

# COMPREHENSIVE TECHNICAL REPORT OF THE JOYFUL HEART FOUNDATION VICTIM NOTIFICATION PROJECT

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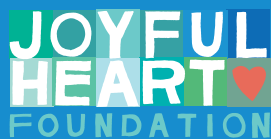
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**ENDTHEBACKLOG**

## EXECUTIVE SUMMARY

When victims of sexual assault seek services through the medical or legal system, forensic evidence collection is often conducted. Known as a “rape kit,” this procedure includes photographs, swabs, and an extensive internal and external examination to document injuries and collect DNA evidence. In consenting to these highly invasive procedures, victims often assume that the evidence will be rigorously tested and used to help arrest and prosecute the rapist. But in thousands of police precincts throughout the country, these rape kits have been left to languish. The National Institute of Justice estimates that hundreds of thousands of rape kits have been left untested in police and crime lab storage facilities throughout the country. In response to growing concerns about this large number of untested rape kits, many jurisdictions have begun to enact reforms and have started the long and arduous process of testing the rape kits that have been left unsubmitted for years and sometimes even decades. But doing so raises a number of important questions about whether and how to re-engage survivors in the process. At what point in the process should survivors be informed of the status of their rape kit, and how should this information be communicated to them? What type of support do survivors need upon being presented information about their case or upon hearing that their rape kit was never tested in the first place? These and other important questions have remained largely unanswered as legal jurisdictions throughout the country struggle to develop their own victim notification procedures. The current study sought to fill in this gap by conducting research with legal professionals, social services and advocacy professionals, research and policy professionals, and survivors in order to identify a menu of potential practices that can help guide jurisdictions as they begin to re-contact rape survivors after a substantial lapse in time.

## METHODOLOGY

To help answer these questions, a diverse sample of experts and survivors was recruited to participate in the current study. A combination of purposeful and snowball sampling was used to select a sample capable of identifying a wide range of viewpoints on victim notification. Participants were purposefully selected to represent a range of professions, geographic regions, work settings, and experiences with notification. The study itself then unfolded in three phases:

**Phase I.** The first phase of the study aimed to uncover the widest possible range of viewpoints, opinions, and experiences related to victim notification. Qualitative interviews were conducted with 79 legal, medical, clinical, and advocacy professionals about their experiences with and suggestions for victim notification.

**Phase II.** The second phase of the study sought to include survivors’ voices. A total of 19 survivors with unsubmitted rape kits participated in individual interviews about their experiences with and suggestions for victim notification. Ten of these survivors also participated in a day-long retreat and focus group designed to elicit group discussion about suggested practices for victim notification.

**Phase III.** The third and final phase of the study compiled the suggested practices offered by professionals and survivors into a survey that was sent back to participants for rating. In this survey, participants were asked to rate 93 suggested practices for perceived importance and feasibility.

## RESULTS

A combination of qualitative and statistical analysis was used to analyze data from the current study. Inductive qualitative coding of the interview and focus group data was used to identify suggested practices offered by participants in this study. Descriptive statistics and scatterplots were then used to analyze importance and feasibility ratings with the aim of identifying suggested practices with high levels of support. Multivariate analysis of variance and chi-square tests of independence were also used to examine differences in ratings. Inductive qualitative coding was then used once again to capture participants' reasons for supporting or not supporting specific approaches.

This process identified 51 suggestions about specific notification techniques, including suggestions about when to notify survivors, how to notify survivors, who should notify survivors, and what notification should include. An additional 42 suggestions about contextual factors such as training, organizational supports, and legislative supports that can facilitate notification efforts were also identified. Woven throughout these suggestions were qualitative explanations about why participants either supported or did not support the suggested practice. These qualitative arguments clustered along three primary lines: survivor well-being, organizational efficacy, and public safety. The figure below depicts this overarching framework.



Of the 51 suggested practices about notification techniques, 15 were rated as both highly important and highly feasible (defined as ratings of 4.0 or higher on 5-point rating scales) and three were rated as neither important nor feasible (defined as ratings of 2.5 or lower on 5-point rating scales). The remaining 33 suggestions all received mixed ratings with almost equal numbers of participants rating the suggested practice as extremely important or feasible, moderately important or feasible, and not at all important or feasible.

Notification techniques that were highly supported tended to focus more on overall approaches than on specific techniques. Such highly endorsed approaches included providing survivors with choices about if, when, and how notification should occur; protecting survivors' confidentiality and safety; responding to survivors with empathy, sensitivity, and emotional support; and providing survivors with information about the criminal justice system and current options. Suggestions that were not supported included using nurse examiners, crime lab personnel, or other survivors to conduct notifications.

The remaining suggested practices yielded far more mixed ratings. These suggestions tended to focus on more specific logistical choices such as when survivors should be contacted (e.g., prior to testing, after results returned, only if case moving forward), how survivors should be contacted (e.g., letters, phone calls, in-person), how much detail should be included in the initial notification, or the role that police or prosecutors should play in the notification process. Interestingly, results of our multivariate analyses of variance were non-significant, suggesting that these widely diverging differences of opinion did not line up with professional or victim status. Put another way, participants within a particular profession (e.g., criminal justice personnel) were as likely to disagree with one another as they were to disagree with survivors or participants in another profession (e.g., advocates).

Among the 42 suggestions about contextual factors that facilitate or hamper notification, 19 were rated as both highly important and highly feasible and none were rated as neither important or feasible. The contextual factors to receive the most support included a variety of suggestions for training notifiers to take a survivor-centric, trauma-informed approach; training notifiers to answer survivors' questions; creating and revising official victim notification policies; and allocating additional funding so that all kits can be tested. The contextual factors that received more mixed ratings tended to be highly rated in importance but received lower ratings in the realm of feasibility, suggesting that participants lack faith in their ability to effect higher order organizational and legislative changes such as digitizing records, creating national standards, and extending the statute of limitations.

Overall, the most common arguments made in favor of the suggested practices in this study revolved around survivor well-being. Interestingly, survivor well-being was invoked as a justification for nearly every practice offered, even those that were diametrically opposed. Thus, participants who argued in favor of widespread notification were as likely to cite survivor well-being as participants who argued for limited notification, and participants who argued for personal contact were just as likely to cite survivor well-being as participants who argued for impersonal contact. These findings suggest that nearly all of the participants in this study were concerned about survivor well-being; they just didn't define it in the same way. For some participants, survivor well-being was about protecting survivors. For others, survivor well-being was about respecting and supporting survivors. For still others, survivor well-being was about empowering survivors to make their own choices. These differences of opinion about what constitutes survivor well-being then led to differences of opinion about how best to conduct notifications.

For the survivors in our study, well-being tended to encompass all of these concerns. For many of the survivors, the overall tone of the interaction was far more important than the precise method of notification. What survivors were most concerned about was that their cases were not ignored, that the people they interacted with treated them with kindness and respect, that they were given choices and a voice in the process, that their questions were answered, and that they felt cared for, safe, and supported. What survivors wanted was to be treated as people, not as cases. What they asked for was the right to make their own choices about their own best interests.

While the survivors in our sample recognized that they cannot possibly speak for all survivors, they also argued that legal and advocacy professionals cannot speak for all survivors, either. In the end, they did not believe that a one-size-fits-all approach would ever work. Survivors are different from one another, with different backgrounds, different histories, different needs, and different preferences. No one approach is likely to work for all survivors. The best that can be done is to invite survivors into the process. Invite them into discussions about policies and protocols. Invite them into training and community education efforts. Invite them to make decisions about if, when, and how they wish to receive information about their rape kit and then respect that decision, including the decision to walk away.

Inviting survivors into the process is not only likely to enhance survivor well-being, it is also likely to enhance the criminal justice process. A consistent refrain throughout our study was the impact that survivor-centric, trauma-informed approaches are likely to have on survivors' willingness to re-engage with the criminal justice system. When survivors feel listened to, respected, and supported, they are more likely to stay actively engaged with investigation and prosecution proceedings. This level of engagement can then reverberate through the whole system, increasing the likelihood of both current convictions and positive public sentiment. How we address the failure of the system to submit and test rape kits and re-engage with survivors thus matters – for survivors, for the system, and for society as a whole.

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## BACKGROUND AND SIGNIFICANCE

Nearly one in five women and one in 71 men have experienced an attempted or completed rape at some point in their lifetime (Black, Basile, Breiding, Smith, Walters, Merrick, Chen, & Stevens, 2011). But only a third of these are ever reported to the police, making sexual assault the most underreported of all serious violent crimes (Langton, Berzofsky, Krebs, & Smiley-McDonald, 2005). Among those that are reported, arrest rates remain low. Of the 79,770 incidents of forcible rape that were reported to the police in 2013, only 13,617 resulted in an arrest equating to a 17% arrest rate (FBI, 2013). Prosecution rates are even lower with some estimates suggesting that only two to nine percent of all rapes are ever prosecuted (Kim, 2012). Factoring in unreported rapes, less than three percent of rapists will ever serve time in jail (Lonsway & Archambault, 2012).

Despite a variety of available services to assist survivors in coping with this trauma, most survivors do not engage formal assistance, such as legal, medical and mental health systems and rape crisis centers (Ahrens, Cabral, & Abeling, 2009). Systemic inadequacies contribute to this problem, including insufficient training regarding the trauma caused by sexual violence; lack of comprehensive, uniform policies and procedures within hospitals, law enforcement agencies and the criminal justice system; and the underfunding of rape crisis programs. A glaring example of the systemic failure to respond to sexual assault appropriately is the extraordinary number of untested sexual assault evidence kits, commonly known as 'rape kits,' sitting in police and crime lab storage facilities across the country.

### UNTESTED RAPE KITS IN THE US

When an individual reports a sexual assault to the police, a hospital or a rape crisis center, a doctor or nurse will perform a forensic examination with the survivor's consent. During the exam, which typically takes between four and six hours, the examiner will conduct an exhaustive and invasive search of the victim's body for DNA evidence, including semen, saliva, blood and skin cells from the perpetrator. The examiner will typically ask the victim to undress over a large white sheet of paper to collect hairs or fibers; photograph, swab and examine the victim's body with an ultraviolet light; and collect any evidence into a rape kit. When tested, rape kit evidence can identify an unknown assailant, confirm the presence of specimens from a known suspect, affirm the survivor's account of the attack, connect the suspect to other crime scenes, and exonerate innocent suspects.

If the victim decides to file a police report, the police department will take the rape kit into its custody. In all but a few jurisdictions, whether the department sends the kit to a crime laboratory for analysis is a matter of police or prosecutorial discretion. When submitted for DNA analysis, a crime lab can depict a perpetrator's genetic profile as a set of identifiers found at specific points on the DNA molecule. This DNA profile can then be submitted to the Combined DNA Index System (CODIS), an FBI-managed system of national, state and local databases, for comparison with DNA profiles and biological evidence from other crime scenes (Holder, Robinson, & Laub, 2011).

Both victims and the general public reasonably assume that evidence from rape kits is routinely tested as a way of both solving and preventing crimes. But the federal government estimates there are hundreds of thousands of untested rape kits nationwide. According to a survey of 2,000 law enforcement agencies

released by the National Institute of Justice in 2009, forensic evidence that had never been submitted to crime labs was documented in 18% of unsolved rape cases (Strom et al., 2009).

Even when law enforcement does send kits to a crime lab, those kits can sit for months and, in some cases, years before a technician analyzes them. This delay often occurs in part because crime labs lack the resources and personnel to test rape kits in a timely manner. Many of the nation's state and local crime labs face significant challenges in hiring and retaining staff (Holder et al., 2011). As law enforcement budgets have tightened, crime labs have experienced high rates of staff attrition and have struggled to build and maintain capacity. As a result, thousands of untested rape kits have piled up.

The exact number of rape kits that have gone untested is difficult to determine because most jurisdictions do not utilize a counting or tracking system for rape kits, some jurisdiction only count rape kits that have been turned over to the crime lab for testing, and the turnover of kits is constantly changing (Nelson, Chase, & DePalma, 2013). But with estimates exceeding 10,000 untested kits in a single jurisdiction (Human Rights Watch, 2009), it is clear that the total number of untested rape kits nationwide is quite large. As a result, Congress enacted the Debbie Smith DNA Backlog Grant Program in 2004 with the goal of processing nearly 400,000 untested rape kits nationwide. A second, larger pool of \$41 million in federal grants was then approved by Congress earlier this year, representing a substantial increase in available funding for the testing of forensic rape kits.

This increased funding and the accompanying scrutiny by the federal government, advocates, and the media has led many jurisdictions across the country to reform and enact initiatives to address rape kit testing. New York City eliminated a rape kit backlog of nearly 17,000 kits in 2003, using the “forklift” approach, in which every untested rape kit was tested. Going forward, city officials implemented a policy whereby every rape kit booked into police evidence would go to the crime lab and enter a queue for DNA testing. The city's arrest rate for rape subsequently jumped from 40 percent to 70 percent, compared to 24 percent nationally (Human Rights Watch, 2009). In the years since New York City tested these kits, several other cities have been working to process their untested kits, including more than 12,500 in Los Angeles, 11,300 in Detroit, 12,000 in Memphis, 6,600 in Houston and 4,000 in Cleveland.

