

Peer to Peer: Cold Case Sexual Assault Victim Advocacy Impact on Victim Engagement

The National Sexual Assault Kit Initiative (SAKI), a program supported by the Bureau of Justice Assistance, is enhancing the criminal justice response to sexual assault. As part of this program, evidence found in previously unsubmitted sexual assault kits (SAKs) is now being sent to crime laboratories for testing. Each SAK represents a victim of sexual assault, also known as a survivor of sexual assault. Through efforts to address cold case sexual assault, multidisciplinary teams (MDTs) and sexual assault response teams (SARTs) are developing processes and protocols for victim engagement that include notifying victims of their SAK testing results and asking them to re-engage in the criminal justice process. A victim learning that their SAK was never tested, coupled with the process of re-engaging in the criminal justice system, could seem daunting—especially because a significant amount of time may have passed since the assault. This makes the process of victim re-engagement challenging as MDTs and/or SARTs balance providing information to victims while working to minimize potential re-traumatization. A victim advocate's experience and expertise can guide MDTs and/or SARTs as they develop their victim notification processes to provide a victim-centered voice and ensure that all cold case sexual assault victims receive trauma-informed support. In addition to developing victim-centered procedures to notification and re-engagement, MDTs and/or SARTs may also need to gain buy-in from community groups and advocacy organizations to illustrate their goal to reduce re-traumatization throughout the process of engaging with cold case sexual assault victims. This SAKI Training and Technical Assistance (SAKI TTA) resource provides guidance on explaining the importance of victim notification to community groups and advocacy organizations, and how cold case victim advocates can assist MDTs and/or SARTs in minimizing the risk of re-traumatization.

The SAKI TTA Team recognizes the importance of current SAKI grantees' experiences and the value that peer-to-peer resources can have in helping jurisdictions create and shape their initiatives. With that in mind, this resource highlights the efforts of community-based victim advocates working in the City of Duluth (Minnesota) Police Department (Duluth SAKI).¹ As Duluth began testing previously unsubmitted SAKs, Duluth SAKI victim advocates assisted the Duluth MDT in many ways—including victim advocates using their relationships within the community to create buy-in for re-engaging cold case sexual assault victims. The Duluth

SAKI Team's experience provides a peer-to-peer resource that details ways in which victim advocates can play an active role in building a coordinated community response to cold case sexual assault initiatives. This resource was designed to benefit jurisdictions developing initiatives.

Obtaining community buy-in

When the Duluth SAKI Team began their initiative, they determined it was important to talk to community groups, councils, commissions, advocacy organizations, and their local SART to create awareness about their goals and objectives. The team found that these stakeholders voiced strong reactions to contacting survivors due to the risk of re-traumatization. Providing services and support after someone experiences trauma and requests help is at the core of victim advocacy. Therefore, advocates may hesitate to contact a victim about a SAK related to a cold case because this notification goes against practices to avoid re-traumatization and allows a victim to make a decision only after they have already been contacted.

Obtaining buy-in from stakeholders and community groups involved several follow-up talks using guidance from trained therapists and their community-based advocacy

"I believe the SAKI program will be helpful for sexual assault survivors. People do not forget sexual trauma, and they do not forget a lack of justice. Some survivors may be triggered by a phone call, which is why the people who reach out to survivors are highly trained to handle those situations. In some cases, it will be a good opportunity to open the door for a survivor to connect with services who may not be connected. Either way, I think most clients will appreciate the follow up, and knowing the final outcome of their case."

—CBA therapist (MSW, LICSW) on the importance of the Duluth SAKI program

¹ As community-based advocates collaborating with law enforcement, the Duluth SAKI Team set clear roles and boundaries—particularly around victim confidentiality. The victim advocates shared information only after receiving a survivor's permission. The Duluth SAKI Team's services retained all the qualities of community-based advocacy. For more information about the differences between systems- and community-based advocacy, visit www.sakitta.org/resources.

(CBA) organization to build trust and confidence in the organization's cold case sexual assault initiative goals. The Duluth SAKI Team worked to ease concerns about survivor re-traumatization. Community members and local stakeholders became supportive of victim notification when they understood successful outcomes for the survivor from the re-engagement. Successful outcomes include (1) the possibility of re-engaging the criminal justice system and (2) the opportunity for survivors to give the team feedback about the process—thus giving survivors a voice—and ultimately, closure. The Duluth SAKI Team also built trust with community groups to accomplish their goal of notifying all survivors to ensure that no survivor felt left behind again.

Collecting and providing feedback to the MDT

The Duluth SAKI victim advocates assisted in the development of the victim notification protocol through reviewing and using recommendations from publications made available through the Detroit and Houston action research projects. The action research documents from those early initiatives were foundational to the Duluth SAKI victim advocates. Using these documents, interview questions were written to obtain the perspective of local CBA staff advocates about the initiative, victim notification, and prolonged victim engagement. These interviews included questions about how and when to conduct notification and how to ensure victims maintain choice and control throughout engagement, to the extent possible. Local victim advocates' recommendations and experience improved the MDT protocol development and encouraged buy-in towards the initiative. In addition, Duluth SAKI victim advocates interviewed individuals from the Portland Police Bureau (PPB) SAKI; PPB members offered advice and guidance in designing and promoting an opt-in hotline for survivors. This hotline allows survivors the opportunity to obtain information on their SAK as part of the initiative.

