking a series of questions. I have about seven questions that I just want to run through very quickly, and I'm going to ask you to circle 1 if you strongly disagree and circle 5 if you strongly agree.

The first question I'd like to ask you is: Advocates should never give their home or cell phone numbers to victims. There's a mistake on the slide that I just caught, so I want to call your attention to it. If you strongly disagree that advocates should always give their home or cell phone numbers, I'd like you to just make a note of that and circle 5. If you strongly agree, I'd like you to circle number 1. So the first question: Advocates should never give their home or cell phone numbers to victims.

The second question is that: Immigrant victims deserve the same rights and services as legal citizens. If you believe that that's true, I'd like you to circle 5 for strongly agree or 1 for strongly disagree.

The next question is one that's of particular importance for managers as well as people that relate to their managers: Advocates should always follow the rules and dictates of supervisors. So, again, if you strongly disagree, I'd like you to circle 5. If you strongly agree, I'd like you to circle 1.

Just do this on your own paper. We can't do it on the screen. We can't have a big vote because the technology doesn't do it. I'm going to go back and we're going to talk about each of these very quickly.

The next question is: Advocates are free to make unspoken arrangements with colleagues about how services will be managed or delivered to clients. Again, now, think about this. Are you free to make an unspoken arrangement, either with a colleague in your office or a colleague in another agency or someone in the police department about how services are going to be managed?

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Again, if you strongly disagree, I'd like you to circle 5. If you strongly agree, I'd like you to circle 1.

The next question is about our personal values and really if you think that your personal values determine your ethical decision-making process or not. Again, if you strongly disagree, I'd like you to circle 5. Somewhat disagree, 4; undecided is 3; somewhat agree is 2; and strongly agree is 1.

The next question is about gay/lesbian/transgender victims: Should providers act to expand choice and opportunities for gay, lesbian and transgender victims? If you strongly disagree, again, it's 5. Strongly agree is 1.

The last question is one that I think we face periodically in our work with victims: Providers should never give money or gifts to victims or survivors. Again, if you strongly disagree and think that at times we should give money or gifts to victims, I'd like you to mark that. If you strongly agree, I'd like you to note that as well.

So I want to go back a little bit. Excuse me while I go back. We're going to start with the first question. What I'd like to do is just ask you. There's an icon on your screen for raising your hand. For those of you, for the question that said advocates should never give their home or cell phone numbers to victims, I'd like you to raise your hands right now.

Okay. It looks like there's some people that strongly disagree with this - that advocates should give their home/cell phone numbers to victims. Anybody that strongly agreed with this - that advocates should never - I'd like you to... Okay. Those of you that have answered no, I want you to take down your hands. There's an icon there to release your hands.

Is there anybody that answered that they strongly agree - that advocates should never give their home or cell phone numbers to victims? Okay. Those of you that have raised your hands, is there anybody that's willing to speak a little bit about whether or not advocates should give their home numbers to victims?

Okay. I'd like you to take your hands down now. That's good. People are learning how to use the raise and lower hand icon. Is there anybody that has raised their hand that just wants to say something about whether advocates should give their home or cell phone numbers to victims? If so, you could raise your hand

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and we'll un-mute your line. Okay. It looks as though Deborah Adams is willing to say something.

Deborah Adams

Well, I don't do that because it's a safety thing.

Kevin

What do you mean "it's a safety thing"?

Deborah Adams

Well, it's not that I don't want the victim to know my number, but I don't want their abusers to know.

Kevin

Okay. So you're afraid that the abuser might get it from the victim or pick it up from their...?

Deborah Adams

Right.

Kevin

Okay. Thank you very much.

Deborah Adams

You're welcome.

Kevin

Let's move on to question 2: Immigrant victims deserve the same rights and services as legal citizens. Is there anyone that's willing to raise their hand and speak about their attitudes or beliefs about this? Anyone work with immigrant victims?

Alejandro

Well, my name is Alejandro, and I work with both, so I think that they should receive the same values, the same services.

Kevin

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Because?

Alejandro

Well, because they are part of the community. They are, in any way, if they are immigrants or not, they are part of the community. They have the rights as humans.

Kevin

Okay. Thank you very much. Is there anyone that doesn't think that immigrants deserve the same rights and services as legal citizens? It doesn't seem as though anyone does. I don't see anything or see any contact. Okay.

Moving on to the next question: Advocates should always follow the rules and dictates of supervisors. Anyone want to comment on this? Is there anyone that questions this? Should advocates always follow the rules and dictates of their supervisors?