## **VICTIM NOTIFICATION**

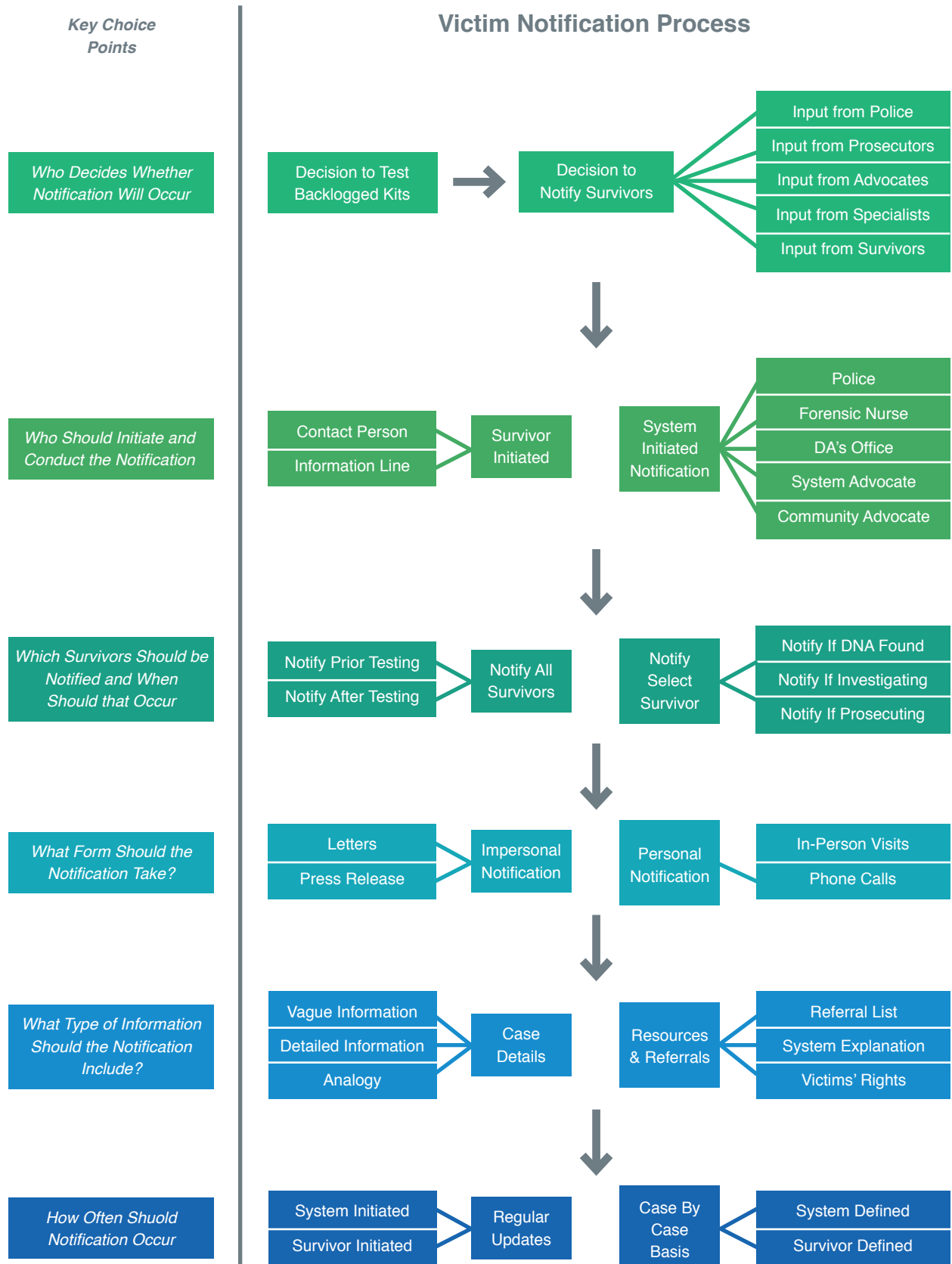
As states and local jurisdictions begin to develop procedures for testing old rape kits, they must also consider procedures for reconnecting with survivors whose cases are years—sometimes even decades—old in a manner that does not re-traumatize survivors and can enhance the likelihood of re-engagement with the criminal justice system. Establishing such procedures requires a consideration of whether, when, and how survivors will be re-contacted and the type of resources and supporting policies that will be needed to conduct notification effectively.

As jurisdictions seek to develop such procedures, they will encounter multiple choice points about whether and how to develop official notification procedures, which survivors should be notified, at what point during the testing process survivors should be contacted, who should conduct the notifications, how notifiers should be trained, what form notification should take, and what type of information should be conveyed to survivors in the process (see Figure 1). These are not easy questions to answer and will require a well-thought out response by the notification team. For example, should rape survivors be

informed that their rape kit will be tested even when the police know that the case will not be pursued? What type of support do survivors need upon being reminded of their assault or upon hearing that their rape kit was never tested in the first place? What steps need to be taken to ensure survivors' privacy and confidentiality, particularly if a current partner knows nothing about the assault or if the perpetrator of the assault is a close friend or family member?

These and other important questions have remained largely unanswered. To date, very few jurisdictions have established official, written policies and procedures for reconnecting with survivors whose rape kits had never been submitted. The absence of best practices for victim notification has resulted in ad hoc, piecemeal notification efforts. The resulting process of trial and error can be re-traumatizing for survivors and highly stressful for those conducting the notifications. The current study sought to fill this gap by conducting interviews with law enforcement officials, researchers, clinicians, nurse examiners, advocates, policy experts, and survivors about victim notification procedures. The goal is to provide guidance to jurisdictions who are grappling with the multiple, intersecting choice points involved in victim notification, helping to answer questions about how best to re-engage survivors in a manner that is empowering and non-traumatizing.

Figure 1. Victim notification process



## METHODOLOGY

The overarching goal of this study was to identify a set of potential practices for re-connecting with survivors whose rape kits were never submitted. These suggestions are intended to form a starting place for further dialogue and research about how best to re-connect with survivors whose rape kits have been neglected by the system.

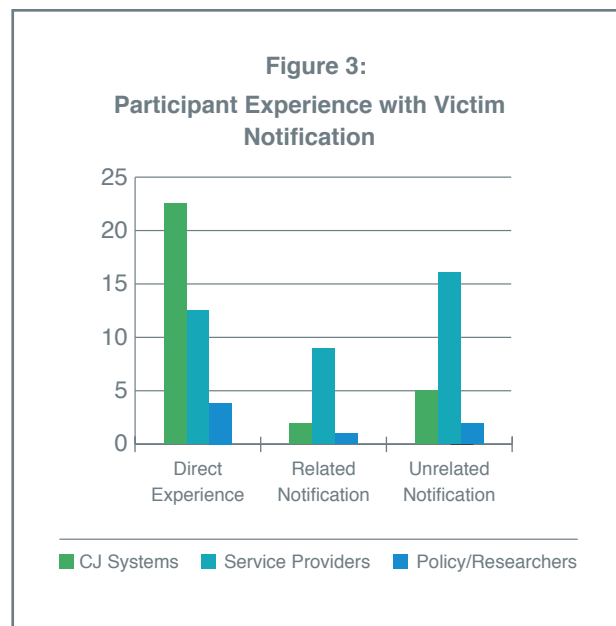
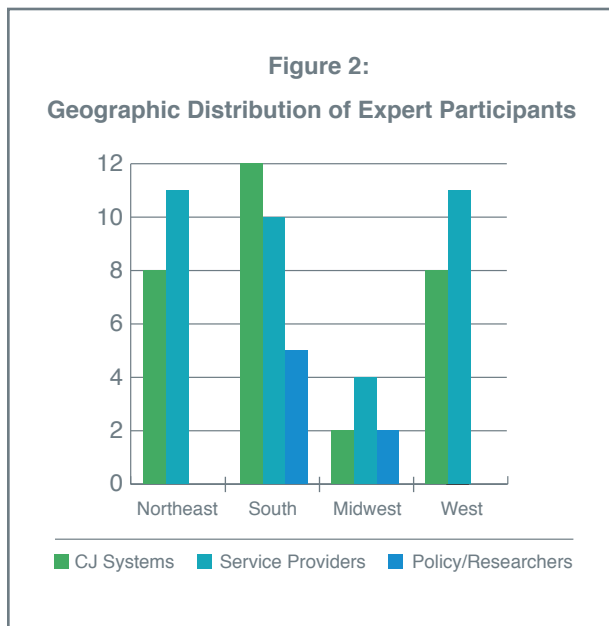
To begin to address this question, we designed a multi-part, mixed method study to identify notification procedures currently in practice, the subjective impact of current notification procedures on survivors, and notification practices that were endorsed by a wide range of legal professionals, advocates, clinicians, researchers, and survivors. The project unfolded in several phases.

### PHASE 1: INTERVIEWS WITH PROFESSIONALS

*Recruitment Procedures.* In Phase 1, staff from the Joyful Heart Foundation conducted semi-structured, open-ended interviews with 79 legal, medical, clinical, and advocacy professionals about their experiences with and suggestions for victim notification procedures. Recruitment of participants unfolded in several phases. First, we identified jurisdictions with acknowledged rape kit backlogs and contacted legal and advocacy professionals in those locales who had direct experience contacting survivors about untested kits. At the conclusion of each interview, we then asked participants for recommendations about whom else we should interview. In some cases, these recommendations led to other professionals who were directly dealing with untested rape kits in their community; in other cases, the recommended professionals had experience notifying victims about other topics (e.g., exonerations, VINE, death notifications) or had extensive experience working with victims or related public policy. Purposeful and ongoing sampling was then used to ensure that the resulting interview pool represented a wide range of viewpoints, opinions, and experiences with victim notification. Key selection criteria included: 1) diversity of professions involved in victim notification (e.g., criminal justice personnel, social service and advocacy personnel, research and policy professionals); 2) diversity of work settings (e.g., community-based and system-based advocacy centers, specialized and non-specialized detective squads, specialized and non-specialized prosecutor's offices, family justice centers, and SART teams); 3) geographic diversity (variation by US region, variation by urban setting); and 4) diversity of experiences with victim notification (e.g., experience notifying victims with untested rape kits, experience with other types of victim notification).

*Participant Characteristics.* The final expert sample included 30 criminal justice personnel, 37 social services and advocacy personnel, and 7 researchers or policy experts. These participants were located in diverse regions of the country (see Figure 2), were employed in diverse work settings, and worked with a diverse range of survivors. Participants also came to the table with diverse experiences, including direct experience with rape kit notification, direct experience with related notification (e.g., VINE, exonerations, death notifications), and experience with survivors that was not related to untested rape kits (see Figure 3).





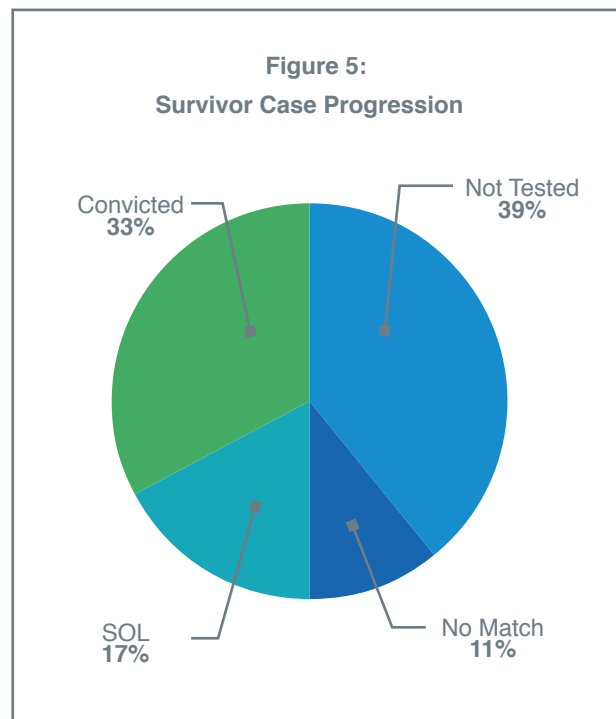
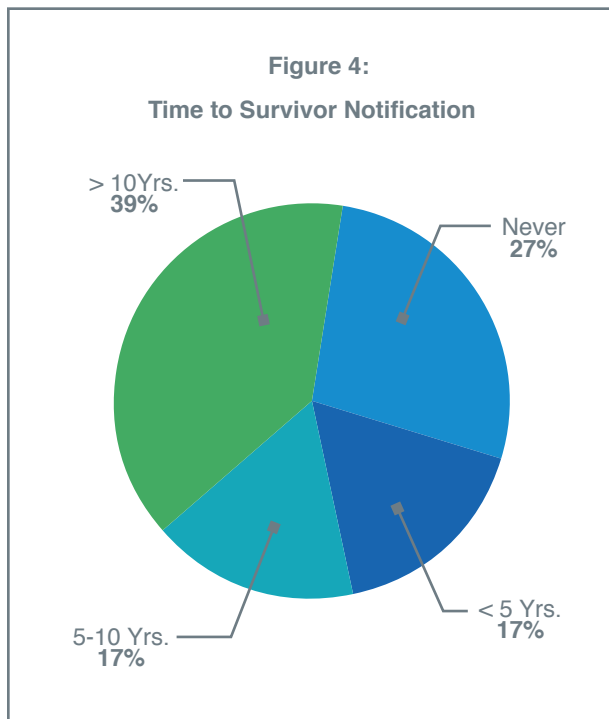
*Interview Protocol.* The semi-structured interviews contained open-ended questions about seven key content areas, including: 1) participants’ experiences with victim notification; 2) the nature of existing protocols for victim notification; 3) how protocols were developed; 4) feedback from survivors about existing procedures; 5) anticipated needs of victims; 6) importance of victim notification; and 7) recommendations and lessons learned. The goal of these interviews was to generate a wide range of suggested practices about how to best reconnect with survivors whose cases were never fully investigated at the time of reporting.