"So far, we have had quite a few victim-survivors opt to not talk to the investigator, for their case to remain closed and that's okay. We try to honor that decision, even if it is a case that we see criminal justice potential in."

—Duluth SAKI victim advocate

The Duluth SAKI victim advocates also began talking with colleagues, law enforcement officials, and other stakeholders about victim notification; the Duluth SAKI Team discovered the need for the MDT to address misinformation about the inventory of unsubmitted SAKs. A common belief about the

Duluth SAKI program is that the inventory was mostly made up of anonymous SAKs. In reality, the anonymous SAKs made up less than 25% of the inventory.

"We had feelings [about the notification] that there needed to be something in it for the survivor because we could not guarantee criminal justice outcomes for all cases. That is why we developed our feedback questionnaire for survivors to share their experience at all levels of the system—advocacy, patrol officer, hospital/SANE [sexual assault nurse examiner], investigation response. We hope to utilize this information to continue to fill gaps in services that exist in our different systems and to improve the overall experience of future victim-survivors."

—Duluth SAKI victim advocate

There was also a sense that victims (a) had actively made a choice not to test their SAKs or (b) were informed that their SAKs wouldn't be tested because they didn't want to participate in an investigation. Therefore, the MDT and advocates had to explain that for many cases in the SAK inventory, victims usually had no contact with investigators following their initial reports due to investigative staffing issues and/or outside factors in victims' lives that dictate their priorities. The Duluth SAKI MDT explained that the responders were not trained in the neurobiology of trauma and victim-centered practices when the sexual assaults were initially reported. MDT members received training about the neurobiology of trauma² before reviewing these cases and worked with law enforcement to understand the difference between previous case allocations and the effects of trauma. The Duluth SAKI Team made a collaborative effort by providing training to, and having case-by-case discussions with, local law enforcement to promote a victim-centered approach through understanding the effects of trauma. These trainings and discussions helped local agencies understand how a victim's response to trauma is complex and varies from person to person, and additionally, that a victim may not respond as traditionally expected. The collaborative training and partnership with law enforcement is crucial to building rapport for successful survivor re-engagement into the criminal justice system. Victim advocates were critical in developing explanations about how the lack of trauma-informed interactions affected victims and how to support victims in the future.

These conversations and feedback created the foundation for the development of the Duluth SAKI victim notification

² For more information about the neurobiology of trauma, please visit the SAKI TTA webinar series page at www.bit.ly/neurobiology_of_trauma.

protocol and helped guide protocol development. Gathering feedback from community partners also provided reinforcement to the MDT about the importance of collecting responses throughout the entire process of victim notification.

Guiding victim engagement discussions: An ongoing process of improvement

Duluth SAKI victim advocates continue to use their experience in working with victims to evaluate how to prevent losing contact with victims, particularly if case review indicated that loss of contact happened during the initial investigation. There is no way of knowing before notification if a victim's housing situation and/or contact information will stay the same; for this reason, not repeating the cycle of losing contact with the victim can be difficult. The Duluth SAKI victim advocates researched methods for maintaining victim engagement to help guide the MDT in developing methods for victim engagement, and they continue to work on these processes to improve victim engagement. The ideas that they currently use are translatable to other jurisdictions. These ideas include the following:

- ◆ Asking for alternative ways to contact the victim, which may involve asking a third party who may also know how to reach the victim
- ◆ Asking for an email address if the victim was comfortable with that method of contact
- ◆ Creating a Google voice number so that the advocate would be able to text victims

Each of these ideas has been employed based on victim preferences and has been helpful for confirming appointments.

From the beginning of the initiative, Duluth SAKI victim advocates recognized the need to accommodate cultural competencies when working with Native American survivors and survivors from other historically underserved

“Staying in contact with survivors continues to be a challenge. For example, survivors have other things happening in their lives, good and bad, that make it tough to maintain contact over time.”

—Duluth SAKI site coordinator

communities. To ensure that the policies and procedures developed by the MDT would serve all victims, the Duluth SAKI victim advocates worked to engage colleagues and local service providers from different cultures and ethnicities. The Duluth SAKI victim advocates continue to work on this area of victim engagement with their community partners to alleviate the barriers that prevent community members from seeking services through their jurisdictions and agencies.

Conclusion

Cold case victim advocates increase support for survivors of cold case sexual assault and strengthen cases. Victim advocates bring training and expertise to MDTs and SARTs to (1) help law enforcement and prosecution teams provide needed services to victims; (2) assist with crisis intervention and safety planning; and (3) maintain communication (e.g., check-in, case updates) with the victim. As seen in this peer-to-peer resource, cold case victim advocates on the MDT can work with community- and systems-based advocates, community groups, and stakeholders to help ensure victim engagement activities proceed in a victim-centered, trauma-informed manner. The experience of the Duluth SAKI Team also highlights the ways victim advocates improve their community's response to sexual assault and initiative to re-engage survivors.

Author:

The City of Duluth Police Department (Minnesota) received SAKI funding in 2015 and has used this money to test more than 100 previously unsubmitted sexual assault kits (SAKs). Testing these previously unsubmitted SAKs has resulted in 31 Combined DNA Index System (CODIS) uploads and 14 hits, 10 referrals to prosecution, and 7 suspects charged with criminal sexual conduct-related crimes. In addition, the Duluth SAKI site implemented the Betty Skye information “opt-in” hotline and email in April 2016, which allows survivors to contact confidential community-based advocates to learn the status of their case and access the full range of advocacy services.

Foundational Sources:

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