Alejandro

Well, there's some cases where I, in my personal job, I needed to go up to the supervisor because following the rules is not actually getting me to the results of my work. So, in other words, I know the rules, but in some cases, there's a need of disagreeing with my supervisor. There are some rules that are questionable to my job.

Kevin

Okay. So what you're saying is some of the rules you have to follow may be questionable or may kind of impact the way you can do your job?

Alejandro

Exactly.

Kevin

Okay. That's good. Are there any supervisors on the phone?

FV:

Yes, there's a supervisor on the phone.

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Kevin

What do you think about this?

FV:

I'm sitting here with my staff, too, so they're (LH). But, actually, it really depends because I trust the advocates at our agency that they will always use their best judgment on certain situations. We do have policies and procedures that they're supposed to follow, but each case is different and so, because victims don't typically fall into a cookie-cutter type of, well they just don't fit into all the same, you know, the same criteria.

You know, you have to trust your staff that they'll make the best decision possible because you're not always going to be available. And if you don't have that trust, then you don't trust them to make certain decisions, then you don't have a very good agency that you're working in. And the victims suffer too.

Kevin

Okay. So what you're saying is periodically or even probably every day, there may be some situations that don't necessarily fit in a specific criteria, that there is not necessarily a definitive black and white about what we can or can't do for victims, or about what we can or can't do within our agency or within the rules?

FV:

Exactly.

Kevin

Okay. And what you're saying is the people you work with, you kind of trust them to know how to make those decisions?

FV:

I trust them very much, yes. And, again, there are policies, such as financial assistance and certain criteria we have to follow, but when it comes down to it, when it comes to actually delivering a certain type of service, I have to trust them to do that. That's just the way it is.

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Kevin

Great. I'm going to skip ahead a little bit to the last question: Providers should never give money or gifts to victims or survivors. Anybody on the webinar would like to comment on that? What do you think about that? We get offers, we get cards. Should we accept gifts from survivors?

Sherry

No, I don't agree because I believe that, in their good intentions, I believe that that's showing favoritism. We've had that recently happen here and we just kind of, we'll say thank you, but we just kind of discourage advocates from receiving any kind of a gift in any form from clients.

Kevin

Okay. It is a pretty tricky matter because there are some cultures where they are kind of in a position where they need to bring you a gift or need to offer some sort of gratitude for the services they're receiving.

Sherry

Right.

Kevin

And on the other extent, to accept a gift is somewhat favoritism, or also might make the provider feel somewhat indebted to the victim.

So one of the things I just want to say about each of these questions is quote from your own answers as well as listening to some of the comments. It's pretty obvious that we all don't have to agree on specific situations or specific, our own attitudes about specific ideas of how we work in the field. It would be impossible for us to imagine everybody always agreeing on everything that is providing services to victims.

So one of the things I'd like to talk a little bit about is what we have in common. Our personal values might vary. We might vary in terms of our beliefs about accepting gifts, about lesbian, gay, and transgender victims, about illegal victims, I mean immigrant victims.

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In addition to that, although our personal values may vary, we do have some things that are professional values. And these values, I think, are shared in the field of victim assistance. The professional values that I think we all share are competence, which means our ability to act capably and to do our work in a fair and balanced way, our own integrity, which is honesty and fairness and respect.

We all share a professional responsibility to do the work as well as we can. We all respect the rights and dignity of others. And I think that we're all in this work because we have some concerns for social welfare, for the welfare of others, and some social responsibility.

Our personal values, as we talk about it, is how we make judgments. And our professional values are shared. They're really the expectations for the field. Ethics are actually a system of moral principles derived from the shared values that we share in our work. An ethical code gives us some responsible and competent services so that we can inform and protect the public.

One of the things I want to clarify, first off, is although we have individual personal values, it's actually our professional values which determine the ethical decision-making process. The shared values, which we all share in terms of competence, integrity, professional responsibility, respect for rights and dignity, concern for welfare and social responsibility. They're actually the values that determine the ethical decision-making process, as well as being used to talk a little bit about what the ethics are.

Basically, professional ethics define the ideas and responsibilities for the profession. They protect us as well as the clients. They raise the profile of our profession. And they motivate and inspire practitioners by giving us more of a professional identity. They also provide guidelines on acceptable conduct and how to make some decisions. They also can raise our awareness of issues or considerations which we might not be aware of or others in the field or even the victims and other colleagues might not be aware of. Ethical standards also improve and maintain a quality and consistency in our work.