## PHASE 2: INTERVIEWS AND FOCUS GROUPS WITH SURVIVORS

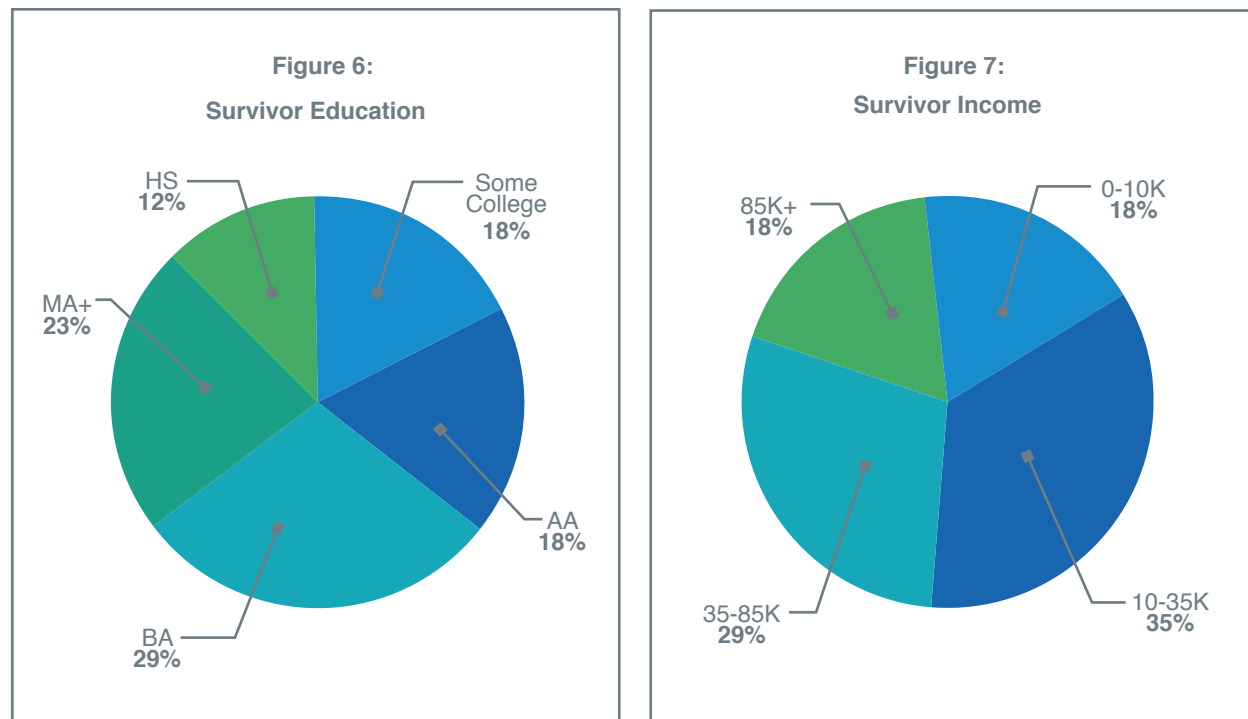
*Recruitment Procedures.* We also wanted to ensure that survivors’ voices were included in these efforts. Initially, we worked exclusively with police departments and advocacy organizations in the Los Angeles area to develop a complete list of survivors whose rape kits were not originally submitted for testing. Our goal was to talk to survivors about how they had been notified and what the experience had been like. But police and advocacy partners alike were concerned about the invasive nature of yet another unsolicited contact about their case. After much discussion with community partners, we decided that random sampling procedures were not in the survivors’ best interest. We therefore decided to rely once again on purposive and snowball sampling techniques to identify survivors who were willing to talk about their experiences. To do so, we reached back out to the police, district attorneys, and victim service organizations who had worked with survivors around this issue and asked them to contact survivors with whom they had a relationship who might be willing to speak to us about their experiences. While this is far from a representative sample, our community partners went to great lengths to help us identify survivors with a wide range of experiences with victim notification, including: a) survivors who had been contacted about their untested rape kit and survivors who had no further communication about their kit; b) cases where there was a CODIS hit and cases where there was not a DNA match; c) cases that moved forward to prosecution and cases where the decision was made to not pursue the case further; and d) cases that happened relatively recently and cases where the statute of limitations had

run out. We also made efforts to ensure that survivors represented a wide range of ages, ethnicities, socioeconomic statuses, and geographic locations. Thus, while this is admittedly a select sample of survivors, very specific selection criteria were used to ensure that survivors from a wide range of personal backgrounds with a wide range of personal experiences with notification ultimately participated in the study. While these techniques do not guarantee a representative sample, research on small samples suggests that purposive sampling tends to yield more representative samples than random sampling when the sample is small (Patton, 2015). While the survivors in the current sample may not represent the full range of opinions that are held by survivors across the country, the survivors in the current sample nonetheless provide valuable insights into the notification process that are important to consider when designing notification procedures. As the first study to explicitly incorporate survivors' voices into the process, we believe that the survivor recommendations contained herein provide an important base upon which future researchers and practitioners can build.

*Participant Characteristics.* The recruitment procedures described above ultimately resulted in nineteen survivors who participated in an individual interview, focus group session, and/or survey about their recommendations for victim notification. Survivors came from a wide variety of regions, including but not limited to Boston, Chicago, Detroit, Houston, Los Angeles, Memphis, Sacramento, and San Francisco. On average, survivors were assaulted 12.6 years ago (range 2 to 28 years); the average age at assault was 24.6 (range 13-39). The majority of survivors experienced stranger assaults (79%); the remainder were assaulted by an acquaintance (16%) or family member (5%). Most characterized their initial interactions with the police as negative (63%), although 37% said that their initial interactions with the police were quite positive. As can be seen in Figure 4, the amount of time that had elapsed between the assault and notification varied widely. There was also diversity in survivors' experiences of testing and ultimate case progression (see Figure 5).



Racial, socioeconomic, and geographic diversity was also sought. On average, survivors were currently 41 years old (range 27-61). Just over half were White (52.6%) while the remainder were Hispanic (15.8%), Multi-Racial (10.5%), Asian American (10.5%), or African American (10.5%). As can be seen in Figures 6 & 7, survivor education and income ranged widely.



*Interview Protocol.* All 19 survivors participated in semi-structured interviews about their experiences with and suggestions for victim notification. The interviews included a range of questions about survivors' experiences completing a rape kit, initial interactions with the police, victim notification experiences, experiences with subsequent case progression, and recommendations for victim notification procedures. The goal of these interviews was to understand survivors' diverse experiences with and opinions about victim notification. All interviews were audio recorded and transcribed in their entirety for later analysis.

*Focus Group Procedures.* Ten of these survivors also participated in a retreat held at Peace Over Violence in Los Angeles in January 2014. The retreat combined healing and wellness activities such as art therapy, music therapy, and movement therapy with research activities such as a focus group and written surveys. During the focus group, participants brainstormed recommendations for effective victim notification procedures. All brainstormed suggestions were written on flip charts, and participants were encouraged to explain their support for or concerns about each suggested practice. The entire focus group session was recorded, and a complete transcription was made of the session for later analysis.

### PHASE 3: ONE-LINE SURVEY FOR SURVIVORS & PROFESSIONALS

*Survey Development.* Results from the professional interviews, survivor interviews, and survivor focus group were then reviewed for unique suggestions. In this first round of analysis, the goal was to identify as many unique suggestions as possible. This was accomplished by reading through the interview and

focus group transcripts. Whenever a new suggestion appeared, the suggestion was added to a growing list of suggested practices. At this stage, the goal was to simply identify the widest possible range of unique suggestions without concern for the strength of the endorsement or the number of people who made the suggestion. This process yielded a total set of 93 unique practices offered by the professionals and survivors in our sample.

These suggested practices were then sorted into broad conceptual categories by three members of the research team who used a consensus approach to identify overarching categories. As can be seen in Figure 8, these broad categories included suggestions about specific techniques that can be used to notify victims (e.g., the who, what, where, and how of notification) as well as broader contextual recommendations about training, organizational supports, and policy changes that would be needed to support notification efforts.

Figure 8. Broad categories of suggested practices.

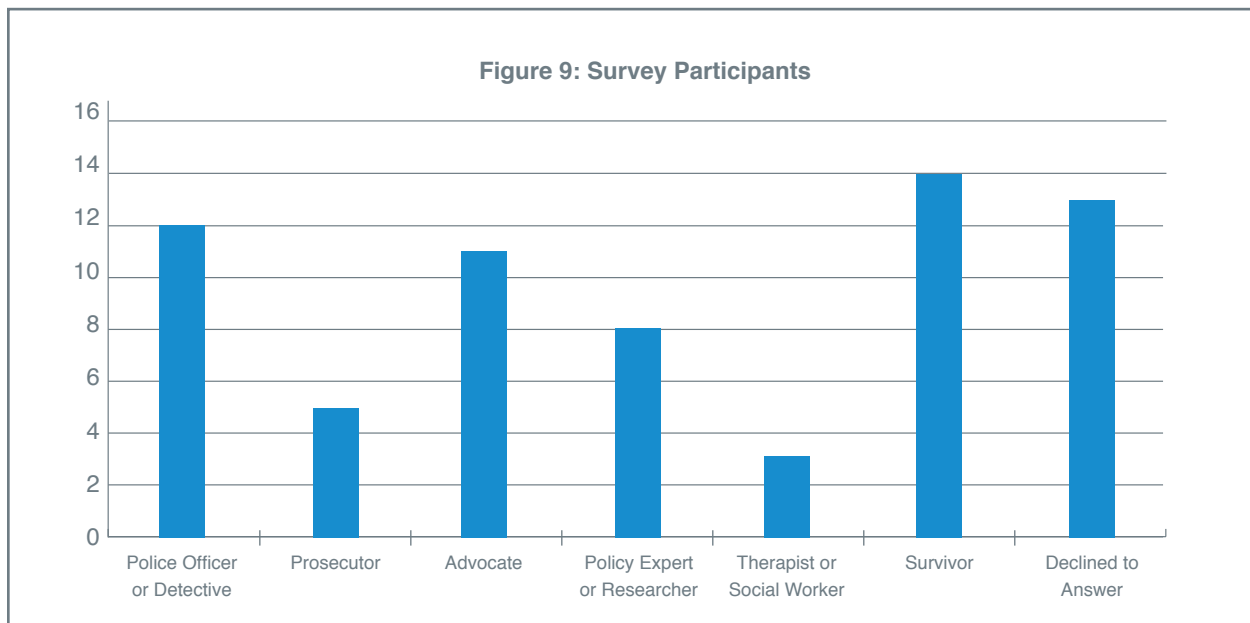


These resulting categories included 12 suggestions about when survivors should be notified, 12 suggestions about who should notify survivors, 19 suggestions about how notification should occur, 8 suggestions about what information should be conveyed during notification, 17 suggestions about training, 16 suggestions for organizational supports, and 6 suggestions for legislative supports (see Appendix A for a complete list of suggested practices).

Within each category, there was a broad range of sometimes contradictory practices, reflecting diverging opinions about how best to conduct notification. To help us distinguish among practices that were strongly supported from those that were only weakly supported, we converted the entire set of 93 suggested practices into a survey to be redistributed to participants. In the survey, participants were asked to consider each practice and to rate the practice according to how important and feasible they believed the suggested practice to be.

*Participant Characteristics.* After removing participants whose contact information was no longer valid, the final survey sample included 86 participants from the first two phases of the project and 21 new participants. The survey was thus sent to 107 participants; a total of 68 participants who received the survey then completed it, representing a response rate of 64%. As can be seen in Figure 9, final survey participants were fairly evenly divided among criminal justice system, clinical/advocacy, and survivor groups.