I'm going to start right now with a little example to see where you stand on some of the ethical consideration by giving you a case scenario. I'm using my own name.

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Kevin is the supervisor for a large and very busy victim assistance agency for a law enforcement agency. He puts in long hours and even has worked weekends but he's still behind on his documentation. So he decides to bring his paperwork home to catch up. After eating dinner with his wife and adolescent sons, Kevin spreads out his papers on the kitchen table, where his sons are also busy doing their homework.

Anyone want to comment on what the ethical consideration in this might be? If so, just raise your hand and we can un-mute your line. Anyone? Okay. Hello?

FV2:

Hi. I wouldn't do that because number one, if his kids read it and it's about victims, he's not only broken confidentiality but he could also distress his kids if they're reading about somebody's violent confrontation.

Kevin

So it could do two things. One, it could kind of break confidentiality for victims.

FV2:

Right.

Kevin

And you say it could have an impact on his sons.

FV2:

Right.

Kevin

How so?

FV2:

Well, if they read it and it was about somebody being victimized, then now he's victimized his sons.

Kevin

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Okay. In some ways, he might have brought his sons into knowledge of a violent act or something else that they weren't aware of before.

FV2:

Right.

Kevin

Okay. Anybody else want to say anything?

Alejandro

Well, what I will say that I don't see, if I'm going to be working with confidentiality doesn't have anything to do my job with my home. I mean, I strongly disagree to bring confidential work to my house.

Kevin

Say some more about that. What do you mean?

Alejandro

Well, exactly what the other person is talking about. There's a lot of risk by taking my paperwork outside of a place that they can be easily lost, easily, like you say, getting dirty. It's not even the getting dirty. It's that the information that is there is confidential and it should not be traveling into my life where I'm going to be resting. I mean, it doesn't make any sense for me, then, to think about to bring my papers to my home.

Kevin

Okay. That's a good point. One of the other considerations is there are some agencies and some states that have laws about how confidential papers and documentation need to be treated. There is, we get into the habit of bringing work home, but I don't know if a lot of agencies have policies that can support that because of, as you say, they could be picked up, they could be lost. They could be picked up for use in terms of identity theft or work against the case or by another perpetrator. So there are some limitations in terms of how we can work at home and what sorts of efforts we can do to keep up on our documentation.

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Before I move along, does anybody have any ideas on what Kevin can do without taking his work home or without breaking confidentiality?

FV3:

Okay. He can, you know, it's just easier to take a little extra time at the end of the day or even using your flex time if you have it, just to come in a little earlier or stay a little later, just to finish up that paperwork. It's real important, I think for everybody, the staff, to make sure everybody's on the same page, especially if you're documenting something about a client. It's just maybe just best to do that.

Kevin

Okay. That's terrific. I think that this first example gives you a strong indication that, although you might not think you have any idea about what ethics are, in doing the work and being involved and working with survivors and victims of crime, we all have some basic idea of what ethics are and what is good practice, what might be questionable practice.

The other point I want to raise is similar to the ideas we have talked about in terms of our own personal values. One of the misconceptions about ethics is that there's always a right or wrong, that ethical standards are created so that people will know, "I do this," "I do this," "I do this," when actually ethical standards are really to help us make some decisions about how to behave or what actions are needed in an individual or particular situation, because it's impossible for us to say, "Always, in every situation, you need to do this," or, "In this situation, you should never do this."

Ethical standards are really the point for us to use to help us serve victims better, as well as take care of ourselves in doing the work and to be used in terms of making some decision. The ethical standards which I'm going to talk about briefly now were created from the National Victim Assistance Standard Consortium.

In 2000, the Office for Victims of Crime at the Department of Justice funded an effort to look at the model standards of conduct for the field of victim assistance. The National Victim Assistance Standards Consortium researched existing standards in victim assistance and other professions. They polled the victim assistance field through surveys, town hall meetings, focus

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groups, and they utilized the experience of a diverse core of professionals involved in the field.

The result of this was the Standards for Victim Assistance Programs and Providers. The standards, I can give you at the end of this the website to pull down the full standards, but you should have also received prior to this a PDF of the ethical considerations that were pulled together by the standards. I'm using these as a basis for the discussion for ethics so that we have some point to begin with.

There are different agencies that might have ethical standards. There are different states, different organizations, social work, medical profession, legal profession. They all have their own ethical standards and these ethical standards are pretty similar in some regards, but also a little different in the way that they react or incorporate some of the concerns for victims.