Figure 9. Professional identity of survey participants.



*Survey Protocol.* The survey itself presented participants with each of the 93 suggested practices, grouped conceptually into the seven categories noted above (when, who, how, what, training, organizational supports, and legislative supports). For each item, participants were first asked to rate the practice according to how important they believed the practice to be. Using a 5-point Likert-type scale, participants rated items on a range from not important at all to extremely important where higher numbers indicate greater importance (1= not important at all; 5 = extremely important).

Participants were then asked to rate the same suggested practice for feasibility. Using a 5-point Likert-type scale, participants rated each item on a scale ranging from not feasible at all to extremely feasible with higher numbers indicating greater feasibility (1= not feasible at all; 5 = extremely feasible).

The survey was distributed to retreat participants during the retreat itself; participants' responses were

then entered manually into SPSS for later analysis. The remainder of the participants received the survey on-line through the Qualtrics Online Survey platform through an invitation-only link. Participants' responses were then downloaded directly into SPSS for analysis.

## **ANALYSIS PROCEDURES**

Analysis of the resulting data unfolded in two steps. In the first step, descriptive and inferential statistics were used to analyze the numerical survey data. In the second step, qualitative analysis was used to further subdivide the suggested practices into more nuanced categories and to analyze participants' open-ended arguments for and against different approaches. Specific analysis techniques are described below.

### ***Statistical Analysis***

All survey rating data was uploaded into IBM's SPSS Statistics software for analysis. Descriptive analyses were then used to calculate means and standard deviations for each item (see Appendix A for a complete list of means and standard deviations for each item). These analyses allowed us to identify suggested practices with the highest average importance ratings and the highest average feasibility ratings.

To further facilitate such comparisons, we then plotted the average importance and feasibility ratings on a series of seven scatterplots, organized by conceptual category (i.e., when, who, how, what, training, organizational supports, and legislative supports). These scatterplots allowed us to determine which practices were consistently rated as both highly important and highly feasible (i.e., average importance and feasibility ratings above 4.0), which practices were consistently rated as both unimportant and not feasible (i.e., average importance and feasibility ratings below 2.5), which practices were rated as highly important but less feasible (i.e., average importance ratings above 4.0 but feasibility ratings below 4.0), and which practices lay somewhere in between (i.e., average importance and/or feasibility ratings between 2.5 and 4.0).

Because averages can mask wide variation within ratings, we also calculated frequency distributions for each item. These analyses allowed us to further examine those practices whose means reflected only moderate importance and feasibility ratings. By examining the frequency distributions, we were able to distinguish between suggested practices that received only moderate ratings from all participants (e.g., everyone rated the item as a 3) from practices that received widely varying ratings across participants (e.g., equal ratings across all 5 scale points). This information allowed us to discriminate between suggested practices with broad consensus and practices with widely diverging ratings.

Multivariate analysis of variance (MANOVA) was then used to determine whether ratings diverged significantly across different types of participants. Due to the low statistical power resulting from our relatively small sample size, separate MANOVAs were run for each of our seven primary sets of suggestions: 1) when survivors should be notified (12 items); 2) who should notify survivors (12 items); 3) how survivors should be notified (19 items); 4) what notification should include (8 items); 5) recommended training procedures (17 items); 6) organizational policies and procedures to support notification (16 items); and 7) legislative and societal changes to support notification (6 items). For the purpose of these analyses, we categorized participants into four broad categories based on their profession/role. Each of the MANOVAs

described above thus contrasted importance ratings between: 1) legal personnel (i.e., police, detectives, prosecutors); 2) advocates and clinicians (i.e., community-based advocates, systems-based advocates, mental health counselors and therapists); 3) academic and policy experts (i.e., academic researchers, public policy researchers); and 4) survivors whose rape kits were not originally submitted for testing.

### **Qualitative Analyses**

The statistical tests described above provide useful information about how important and feasible participants found each suggestion to be. By using a standardized rating scale, we were able to obtain standardized feedback about all 93 suggested practices from 68 different survey participants. The standardized rating scale also allowed us to compare ratings across participants. But these statistical tests cannot tell us why participants believed specific practices were important or why they felt other practices were not feasible. To gain a greater understanding of why participants supported some suggested practices and not others, we then turned back to the qualitative data.

In this second pass at qualitative analysis, we moved away from simply noting which suggestions were offered and focused instead on the *why* behind the suggestion. This process unfolded in several stages. First, we read back through the transcripts and excerpted those portions of the transcripts that focused on participants' *reasons* for offering specific suggestions. The excerpting process involves highlighting specific sections of the text, allowing the researcher to focus in on relevant portions of the transcript during later analysis. Take the following quote as an example:

*We do a lot of grant work, technical assistance. Our office is one in which we all come from the sexual assault world. We offer whatever we think would be helpful... After talking to law enforcement departments who had dealt with this before, because it could go thru the criminal justice system, we decided it was not appropriate for community-based advocates. Rather the system-based [should conduct the notification] because with confidentiality laws, there is a murky place that a smart defense attorney could challenge in court. We were not willing as a state to take that chance.*

In this quote, the first section was deemed to be more about the participants' own background than about a specific recommendation. The first two sentences were therefore *not* excerpted. In contrast, the remainder of the quote more clearly focused on the participant's reason for supporting a specific approach. The last three sentences of this segment therefore *were* excerpted.

The second step of the process then involved summarizing the content of the excerpted segments of the transcripts. In this step, two research assistants read through the excerpted portions and created short phrases describing the main ideas contained therein. Take the previous excerpt as an example:

*After talking to law enforcement departments who had dealt with this before, because it could go thru the criminal justice system, we decided it was not appropriate for community-based advocates. Rather the system-based [advocates should conduct the notification] because with confidentiality laws, there is a murky place that a smart defense attorney could challenge in court.*

In this excerpt, the participant is describing the decision to use system-based advocates in lieu of

community-based advocates when conducting actual victim notifications. This can be briefly summarized as “system-based advocates as notifiers.” The reason the participant offers for this decision is that confidentiality laws might make it difficult to pursue the case in court. This reason can be briefly summarized as “because of confidentiality laws.” This process of summarizing main ideas is called marginal coding (Miles & Huberman, 1994).

The third stage of analysis then involves creating a codebook that will be used to go back and assign official codes to the data. To ensure that the codebook can adequately capture the main themes in the data, an iterative process of constant comparison is used to sort each marginal code into conceptually similar themes. To accomplish this, each marginal code is placed onto an index card. The first index card is then placed in its own pile. The next card is then read and compared to the first card – is the main idea expressed here the same or different from the first card? If it is the same, it is placed in the same pile. If it is different, it is placed in a new pile. Take the following marginal codes as an example:

1. Training builds interpersonal competence
2. Survivor feedback to improve policies
3. Role plays to improve sensitivity

The first code offers an explanation for why training is important – to build notifiers interpersonal skills. This card would be placed in its own pile. The second code is about why survivor feedback is important – to improve policies. Improving policies is conceptually different from improving interpersonal skills, so this card would be placed in a separate category. The third code offers an explanation for why role plays are important – to improve sensitivity. Sensitivity and interpersonal skills are conceptually similar, so the third code will be added to the first pile (unless there was some reason that the nuanced distinction between interpersonal skills and sensitivity was important).

This process of constant comparison is then repeated until all of the marginal codes have been placed into conceptually similar categories. This process is typically conducted by two to three research team members, and a consensus approach is used to resolve disagreements.

Once all of the marginal codes have been sorted into conceptual categories, the research team then examines each conceptual category one at a time. Starting with the first category, the research team reads back over the marginal codes that were sorted together and asks – what do all of these marginal codes have in common? The goal of this discussion is to come up with a final code name and operational definition for the iteratively derived concept. Take the following marginal codes as an example:

1. Respond to survivors with sensitivity
2. Address survivors’ needs
3. Build rapport with survivors

All three of these marginal codes describe ways of interacting with survivors that help address survivors’ emotional and practical needs. This reason can now be transformed into an official code, and an



operational definition that clarifies what is included under this code can be created based on the content of these marginal codes:

<b>Code</b>	<b>Operational Definition</b>
Survivors' Needs	Respond to survivors with warmth, kindness, sensitivity, and respect. Address practical needs. Be emotionally responsive and allow survivors' needs to guide the process. Apologize. Provide choices.

This process is repeated until all of the conceptual categories have been named and operational definitions have been created for each. Once again, a consensus approach is used to resolve disagreements.

Once final codes and operational definitions have been created, the codes themselves are then further sorted into larger conceptual categories. This higher level sorting of codes helps to create an umbrella framework for the codebook wherein broad categories are broken down into more specific sub-categories. Take the following codes as an example:

1. Include information about the criminal justice system
2. Include information about follow-up services
3. Include information about the case

All three of these codes were offered as suggestions for the type of information that should be conveyed during notification. These codes were therefore organized in a hierarchical fashion under the category of what to include in the notification process:

<b>Parent Code</b>	<b>Child Code</b>	<b>Operational Definition</b>
What Notification Should Include		
	Information About the Criminal Justice System	Provide survivors with information about how the criminal justice system is structured, what different terms mean, and what will be expected of the survivor. Provide a diagram and timeline describing potential next steps.
	Information About Follow-Up Services	Provide survivors with information about follow-up services. Provide contact information for local rape crisis services, potential therapists and support groups, and other services survivors may need.
	Information About the Case	Provide information about the current case, including the status of the rape kit, the identity of the perpetrator, and whether the case will be pursued further.

Sometimes referred to as “parent and child codes” or “hierarchical nodes”, this organizational strategy simultaneously facilitates the use of the codebook while allowing for greater or lesser specificity in later analyses.

The fourth step of analysis then involves using the codebook to assign final codes to the excerpts. Using Dedoose, an on-line qualitative analysis software program, applicable codes were assigned to each excerpt. At minimum, each excerpt received two codes: 1) a code indicating which suggestion was

being discussed; and 2) a code indicating which reason for supporting/not supporting the suggestion was being offered. In most cases, multiple codes were applied to the same excerpt. Take the following excerpt as an example:

*She would stop by unannounced. We debated a letter, but too risky! She was able to tell for the most part who they lived with. She checked to see if there was a partner in the home, any DV calls to the home.*

This excerpt contains multiple ideas and would therefore receive multiple codes from the codebook: the decision to use in-person visits, advance efforts to ensure survivor safety, and the argument that letters could potentially harm survivors.

In the fifth and final step of analysis, we stepped even further back from the specific codes to try and identify overall patterns in the data. In this step in the process, we sought to identify patterns among the codes that linked the data together in consistent ways. Using a variety of data display techniques, we sought to identify the “bigger picture” story at play in the data. Sometimes referred to as theory building, this stage of the process moves away from simple description and attempts to identify linkages between codes that can help explain what is going on.

In the current study, this was accomplished in two primary ways. First, we sought to identify higher order constructs that linked many of our codes together. Using a process called clustering (Miles & Huberman, 1994), we sought to identify commonalities that could help frame the larger picture. Through an iterative process of constant comparison, we identified three overarching constructs that encompassed nearly all of the reasons participants offered for supporting or not supporting specific notifications: 1) survivor well-being; 2) organizational efficacy; and 3) public safety.

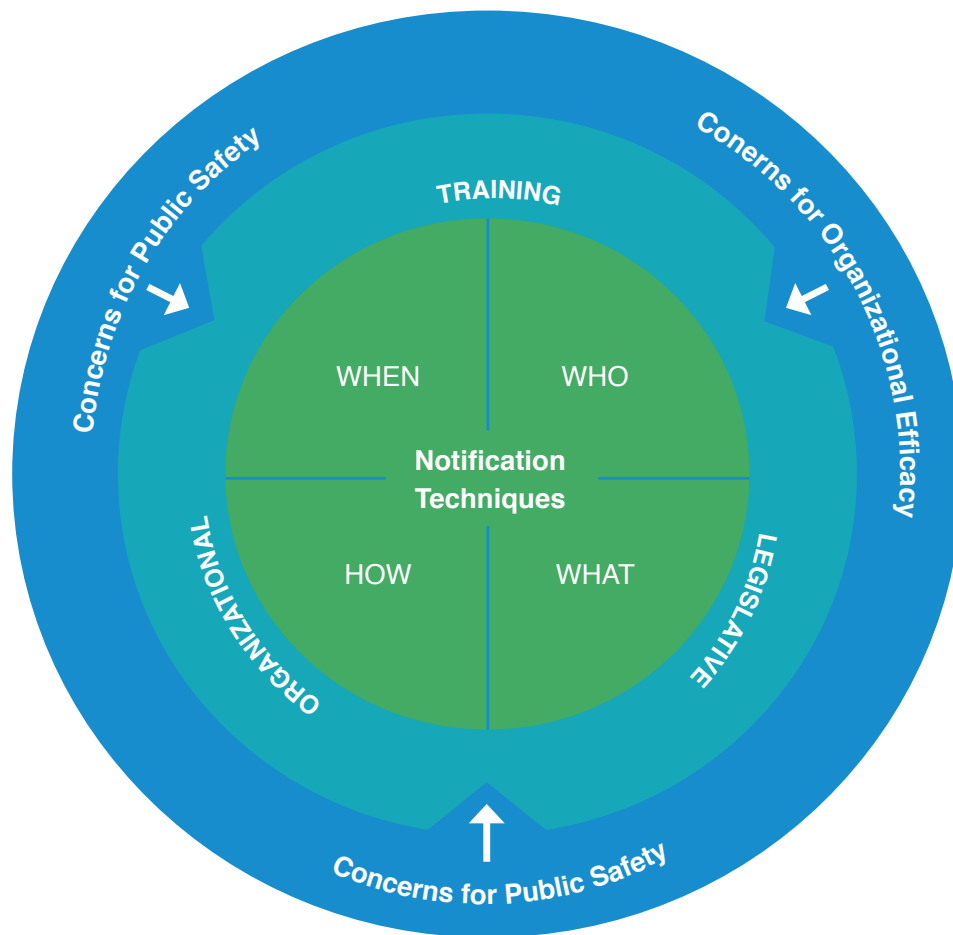
Put simply, nearly every argument offered by participants in support of or against specific notification techniques referenced the impact that the practice would have on survivors, concerns about the organizations’ ability to enact the technique effectively or the impact the approach would have on the organization, or concerns about public safety. These three types of concerns thus formed the backdrop against which discussions about specific notification techniques occurred, threading their way through nearly every discussion of what to do and how to do it.

As can be seen in Figure 10, the overarching framework that emerged from these analyses thus contained several layers. At the center of the discussion were the particulars – the who, what, when, and how of notification. Surrounding these particulars were suggestions for changing the context in which notification occurred – recommendations for training, recommendations about organizational level changes, and recommendations about legislative or societal changes that can help support notification. But surrounding and woven throughout all of these discussions were concerns about survivor well-being, organizational efficacy, and public safety.

Understanding *why* participants endorsed the suggestions they did thus helps provide greater depth to our understanding of each technique. Through a technique called noting relations (Miles & Huberman, 1994), we were able to uncover a more nuanced view of the arguments for and against each approach, elucidating potential benefits and pitfalls for survivors, organizations, and the larger public. The framework depicted below thus forms the structure for the remainder of the report, highlighting both

specific suggestions and a range of perceived advantages and disadvantages for each approach.

Figure 10. Overarching framework.



## RESULTS

As depicted in the figure above, qualitative analysis of the professional and survivor interviews revealed two distinct types of suggestions: 1) specific suggestions about how notification should be conducted (i.e., the who, how, what, when of notification); and 2) specific suggestions about contextual factors that can support notification (i.e., training, organizational supports, and legislative supports). Participants also offered a variety of reasons for endorsing or not endorsing specific approaches. These reasons clustered around three specific types of concerns: 1) concerns for survivor well-being; 2) concerns about organizational efficacy; and 3) and concerns for public safety.

In the following pages, we use this general framework to present data about each suggested practice. The report itself is first organized by the type of suggestion being offered (i.e., who should conduct notification, how notification should be conducted, etc.). Within each section, we use both statistical and qualitative data to: 1) examine average importance and feasibility ratings for each suggestion; 2) examine the extent of agreement or disagreement in the ratings, both within and between different types of participants; and 3) examine the qualitative arguments used to support or oppose each suggestion.

We then conclude each section with a discussion of the relative support each suggested practice received and a discussion of the potential implications of the findings.

## SPECIFIC NOTIFICATION TECHNIQUES

Participants offered suggestions about four specific aspects of notification: 1) when notification should occur; 2) who should conduct the notifications; 3) how notification should be conducted; and 4) what should be included in the notification. In the sections below, ratings of the importance (1= not important at all; 5 = extremely important) and feasibility (1= not feasible at all; 5= extremely feasible) of each suggested practice were used to identify suggestions with the most overall support. Participants' qualitative explanations were then used to understand the arguments for and against each suggested practice.

### When Notification Should Occur

Twelve specific suggestions about the precise timing and circumstances under which survivors should be notified were identified from the qualitative data. These suggestions included: 1) connecting with survivors in a regular and ongoing way; 2) limiting notification to only select survivors; and 3) allowing survivors to decide if and when they are notified (see Figure 11 for a list of suggested practices).

Figure 11. Specific suggestions about if and when to notify survivors.

Regular Basis	Select Circumstances	Survivor Determination
<p>Survivors should be contacted whenever a decision is made about the case, including decisions to not test kits or investigate further</p> <p>Survivors should be notified about the status of their rape kit even if the statute of limitations has passed</p> <p>Survivors should receive updates about their case in real time, as soon as information becomes available</p> <p>Efforts should be made to reengage all survivors whose kit had been part of the backlog, regardless of whether the case will now move forward or not</p> <p>Survivors should receive regular updates about their backlogged case, even if there is nothing new to tell</p> <p>Survivors should be contacted at every step in the process, including when kits are sent out to be tested</p>	<p>Survivors should only be contacted about their backlogged rape kit if the case is being actively investigated</p> <p>Survivors should only be contacted when new information is obtained</p> <p>Survivors should only be contacted if the perpetrator has been caught</p> <p>Survivors should only be contacted when information is needed from them</p>	<p>Survivors should determine how often they want to receive notifications, if at all</p> <p>Survivors should be asked whether they want their backlogged rape kit to be tested or not</p>

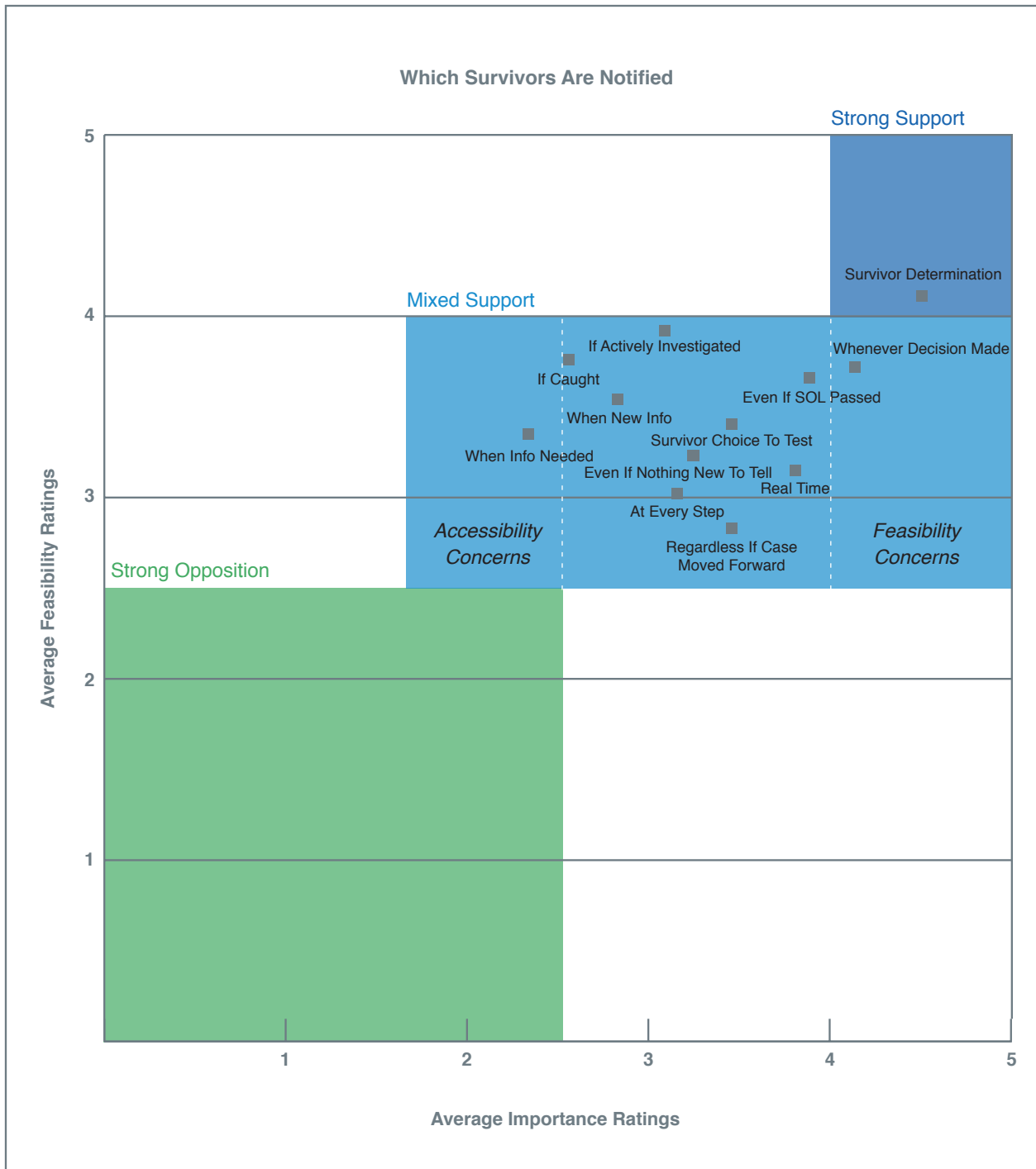
## **Statistical Analyses**

To determine the relative level of support for each suggestion, we first calculated means and standard deviations for each suggested practice (see Appendix A for a complete list). These means gave us a good idea of which suggestions were deemed important and which were deemed feasible, but we wanted to be able to compare suggestions on both dimensions simultaneously. To do so, we plotted each suggestion along two axes: 1) average importance ratings were plotted along the horizontal axis from left (low importance) to right (high importance); and 2) average feasibility ratings were plotted along the vertical axis from bottom (low feasibility) to top (high feasibility) (see Figure 12). We then used the resulting scatterplot to draw conclusions about the relative ratings given to each suggested practice. Specifically:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices about which participants are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed ratings across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 12, only one suggestion about when to notify survivors was consistently rated as both highly important and highly feasible, and none of the suggestions were rated as low in both importance and feasibility. The remaining suggestions all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

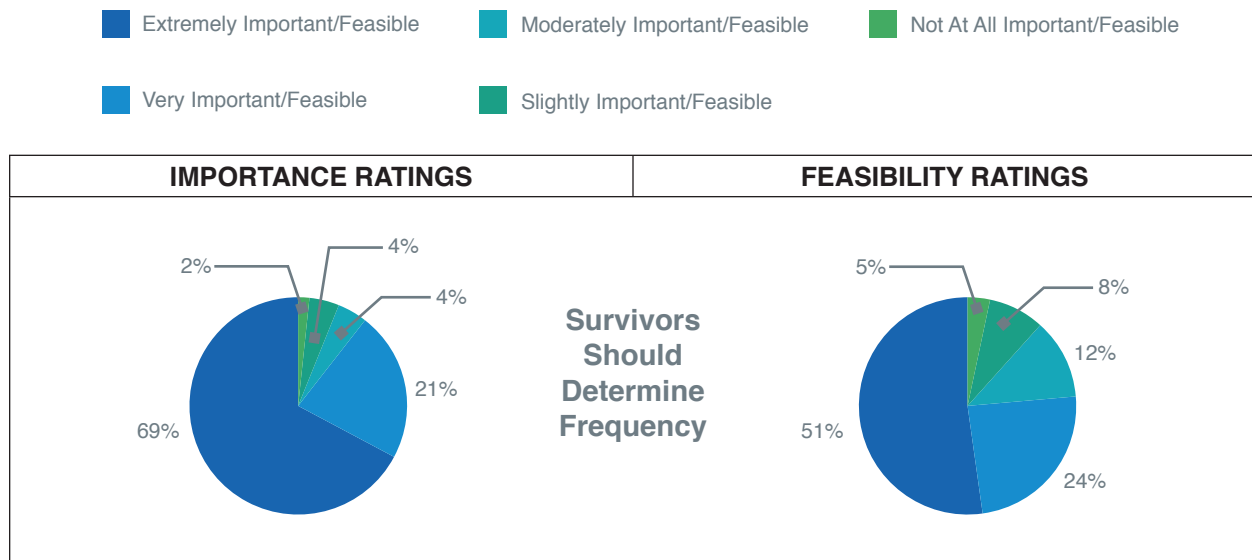
Figure 12. Scatterplot of importance and feasibility ratings for suggestions about when to notify survivors.



### Strongly Supported Suggestions About When to Notify Survivors

Only one suggestion was consistently rated as both extremely important and extremely feasible. As can be seen in Figure 13, the recommendation that *survivors should determine how often they want to receive notifications, if at all* was rated as both extremely important and extremely feasible by the majority of participants in this sample. This was the only suggested practice in this set to receive broad support from the majority of participants on both dimensions.

Figure 13. Frequency of importance and feasibility ratings for strongly supported recommendations about when to notify survivors.