The National Victim Assistance Standards Consortium's ethical standards are divided into four categories. And if you just take a look at the slide, you can see that they're pretty obvious categories. The first category is about scope of services and all of those standards revolve around our professional activities.

The second category is coordinating within the community, and a lot of those ethical standards relate to how we collaborate with other organizations, system or non-system based providers, therapists, other types of individuals who are involved in helping victims react to the crime.

In terms of the direct services, a lot of us think about ethics only in terms of our relationships with the victim. And direct services, as you can see, is only one part of the ethical standard.

The fourth category people talk about is in terms of administration and evaluation of our work. And this monitors our own activities and our own relationships.

I'm going to talk briefly about each of these standards and these categories, and then I'll take some questions. And then we'll go into some of the scenarios or role models.

In terms of scope of services, the actual ethical standard reads: The victim assistance provider understands his or her legal responsibilities, limitations, and implications of her

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actions within the setting, follows regulations, policies, and legislative (PH) the person serves.

So what this means in terms of our professional activities is first of all, we have to follow the law. Secondly, we have to make an accurate representation about what our services are, who we are, who are the people doing the services. We have to maintain a professional conduct about how we conduct our services. We have to maintain professional competence, and also, we have to inform people about costs.

Any of the relationships in terms of our professional activities, it's really how as an individual and an agency relate to the entire community around the profession of victim services. We need to follow the law. We need to represent what we can and can't do very clearly. We need to model our own professional conduct. And we need to inform people about costs, whether this group is going to have a cost, whether we're going to be billing crime victims compensation for some of our services. People need to know that up front.

The next category is coordinating within the community, and this is all about collaboration with our colleagues and sharing knowledge with our colleagues and improving systems. Since the field of victim services is actually one of public service, it's important for us to contribute, whenever possible, to the public confidence and betterment of victim services. So we need to be mindful of that fact that we can share knowledge with colleagues. We can share better systems with colleagues. And we really work together to ensure, to improve systems.

The majority of the ethical dilemmas that we face every day for those that are involved in one-to-one or group work or community work with survivors or victims involve our direct services or our relationships with victims. Some of these tie back to our personal and professional values in terms of respecting the civil rights of individuals, protecting the victim interests, becoming non-judgmental, allowing for the victim to make their own decisions and self-determination, addressing issues of confidentiality and privacy.

We need to be mindful of the fact that our services should end at some point and we have to know how to terminate with clients appropriately. We have to be mindful of our good boundaries with clients, what we can and can't do. We have to offer services in a nondiscriminatory nature so that all victims can

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receive services. We have to be supportive of colleagues and avoid a conflict of interest.

In terms of administration and evaluation, we need to think about whether or not we report mistreatment or misconduct from victims by others in our agency or by individuals. The other thing is that we need to monitor how our services are offered.

Briefly, I have just run through what they are. Now, I want to go back and talk a little bit more with you about each of these. Does anybody have any questions about the first one in terms of professional activities or scope of services? If so, you can raise your hand. Okay. I don't see any hands raised, so I'm going to move on.

What about coordinating within the community? Collaboration? No questions there either? Okay. Then let's spend the majority of the time talking about direct services.

What do you think "terminate appropriately" would mean? Does anyone want to comment on that one? I'm getting instructions now that I was supposed to call on you. Anybody that has raised their hand before that I haven't called on that wanted to react to the first two, if you raise your hand again, then I'll call on you.

FV4:

Okay. I think you have to give appropriate time, enough time for the client to, I guess...

Kevin

React?

FV4:

Yeah, react to the, like if there is a final term, like a final time that the service will be ended, so that they can work by themselves to eventually that they have to work it out. I mean, the advocate will be helping them to work out the immediate need, but then eventually they have to work themselves, (PH). Sort of like the advocate has to encourage them to sort of proceed, to go that road.

Kevin

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Okay. So one of the things is that it's important to recognize when you're working with an individual that this is going to be somewhat time-limited -

FV4:

Yes.

Kevin

- based on whether there's going to be a case, based on whether it's going to go to trial, based on the victim's own sense of healing and movement forward.

FV4:

Mm-hmm.

Kevin

Okay. I want to talk a little bit about boundaries. Anybody have a question? What does "a good boundary with a victim" mean?