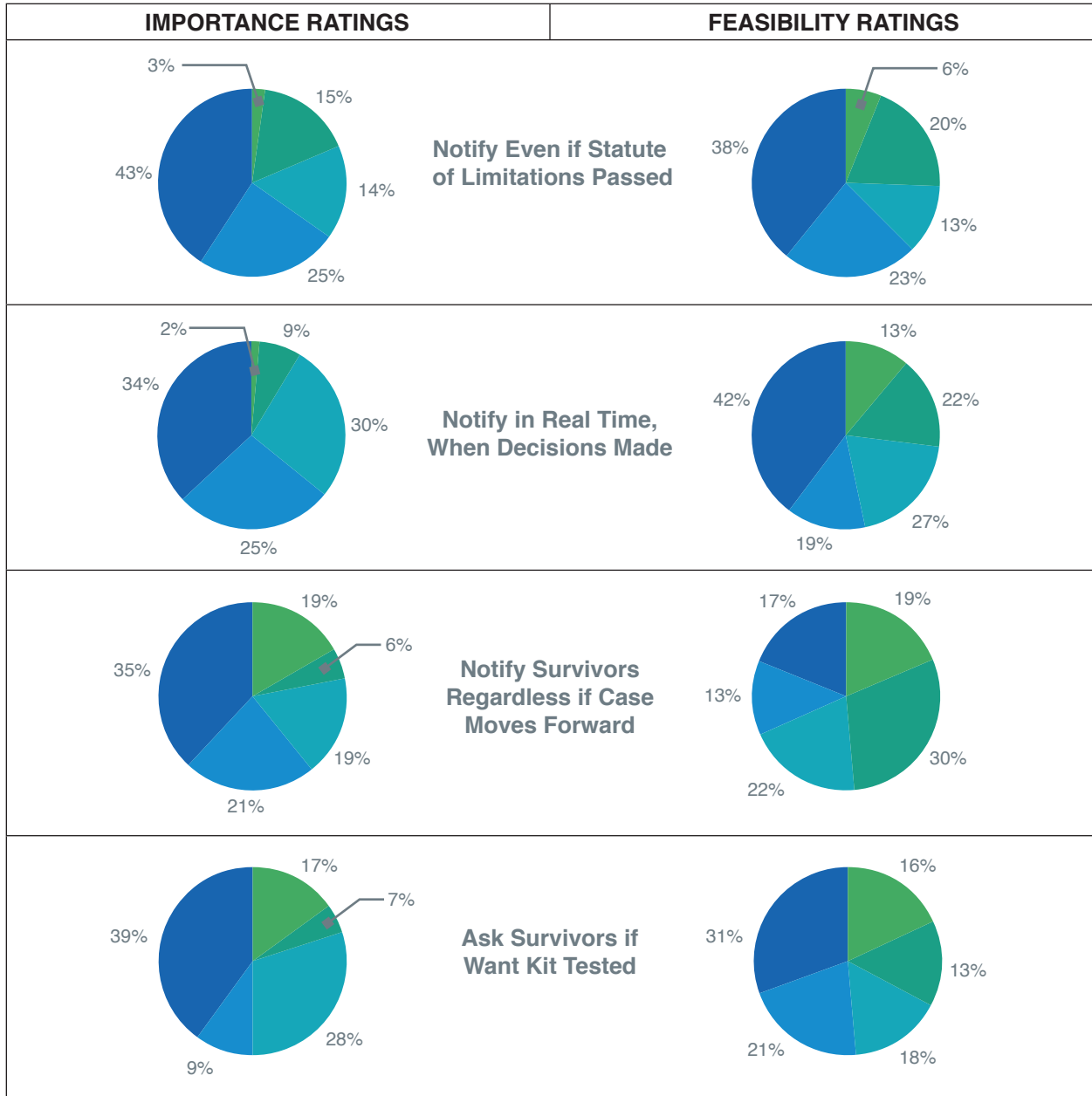
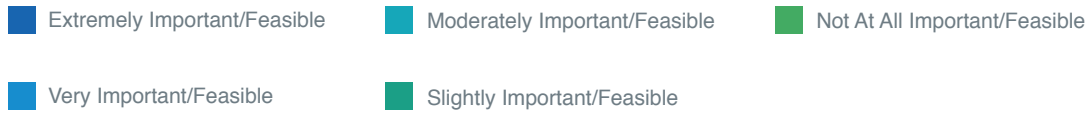
### Strongly Opposed Suggestions About When to Notify Survivors

None of the suggestions about when to notify survivors were consistently rated as both unimportant and infeasible. This does not mean that individual participants were not opposed to some of the practices in this set; they were. But just as many participants were supportive of the same practices, bringing the average ratings up above our thresholds. As a result, none of the suggested practices were categorized as being strongly opposed by the majority of participants.

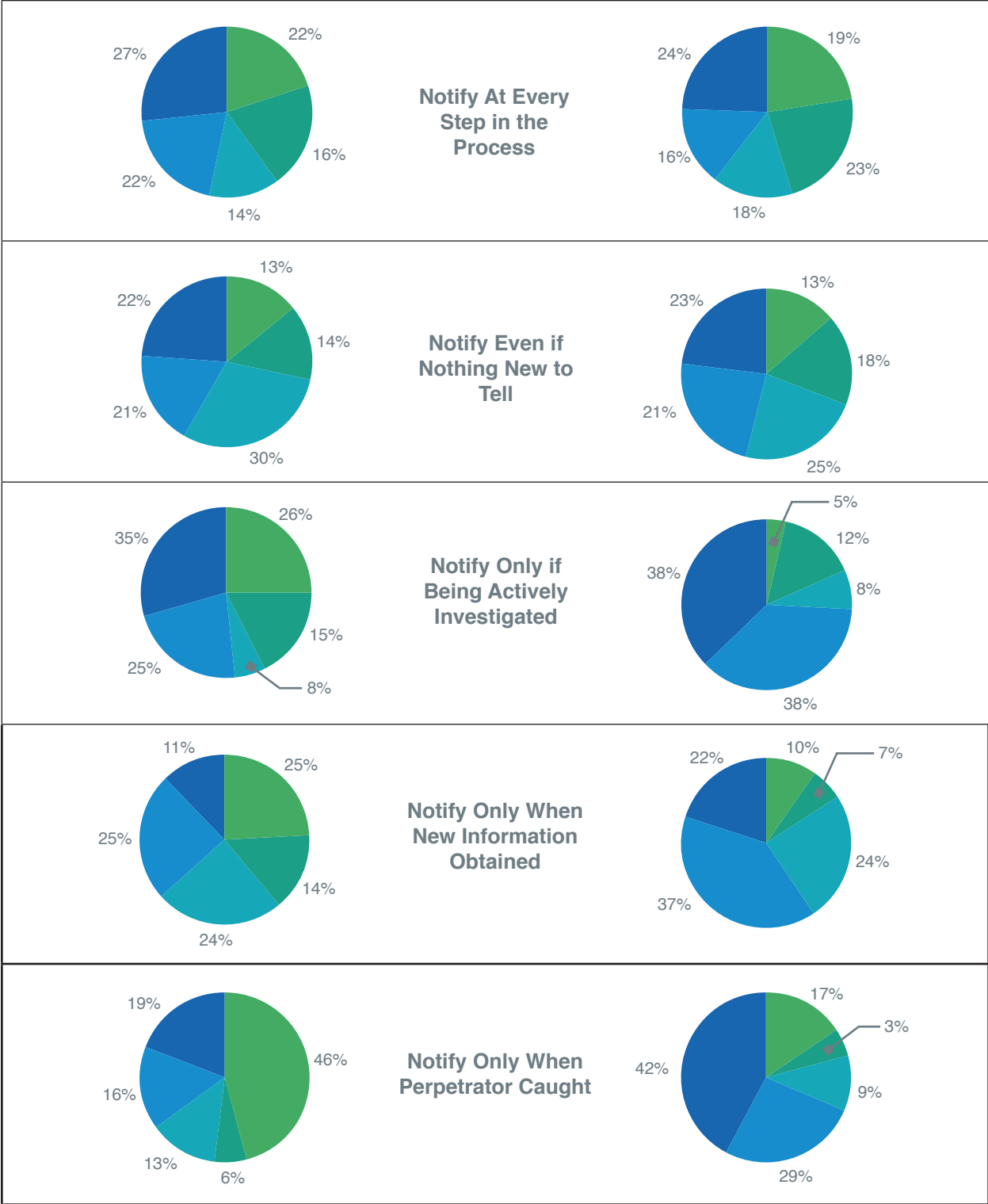
### Suggestions Receiving Mixed Ratings About When to Notify Survivors

The remaining 11 suggested practices all yielded a fairly wide range of ratings across participants. Most of these practices received mixed ratings on both importance and feasibility. As can be seen in Figure 14, each of the following suggested practices yielded almost equal numbers of participants who were supportive of the practice, opposed to the practice, and somewhat ambivalent about the practice. These findings suggest that there is a great deal of variation in participants' opinions about the specific timing of notification.

Figure 14. Frequency of importance and feasibility ratings for suggestions with mixed ratings about when to notify survivors.



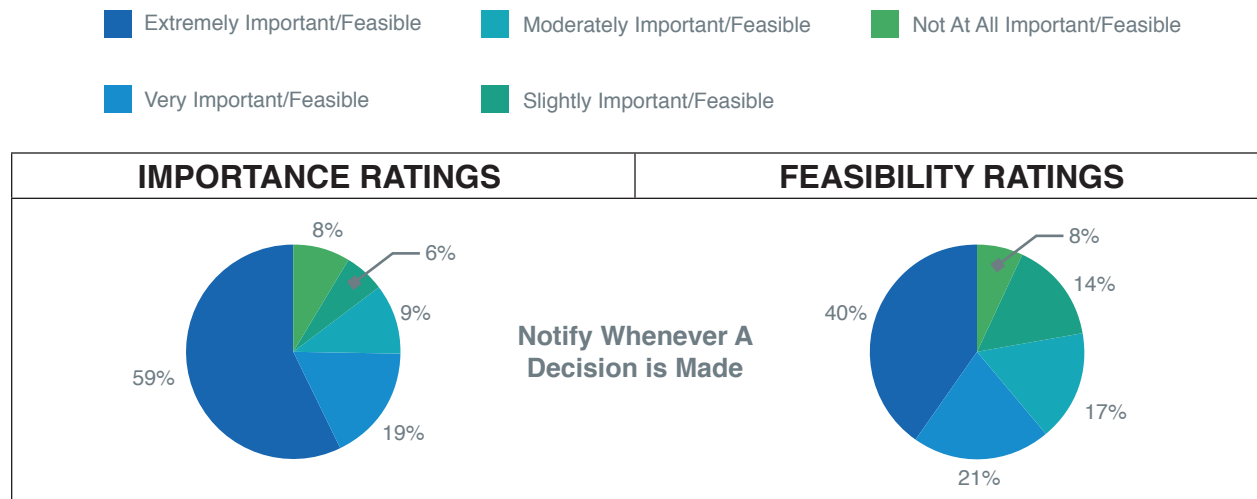




But the suggestion to contact survivors “whenever a decision is made about the case, including decisions to not test kits or investigate further” was somewhat different. For this suggestion, importance ratings were fairly high across participants. Where disagreement occurred was around the question of feasibility (see Figure 15). These findings suggest that there would be broad support for this practice, as long

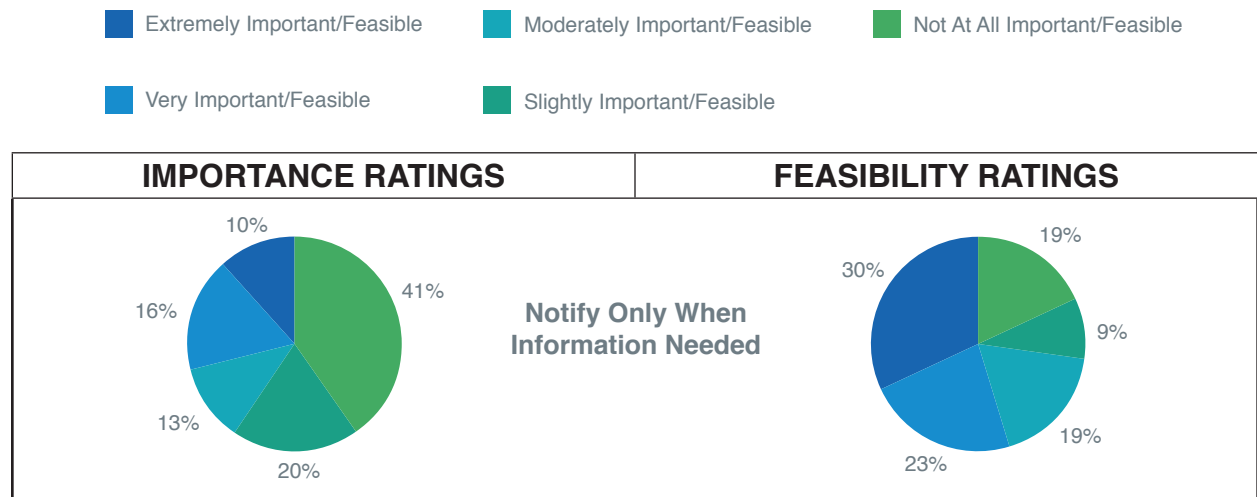
as adequate organizational resources and procedures were put in place to ensure the practice could be implemented effectively.