Alejandro

Actually, this morning, I was talking about, with my supervisor, with the director of my program, about boundaries because in my job, there's a moment that it seems like it doesn't end. You know, one crime, it creates lots of problems. That's saying, there's no agency to take care of all the things that, as a cascade come up after a crime. For example, I need to do domestic violence or a sexual assault thing, but then the problem for my client is so multiple that sometimes they get lost on, I mean, I use my personal values, but even though my job description, there's some things that needs to be the boundary. Some of them continue calling for assistance, and sometimes I'm lacking the sentences to let them know with ethics that I'm not the person to go beyond that.

Kevin

Okay. One of the things that boundaries brings up, or two things - one is conflict of interest. And a conflict of interest can arise when our past, professional or our present relationships can affect our relationships with victims, whether they're members of our family, whether they're members of the

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professional community or our business community, it might create a potential conflict of interest.

The other issue is a conflict with our own victimization versus the victim's victimization. Many of us are involved in this work because we too, at some point, have been a victim of a crime. And it's important for us not to conflict our own victimization with what the current survivor we're working with or the victim is also dealing with.

The other thing, in smaller communities or in smaller settings, dual relationships are kind of hard to avoid. When a provider can't avoid a personal or a business relationship with a client, the provider should also seek out counsel and look for some sort of supervision. I say this in terms of boundaries because under no circumstance should there ever be a sexual relationship with victims at all. And in addition to that, a provider should never behave in a way that is verbally or physically suggestive, or indicate any sort of sexual interest toward a client or towards former clients.

One of the things about boundaries that was raised earlier on is the idea of giving money or giving personal gifts or giving out our home phone numbers. Boundaries are actually, as was stated in that discussion, do two things. One is they protect the victim and survivor, and the second thing is that they protect us. So I want to talk about that.

Before I move on into some of the scenarios, does anybody have any questions or reactions to these? Again, I gave you the PDF, which lists them all very clearly and has much more description to them. But basically, just in terms of the ethical standards, any questions or reactions about what may or may not be an ethical violation or an ethical consideration? If you have any comments or questions, if you raise your hand? Heather has a question. Heather, can you push *7 so you can speak? Can you hear me?

MV:

When does the, at what point does the professional relationship end? Is it at termination or years down the road or is there a point where you can engage in other types of business with past (OV)

Kevin

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That's a good question. One of the things I'd like you to consider is there's really no hard and fast rule about when the professional relationship ends. Some of that is determined by the agency standards. Some of that is determined by when the survivor or the victim is actually ready to move on. And some of that has to do with the resources that you personally or the agency have in terms of supporting the victim. If the issues around the crime or around the victimization have been resolved to some extent, meaning the trial is over, the perpetrator has been caught, or the investigation has been closed, and you need to move on and the client or victim or survivor still needs services, it may be in your and their best interest to make a referral to another agency or another type of provider to do some one-to-one work with that victim.

The other part of the question I sensed from you was that if you had been involved with a victim or survivor, say for a couple of months and then two or three years, you bump into them or see them or decide that you want to take a class from them or you meet them at the gym, how would that affect your ability to have a personal relationship with them, to some extent? Was that it?

MV:

Yes. Thank you.

Kevin

Okay. What do you think is the answer to that? I mean, I have an idea but I just want to be curious about, what do you think you should do in those situations? Do you think it's possible to be friends with someone you worked with?

MV:

I think it's imperative to be clear about what relationship you're in. If you have terminated services, then therapy or advocacy or whatever you provided should never come up.

Kevin

I think that there's a real caution because some of the people, especially if you were involved in a helper role, even in starting a new relationship years or months down the road, the victim or survivor may still see you as a helper and it could be a one-sided relationship.

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The other thing I think is clear is that it might not, I mean, I'm not exactly, I can't say that in three years you can pick up and have a relationship with someone or you should never do it. Personally, I don't do it.

If I have worked with a victim or survivor, I'm a therapist and so I've given therapy to people, and I'm pretty clear with them when we terminate or when we end our own services, that if I see you on the street, because of confidentiality and privacy, I am going to act as though I don't recognize you because I'm never going to know who you're with or what the context of that is. If you come up to me and say hello, I will say hello back and we can exchange some things, but I need to be clear with you that there is not anything in the future that I think we can be friends or work it out.

Sometimes victims or survivors or anybody, really, when they start to work with someone, they really like them and they want them to be a friend more than a provider. And so, therefore, some people may be tempted to terminate services earlier and pick up a personal relationship with the provider. And I don't think that that's something we can encourage.