Figure 15. Frequency of importance and feasibility ratings for suggestions about when to notify survivors that demonstrate feasibility concerns.



In contrast, the suggestion to only contact survivors when information was needed from them evidenced fairly low importance ratings across participants and fairly mixed ratings about feasibility. This finding highlights fairly substantial concerns with this suggestion, despite feasibility ratings that exceed our thresholds.

Figure 16. Frequency of importance and feasibility ratings for suggestions about when to notify survivors that demonstrate lower acceptability.



*Group Differences in When to Notify Survivors*

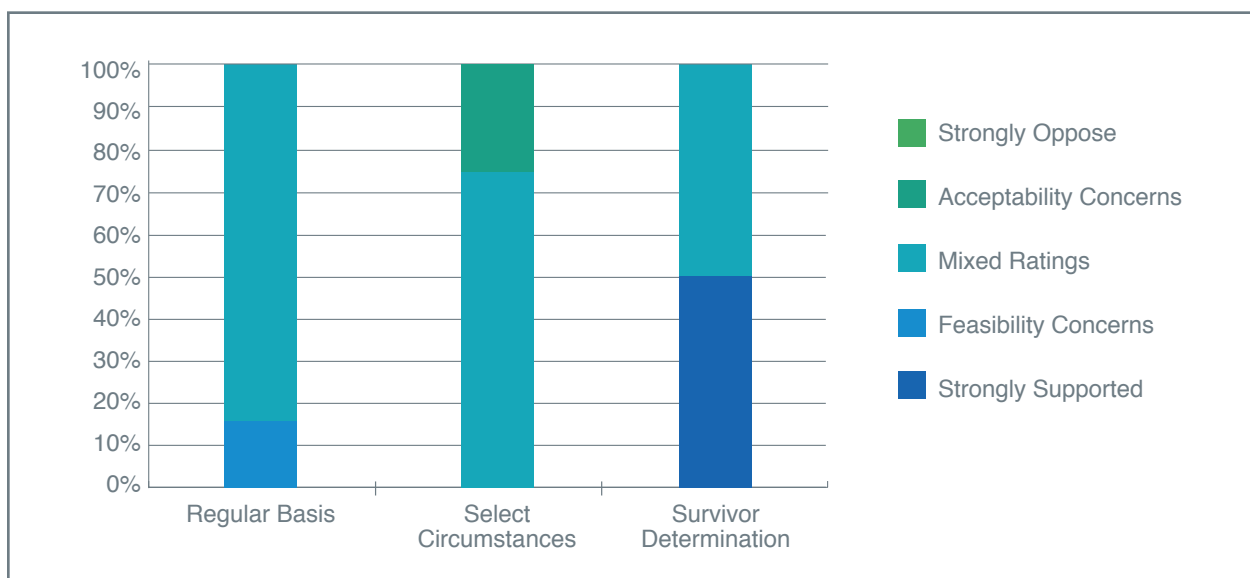
To determine whether these differences of opinion can be accounted for by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggestions to compare the importance ratings given by four groups of participants: 1) criminal justice

system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(39, 45) = 1.13$ ,  $p = .34$ , Wilks'  $\Lambda = 0.13$ , partial  $\eta^2 = .49$ , suggesting that the ratings provided by one group of participants (e.g., criminal justice personnel) did not differ significantly from the ratings provided by other groups of participants (e.g., survivors). The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

### *Differences in Philosophical Approach About When to Notify Survivors*

As noted in Figure 11, the 12 specific suggestions about if and when to notify survivors fell into roughly three categories: 1) suggestions to notify survivors on a regular basis; 2) suggestions to notify survivors only in select circumstances; and 3) suggestions to allow survivors to determine if and when they wish to be notified. To facilitate a broader interpretation of the data, we were also interested in determining whether any of these three broad approaches to notification tended to receive more support or less support than others. To this end, a chi-square test of independence was used to determine whether there was a relationship between any of the three general approaches to notification and the level of support those associated suggestions received. Results suggested that the relationship between our five support categories (strong support, mixed support, feasibility concerns, acceptability concerns, and strong opposition) and our three notification categories (notification on a regular basis, notification only in select circumstances, and survivor determination of notification frequency) was not significant,  $\chi^2(6, N = 12) = 8.22$ ,  $p = .22$ . This result is driven primarily by the fact that most of our recommendations fell into the mixed category which was fairly evenly distributed across approaches (see Figure 17).

Figure 17. Crosstabulation of approaches about when to notify and rating support categories.\*



\* Percentages reflect the number of suggestions about when to notify that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

## Qualitative Analyses

To better understand participants reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against regular notification, select notification, and survivor determined notification.

### Survivor Determination

Arguments in favor of survivor determination were articulated with great frequency. Arguments in favor and against this approach are depicted in Table 1.

Table 1. Arguments for and against survivor determination of notification frequency.\*

	Arguments For Survivor Determination	Arguments Against Survivor Determination
Survivor Well-Being	95	0
Organizational Efficacy	12	1
Public Safety	3	5

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 1, the most common arguments offered in favor of survivor determination centered around survivors' well-being. For these participants, inviting survivors into the process helps ensure that survivors' different needs and preferences are met. Because survivors are so different from one another, the idea of crafting a single approach that will work for every survivor is seen as impossible. Some survivors will want to be left alone and may feel distressed and upset by additional contact:

*It might be behind them, and they don't want to engage. Or if they never did counseling, it might be out of their heads completely and is resurfacing for the first time. Each case will be different. They might not want to be engaged or come back later and want to be engaged. – Advocate*

But other survivors may want and need information in order to heal:

*You're not bringing it all up. It's there. It's sitting there and hasn't been transformed. I don't know how you move on without dealing with this . . . I have seen many survivors who have not dealt with it, and they are living half a life. Even if it's hard and gut-wrenching, you have to deal with it. That's where the mental health component comes in. Now you can give them the resources to deal with it. When people say, "She moved on," that's only because she had no choice. Survivors need access, options and control. Options, not 'we're going to tell you what we think you want to hear.' – Survivor*

The problem is that it is virtually impossible to know what individual survivors will want. The only viable solution is thus to ask the survivors themselves, offering them a way to opt in or opt out of receiving more information.

*I feel like you should let survivors know you will be testing. It's their cases and their rape kits.*

*They should be in control of what they know. They can say, "No, I don't want to know." Before you start processing kits, you should let survivors know...Nothing might happen, but at least they know you are working on it. At the end of the day, it's part of the process of dealing with it. It will bring back a lot of memories and feelings, but it's their right to know...Seeing it in a public way will help those you can't reach individually. Let them know you will be reaching out. It's the perfect time to offer an opt in/opt out process and say, "Reach out to us." Both a public campaign and individual contact would work. – Clinician*

*I think it has to start with a choice, because it's so different for everyone. I would like—I know this is almost crazy unfeasible, but I would love it if there was some trained personnel to get in touch with the person to whom the crime happened, and say, "Here are your choices." The choices should be we contact you with information about your rape kit, about your case. The next choice being we don't contact you, because you don't wanna hear from us again. Another choice would be we could send someone out to talk to you, to interview you. It could be your survivor advocate, it could be your original detective... You can say who, you can say when, and you can say how. – Survivor Focus Group Participant*

Other participants focused more on the empowerment aspect of survivor determination. Noting that a loss of power and control is at the very core of the sexual assault experience, these participants caution against procedures that reinforce powerlessness. For these participants, empowering survivors to take back control over their lives is an essential component of the healing process.

*There is the whole issue of empowerment. Sexual assault is a crime that is about power and control. For women to go back to that feels powerless again. Give them options, so they can chose. Do it as early as possible. – Policy Expert*

*We must look at process, not just content. A system that re-traumatizes victims will not help. The process must be trauma-informed. There must be as much control in the victim's hands as possible. She/he must be a full agent in the process. – Community Advocate*

But survivor well-being was not the only reason offered for supporting victim choice. As can be seen in Table 1, some participants also emphasized the beneficial impact that including survivors in the process can have on the organization. For these participants, involving survivors in the decision making process was seen as a way of enhancing survivors' willingness to engage with the system. Building in survivor choices from the beginning helps survivors trust the system, thereby increasing their willingness to work collaboratively with criminal justice personnel in the future:

*I believe in providing information and providing it in an empowering way to say this is your case, we want to involve you and we're not doing anything without your knowledge and consent. It's empowering. When you tell them too late, it's hard for them to trust that you will be open and honest because you haven't been so far. They've been kept in the dark. They will go by what they've experienced so far. You are starting at a deficit with trust. – Academic Expert*

In contrast, very few participants articulated arguments against survivor choice. Those who did argue against this approach tended to focus on logistical difficulties or the potential impact on public safety:

*We had to make choices for people that didn't get to tell us what they wanted until we had already done something. – Advocate*

*Some say you should get permission of the victim before you test a kit. Others say it belongs to the criminal justice system and getting the info is in the public interest. – Policy Expert*

### *Regular Notification*

Participants also offered arguments about how regular and widespread notification should be. As can be seen in Table 2, many participants argued in favor of notification approaches that include all survivors on a regular basis, regardless of the status of the case.

Table 2. Arguments for and against regular notification.\*

	<b>Arguments For Regular Notification</b>	<b>Arguments Against Regular Notification</b>
Survivor Well-Being	127	27
Organizational Efficacy	16	3
Public Safety	6	1

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 2, the most common arguments offered in favor of regular notification centered around survivors' well-being. For these participants, receiving information about the case was seen as a victim's rights issue that does not go away just because there may be no good news to tell. For these participants, any information at all belongs to the survivor; withholding information, even in the name of survivor well-being, is simply not seen as something that the system has the right to do.

*Knowing whether this person is alive, dead, went to jail 15 years later for committing three other rapes, actually would mean something to me. It would. I feel that information belongs to me. It doesn't belong to the DA. It belongs to me. – Survivor Focus Group Participant*

*Right to know. It's so important. It's your kit and your DNA, even if the case doesn't go forward. Victims have a right to know it's not going forward and a right to know why; understanding why the decision is made even if it's not the decision you want versus just not knowing.  
– Systems Based Advocate*

Other participants noted that survivors may believe that the case is still open if they have not heard otherwise. Leaving survivors with the belief that hope exists after a decision has been made to not move forward is thus disrespectful and unkind and may prevent closure. For these participants, it is the responsibility of the system to inform survivors of every decision that has been made, even the decision to not investigate the case any further or pursue the case for prosecution.

*I'm not sure doing nothing would be the best option. You can explain this is a case we just got to and I'm sorry, but there was no evidence in the kit. If not, they might think you are still working on this. If we know this won't move forward, they have a right to know. It goes to the healing process. If they think there is chance it will move forward, but we know it won't, I feel like they have a right to know. – Victim Services*

Many participants also felt that survivors should be notified even if the statute of limitations had passed. This was particularly true when DNA results had been found, but it was impossible to pursue the case because of the statute of limitations. While these participants all acknowledged the anger and frustration that was likely to result from not being able to pursue the case, they also noted the power of validation and knowledge. For these participants, simply knowing that the perpetrator had been identified and that his DNA would now go into a database was itself a form of power that would ultimately be beneficial to survivors' recovery.

*It is the human element. We called people we got hits on even if we didn't need them. You want to give them closure. Even if the offender is behind bars or dead or the case is beyond the SOL. We gave great thought to this. There are pros and cons in notifying in a case where the person is not in prison, but we can't prosecute. Someone has a right to know and they sometimes want a name or an old photo. – Prosecutor*

Fewer participants argued against regular and widespread notification. Those that did express concerns tended to focus on the potential harm that unexpected notification can have years after the assault:

*Personal opinion is that victims should not be contacted if there is no chance in hell anything is ever going to come of this kit. Tried to test, couldn't get anything, law enforcement decides not to move forward. Not appropriate to seek out contact with the survivor. It's based on what I think could happen with survivors based on reactivation of traumatic memories. – Academic Researcher*

*To tell them that your kit has been sitting around and now we are testing, I don't know if there is any benefit in that. Re-traumatize without payoff. – District Attorney*

Others argued that regular contact is too intrusive and may interfere with survivors' ability to move on and heal:

*She has gone on with her life in whatever way. A call that the case is going forward can take her all the way back. We don't think about that. With a lot of calls, notification is automated, especially in urban areas. They call over and over again within a short time span. – Advocate*

*Keeping in touch on an annual basis through a call or a letter potentially opens old wounds. How do you know they want that? – Advocate*

### *Select Circumstances*

Such concerns led some participants to advocate instead for more limited notification. For these participants, more selective notification approaches that limit notification to select survivors or select circumstances were clearly the preferred approach.