Is there anybody else that wants to talk about that? I see a... Madge? I don't know if I'm saying it. Can you *7 and speak?

FV5:

Hi. My name is (PH) and something that's come up for me is, as a therapist and doing groups, and how the relationship between myself and those who are in the group, I've had a couple of individuals who have sought me out after the group has finished and have implied that they would like to call me from time to time if they're dealing with a problem that they would like my help with or my input with. And my first tendency is to ask myself the question or remember what I was taught in graduate school about do no harm. And that's always forefront in my mind because I can't see down the road what the results could be, and so I feel as though, like you were saying earlier, that it's important to me to deny that request and refer if they are wanting more additional therapy or other kinds of community services. So, that's that.

Kevin

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No, I think that's a good response. In doing the work or running a number of different groups and being in the situation, have you learned how to manage it?

FV5:

Oh, yes. I think so. I think so.

Kevin

You're always caught off guard. I think one of the things to consider is how would the person, as you say, how would the person be best served in the future?

FV5:

Exactly. Exactly. And when I don't see them on a regular basis, once the group has finished, there may be progress they've made or there may be, they may have relapsed in some way back into a relationship. So I don't have a fair assessment.

Kevin

Correct. That's right. Thank you. Laurie, you have a question about those values or the professional values?

Laurie

Yeah. Well, actually, secondly is a question to tag onto the one that just came up is what I'm having happen is people are being hired by our agency that are former clients. Like, I've worked there now for six years and so people who I have provided care for or who I have provided services for are now coworkers.

Kevin

Correct.

Laurie

Which is a really, I'm having a difficult time. And a lot of times, their issues aren't maybe completely resolved. So you talk about, you know, where are you coming from when you get involved in this? And some people who are getting involved in this system or this type of work aren't healed or aren't in a position to be able to really, and maybe even sometimes provide for other people, I think. But it's really a difficult

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situation to go from somebody's, to being in that position then to be a coworker.

Kevin

I have heard this before and I've actually been in organizations where sometimes former survivors or users of the agency's services have actually, not only come on staff but come on staff in the role of supervisor or executive director. And that can also, as you say, it's a tricky situation in terms of balancing a professional relationship with a colleague when it has been someone that you know some possibly intimate details about what they have or have not been able to address in their own lives and see how that may or may not impact their work.

I think one of the things to consider is that the hiring personnel or the agency or the board of directors, a lot of agencies or organizations have somewhat of a time frame in terms of if you've been a victim of a crime, you can work for the agency, but not for two or three years or not until the case is settled, whereas other agencies might be a little bit looser. Again, there's no really hard and fast rule about what is the best behavior or what is acceptable.

I don't know exactly what to say about that any more than it will raise some individual ethical considerations for you as you continue to work with them. First of all, what you know about them personally or, in the past, professionally may or may not come into play in their day to day work and it's hard for us to, in some ways, see them as a new person. And in the same regard, there is our professional code to be always aware of how our agency and how our colleagues are actually working with the victims.

If there becomes a questionable activity, I mean, one of the dialogues that often happens is, "Okay, so I questioned how someone is doing or whether they're behaving in an ethical way. Do I go to them? Do I go to their supervisor? Do I go to them and their supervisor? What do I do?" And my first take, in doing that, is always to go to the person, if allowed and if comfortable, to go to the person one-to-one first and try to resolve it that way and say to them that, "At the end of the conversation, if I'm questioning whether or not you're going to follow through with this, I want you to know that I'm going to talk to our supervisor about this." So you do raise a very particular issue that is not just for you alone.

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There's one more, I see Kristen. Do you have a question? Do you want to hit *7 and say something?

Kristen

My question was kind of off of that first question of working with somebody where you terminated the relationship and then they want to call you at some point if they have a question or something comes up and then, I think the answer was to say, "No, you can't."

I was wondering, because when that was going on, I was thinking to myself, well, if I was terminating with a client and they had said, "Would you mind if I called you in the future about something?" I just wanted to know if it was okay because what was going on in my mind was what if I made it very clear, like, "Yeah, you can always call me and almost, you know, staff something with me and I may not necessarily be the one helping you, but I can refer you out to who can help you at that point." So I'm just wondering - does that sound reasonable?

Kevin

Yeah, it does. I think another take is you say, "Why don't you call the agency?" and the agency can then either assign that question to you or assign it to someone else.

Kristen

Mm-hmm. Okay.

Kevin

But give them, and I think it's very important if someone says, if someone is indirectly saying, "I might need somebody to talk to in the future. Is that person you?" And I think what you're saying is, "At this point, it may or may not be me, but we'll always find somebody for you to call that can give you help."

Kristen

Yes, because one of the things, I think, is that you establish, for some people it's very hard to reach out.

Kevin

Right.

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Kristen

Especially if they're a victim and in some kind of situation where they're afraid, but if they feel comfortable with me, I think that's very valuable.

Kevin

Uh-huh, because they may not reach out to a stranger but they would reach out to you.

Kristen

So I think that I would, and I am the queen of boundaries, but for me, I think I could settle that boundary question by saying, and being very upfront and saying, "Yes, I will always take a phone call from you and I may or may not be the one helping you but I can certainly always refer you out."

Kevin

I think that's fine as long as you state to them, "You know, it may or may not be me, but I can find somebody."

Kristen

Okay.

Kevin

(OV) not necessarily I'm the first call. Yeah, but that's different than having, giving them your cell phone number.

Kristen

Oh, I would never.

Kevin

You know what I mean? Rather than, the connection is with providers in general, which you are the access or the gateway, not with you individually.

Kristen

Yes.

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Kevin

And that's what you state to them, is, "I will always be able to find somebody for you to help, that can help you, that I trust."

Kristen

Great.

Kevin

I think that's a good answer. I want to spend some time on some of the scenarios. I know we're running short on time and I put one up on the screen.

Lee is a domestic violence advocate in a community-based setting. She is good at her job. She is actually a domestic violence survivor herself. She has a strong desire to learn more about the law and options for victims. She has attended a lot of trainings on the law in her state and protection orders and stalking investigations and child custody. When victims ask about legal advice, she's been told to refer them to legal advocates, who provide referrals to pro bono legal services.

But Lee recently became aware that the legal pro bono services have a waiting list of about two to three months, so rather than ask victims to wait for a few months to speak to an attorney, Lee has begun to respond directly to victims' questions about the law and their options.

Very briefly, I want to know, some of the practical considerations in this case would be that Lee cares about victims. She wants the victims to get the best information possible. She is aware that some of the victims she works with that are seeking legal advice may have to wait two or three months and some of their issues might not be able to wait that long.

Some of the ethical considerations in this case to consider are: Is Lee practicing the unauthorized practice of law? Is she over-extending her competence in responding to victims' questions about the law and their options, rather than recognizing her role? Is that the best service for victims? Although Lee has gone to training, it is really beyond her competence to provide people with legal advice because that's not in her job description.

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So basically, after hearing the scenario, does anyone want to ask or comment on terms of what is the course of action you might recommend for Lee or for the agency? If so, just raise your hand. Okay, John, can you *7?

John

All right. Well, one way she could go about doing it is developing, with the pro bono lawyers or with the recommendations of her agency, a list of pre-determined responses for common questions.

Kevin

Okay.

John

So if her clients give her questions, then she could give them a page that has all of the responses to all of their frequently asked questions and then it's not coming directly from her.

Kevin

Okay. That's a great idea. So she could work with the legal team to create a frequently asked questions list that she could forward to people when they ask those questions so she wouldn't be overstepping her bounds and yet give people some of the answers they're looking for.

John

Right.

Kevin

Any other ideas that she could do? Anybody else? Deborah, can you *7?

Deborah

I might suggest that at the training, possibly she doesn't understand that she is crossing a legal boundary there, that we're not qualified to give legal advice and then, also that it could potentially cause some liability issues for your agency.

Kevin

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Okay. So Lee needs to be trained a little bit more in terms of legal liability for the agency?

Deborah

Yeah, and an understanding of her role, a better understanding of her role.

Kevin

Okay.

Deborah

And boundaries, of course.

Kevin

Okay. This is probably one that, the next scenario may be one that people know about.

Joann works for a DV shelter. She's been working with Marsha for close to two weeks. Marsha is in an abusive relationship but has been reluctant to leave her husband. One morning, Marsha shows up at the shelter and tells her that she left her husband and needs a place to stay. The shelter is filled and there are not any beds available, but Joann has a friend who has a vacant spare room. After checking with her friend, Joann offers the space as a safe place.

Anybody want to comment on the practical considerations of this? I think initially there's one of safety. First of all, how well does Joann know this friend? Will Marsha be safe in this other place? What can Joann say to the friend? Is she breaking confidentiality by having Marsha show up at this apartment? Barbara, would you like to say something? Hit *7 and speak.

Barbara

All right. I have a little bit of a cold. I'm sorry. I was thinking about perhaps what happens to the friend if the perpetrator of the violence finds out where Joann is and then comes to the friend's house and wreaks havoc on everybody. You know, I just, that is so unsafe. I just can't imagine putting the friend in that kind of a situation.

Kevin

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So, it does twofold. It also puts the friend in a dangerous situation.

Barbara

In my mind. I mean, now, I'm worried about two people being unsafe.

Kevin

Now that you're on, what course of action do you recommend?

Barbara

Well, that one's a tough one. I'm not sure. I wouldn't offer that room in my friend's home. I would maybe look, I live in a real rural community, so I would look into the other service providers in the adjoining counties that could help me out. Maybe, sometimes we have, our provider, we have grant money that allows us to find rooms in a hotel and then the local police department will just run safety checks regularly until we can figure out another option. But I would not use the friend.

Kevin

Okay. That's good. I have on more and then we're going to stop.

June is a 70-year-old woman who lives in a private room in an assisted living facility. She first reported an incident to a nursing aide, who immediately reported the accusation to her supervisor. June said she was raped by an employee of the facility. Her examination and rape kit find evidence to confirm her accusation.

She admits to you that she knows who her assailant is, and is not sure she wants to go through with pressing charges. Her attacker is quite popular among the staff and other residents. June is afraid for not only her reputation, that she will be ostracized, but she is also afraid that if she doesn't report it, he will retaliate, and if she does report it, and if she does not report it, he will continue to hurt her.

Here's the kicker - her daughter is outside the room and has no idea what happened or why her mother was taken to the hospital. June has asked that her daughter not be informed of the real reason she is at the hospital.

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Anybody want to comment in terms of what they might do in this situation? Would you tell the daughter?

FV6:

For one, is she a vulnerable adult? Yes. So it needs, it has to be reported anyway.

Kevin

Okay. So you have to report the crime, but do you have to tell the daughter?

FV6:

No, absolutely not.

Kevin

Okay.

FV6:

Because it's still, she still has the right to confidentiality.

Kevin

And self-determination?

FV6:

Right.

Kevin

So even though the crime is reported, one of the things you also need to explain to June is, "I have to report the crime. Whether or not you're going to press charges is up to you."

FV6:

Right.

Kevin

Is that what you mean?

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FV6:

And talk about the options of doing it and the options of not doing it.

Kevin

Okay. What do you think, what would you say to the daughter?

FV6:

I would, what you'd say to anybody who asked you information about a client.

Kevin

Like?

FV6:

Well, sometimes you say, "We don't give out information about anything." Or, well, they're at the hospital so she probably, might not even know who the advocate is.

Kevin

Right.

FV6:

So...

Kevin

So you could sneak out without her talking to you?

FV6:

Well, you just can walk out. If she looks at you, you say hi and you leave. She's not going to tackle you hopefully. And it's up to the mother to decide after that if the daughter asks, "Who was that?"

Kevin

Okay.

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FV6:

To tell her or to not.

Kevin

Should you encourage her or explore with the mother why she doesn't want the daughter to know?

FV6:

You could ask her. I wouldn't encourage in either direction.

Kevin

Because?

FV6:

Because that's not my job.

Kevin

That's it perfectly. Perfect answer. I mean, you might have an interest in having the daughter know or you might not, but there's no reason to pursue it with the victim or with June about her decision. You just take her decision at face value. You give her education about what may or may not happen if the daughter is informed, and let June decide. That's a perfect answer.

FV6:

Well, thanks.

Kevin

I appreciate everyone's time and I see that we're getting pretty close to the end. I apologize for not being able to take everyone's questions or respond to everyone's chat on the box, but I would just say that my email address is kobrien@ncvc.org and I think it will be forwarded to you with the slides for this presentation, as well as with the PDF of the Victim Assistance Standards. I'm open to your questions and we can address them if you want to write them. I may not get to them this afternoon, but I will certainly get to them by the end of the week and possibly refer you to more resources.

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In addition to the National victim Assistance Standards Consortium's standards for victim assistance programs, there is also a book put out by Melissa Hook on ethics, which I can send to you. It was published by the Sidran Institute and it is a good source of information on ethics as you continue.

Again, I just want to conclude by thanking you for your work and encourage you to keep it up. And by living with ethics, you do better for yourselves and for victims. Thank you very much.

-Transcript ends-