Table 3. Arguments for and against select notification.\*

	Arguments For Select Notification	Arguments Against Select Notification
Survivor Well-Being	53	16
Organizational Efficacy	25	0
Public Safety	1	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 3, the most common arguments offered in favor of select notification centered around survivors' well-being. For these participants, the decision to notify was seen as a cost-benefit analysis of likely outcomes. On one side of the scale are all of the negative feelings that may resurface from re-contact with the police – memories of the assault, fear and depression, even anger toward the system for not pursuing the case in a more timely manner. On the other side of the scale are all of the positive outcomes that could result from notification – safety in knowing that the perpetrator was identified and arrested, justice from putting the perpetrator behind bars. For these participants, notification should only be done in those cases where the potential benefits were seen as outweighing the potential costs:

*We waited until we had a result from the crime lab analysis. You want to be able to give the survivor significant substantive information. If you notify that you are going to be testing the kit, they have to sit and wait additional months or even a year for the results of the analysis. Then if you test the kit down the road, and there's nothing in it, you have to go back and tell her, there's nothing. – Police Officer*

*There are differences between shaking someone's world and putting an emotionally fragile person in jeopardy. Maybe you push them into substance abuse... You may interrupt their recovery—send them careening down again... Our fear was not just making someone unhappy, but also changing the course of her life in a really bad way. – Advocate*

Notification was thus only seen as appropriate when there is good news or when contact is necessary for case progression.

*We first work cases without notifying. We don't reopen the wound unless we have a DNA hit and identify the offender... Getting their hopes up and then nothing coming of it. More often than not, cases are not resolved. Only 25% to 35% are resolved. – Police Officer*

*Do not notify survivors when there is nothing in the kit. They are afraid of that. They can't handle the disappointment. No reason to tell them if there is nothing. Cruel and unusual punishment. – Advocate*

Fewer participants argued against select notification. Those who did tended to argue that withholding information from survivors can be potentially harmful to survivors' recovery. Even if there is no good news, simply knowing that the kit was tested and nothing came of it can help survivors close that aspect



of the case:

*Victims have a right to know. We owe that to them. Even if it's not good news, at least there was an ending to the criminal aspect of the case. It's not fair to leave them in limbo for the rest of their lives. – Police Officer*

Placing the decision-making authority in the hands of the system instead of the survivors was also seen as patronizing. For these participants, survivors themselves are the only ones capable of knowing what they can and cannot handle. Making decisions on behalf of survivors was thus seen as patronizing and potentially misguided:

*Everyone should have access to info about their life. If sometimes an advocate or LE picks and chooses who is capable of receiving this news, it becomes infantilizing, maternalistic, patronizing. We are assuming we have the power to choose who is fragile and who is resilient, when most people are both. – Advocate*

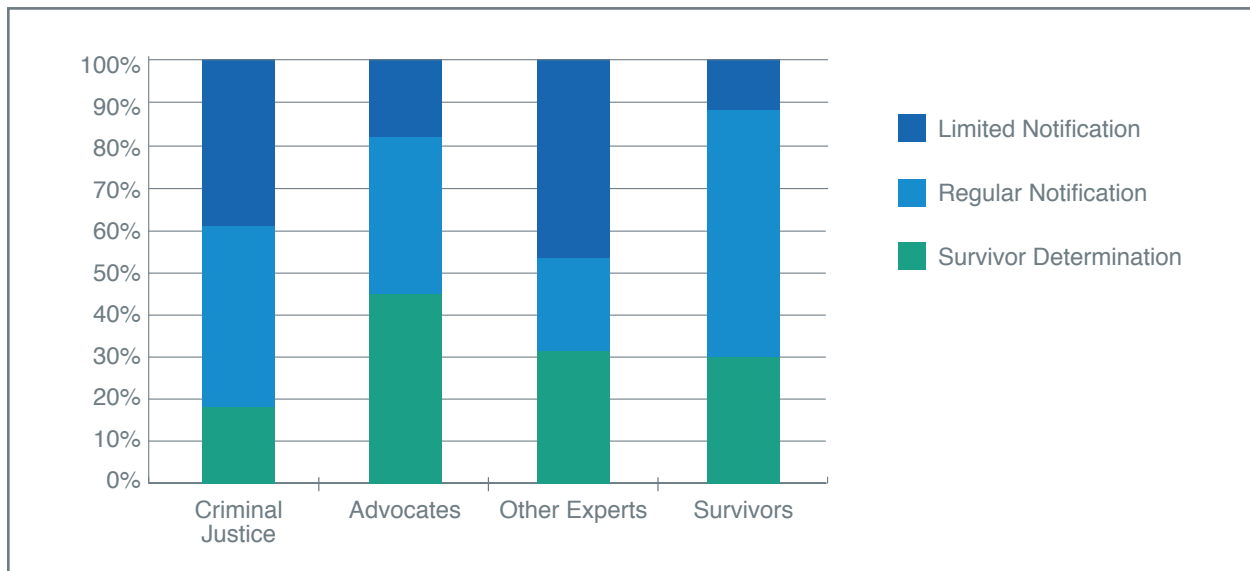
*We don't have the right to make that choice on their behalf...When we assume we know better, then we are full of ourselves, and it's not good. It's very dangerous to decide for them. – Policy Expert*

*How would a decision not to notify be made? If someone was fragile ten years ago, how would you know how they are now? Maybe you can see they are still fragile, but how do you really know? – Advocate*

#### Survivors' Perspectives About When to Notify Survivors

In an effort to highlight survivors' voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 18, survivors and advocates argued for regular notification and/or survivor determination with more frequency than other groups, and very few survivors in our sample argued for limited notification.

Figure 18. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about if and when survivors should be notified among each group of participants.

Survivors' qualitative explanations help highlight this perspective. For most of the survivors, any information about the case was seen as belonging to the survivors themselves. Notification was thus an issue of victims' rights – the right to have information about one of the most personal events of their life.

*[Authorities say] "Why should we test kits with known perpetrators? Why should we test kits when we don't have a suspect? If we can't prosecute, we are wasting funds." They look at it as a matter of enforcement and prosecution rather than victim rights. – Survivor*

Survivors also emphasized the importance of notification for healing. While the survivors in our sample acknowledged that other survivors may not feel as they do, there was a general consensus that information is power. Even decades after the assault, the survivors in our sample constantly thought about the case, wondering what happened with the investigation and whether anyone was ever going to contact them. The unresolved questions about their case created an additional barrier in the healing process, leading to their strong desire for information of any kind.

*Just constantly thinking about, "When are they gonna contact me?" Or, "How come they haven't, and why is it that, when I call, there's still nothing?...Always on my mind, yes, that whatever it is, just the same questions for 14 years. They didn't say anything after that, anything, so it was a constant thought in my head, for a very, very long time... – Survivor*

Survivors also noted the value of information. For survivors of stranger rape, in particular, there was value in knowing who the assailant was. Even if the statute of limitations had run out, there was value in being able to put a face and a name to their assailant, and there was value in knowing that his DNA would now be known.

*It doesn't matter to me that the statute of limitations is over. If I could know who they were, and if I could know what happened to them, I feel like my right to that doesn't disappear with the statute of limitations. I will live with this for the rest of my life in a significant way...If I could know that the kit was available and the kit could be tested even 25 years later and the DNA could be identified as belonging to a certain person or persons, I would be able to have that information with the rest of my life... – Survivor*

There was also value in knowing that someone was still working on their case. Even if nothing positive came out of the test, just knowing that they hadn't been forgotten about and the system was still working on their behalf was perceived as extremely important information. For these survivors, it is as much about the process as it is about the outcome.

*It would be something. They tested it. They tried...If something were to happen, anything would happen, some contact, letting me know something, it would be empowering in some way. It would make me have a little bit more faith that they're doing something...I would feel less like they took these bits of DNA and pieces of someone's back and skin and face that I bothered to scrape off my tights and my mother bothered to put aside and make sure that they had it. That we put such a high value on, "Well, at least we've got this." That it hasn't been discarded. Just*

*put in a box on a shelf which is exactly where I know it is because I've seen plenty of photos of backlog kits...Knowing that mine is one of those adds to the trauma and to the sense of unease that there's any justice in the world. For someone to actually be going through it and calling me, fantastic. That would actually just make a huge difference in that closure. Oh well, they can't match it to anyone, but they're trying. They've made an effort. Then if they try, it would just give me that peace of mind that if it did match someone, they'd be able to go get them and that person couldn't do this to other people anymore. In that way, it would be extremely empowering. This feeling of being recognized, and I'm trying to think of the right word. Valued. – Survivor*

Efforts to protect survivors, while altruistic in nature, were thus seen as misguided. Survivors, in particular, found suggestions to limit notification to only select survivors to be almost universally unacceptable. In some cases, survivors even felt that stated concerns for survivor well-being were being used as an excuse to avoid notification:

*I think that the problem with that is when law enforcement uses that as an excuse to not notify... there's a few people out there who are gonna be embarrassed, who don't want their partner to know, so let's just not tell them...I've heard a survivor say once that she has moved on with her life,"...They all meet the same survivor, apparently, no matter where you are, right?...This phantom woman who doesn't wanna talk about it...[But] she's not the one that went to the police in the first place. The fact is we're all talking about how to deal with survivors, but we're not dealing with all survivors. We're dealing with the 10 percent who report and have rape kits done. That means you report it in 72 hours. These are not women who aren't willing to talk about it. These are the ones who were willing. They're not the ones who are hiding it from people, because they went public with it instantly. – Survivor Focus Group Participant*

The resulting lack of information, in turn, itself harmed survivors by making them think that nobody cared and nothing was being done:

*It did make me feel awful. It was more awful—it hurt my recovery in making me feel horrible about the justice system. I feel like they were supposed to protect me. I feel like they were—at least make me feel like they were doing something. In that aspect, that's where—I don't know. It hurt my recovery, just because I felt like I was just brushed under a rug, or another paper on someone's desk, like it didn't really matter, when it mattered. It mattered to me. I know exactly what I went through, and what I went through is in that box, and it's in that paper. I picked the guy out of a lineup. All the evidence was right there...I wonder about the progress of my case every single day. Even six years later, I wonder what happened, especially with the rape kit. Where is it at? Is it sitting on a shelf? Was it destroyed? What happened? Then I think about mine is one, and I know we have— if mine's one, we have a hell of a lot of other cases that are still sitting on shelves. Why? Why? – Survivor*

### **Conclusions About Whether And When To Notify**

Taken together, these results reveal broad support for a general approach that enables survivors to make their own choices about whether and when to receive information about their case. There was less consensus about notification approaches that placed decision-making authority in the hands of the

system. Whereas some participants argued strongly for regular and widespread contact, others argued strongly for more limited notification. For most survivors and advocates, a process that includes initial widespread notification that then puts decisions about further notification into the hands of survivors themselves was clearly preferable. For them, the question is not about picking and choosing who should be notified but about developing notification procedures that are empowering, healing, and safe. Done correctly, notification was seen as a potential vehicle for healing:

*Notification is not what opens old wounds. It's the opposite. Across the board, but especially with this population, to have the knowledge that someone is taking it seriously and there is a process happening could bring comfort...If it did open a wound, it would be one of many things to open the wound, and could even help the process. – Advocate*

*The fact that they have been heard will give them closure. It will retraumatize them to not hear anything else. You must give them resources and therapy because you will reopen old wounds. The majority of our victims would want to know. They need to know. It's their lives...There is an emotional aspect to it, but that's where the advocate comes into play. Just be careful with the delivery. – Advocate*

The question is thus not *whether* to notify survivors but *how* to notify survivors.

### **How To Notify Survivors**

Nineteen specific suggestions about how to notify survivors were identified from the qualitative data. These suggested practices ranged from impersonal techniques such as letters to personal techniques such as in-person visits. These suggestions also included overarching approaches for protecting survivors' safety and addressing survivors' needs (see Figure 19 for a list of specific suggested practices).

Figure 19. Specific suggestions about how to notify survivors.

Safety & Confidentiality	Survivors' Needs	Impersonal Methods	Personal Methods
<p>Survivors' safety should always be considered, even if no obvious threat exists</p> <p>Procedures should be created to ensure the identity of the survivor before any confidential information is revealed</p> <p>The decision about how to contact a survivor should be based on considerations such as the survivor's current life circumstances</p> <p>Concerns about confidentiality should not be used as an excuse to avoid notification</p> <p>Police should not try to hide their identity in letters or phone messages to survivors notification</p>	<p>Criminal justice personnel should respond empathetically and with sensitivity to survivors</p> <p>Survivors should be given the choice to decide when, how, by whom, and how often they would like to be contacted</p> <p>Law enforcement should build rapport with survivors</p> <p>Notification letters should be written in a user friendly, victim sensitive manner</p> <p>Police and/or crime lab personnel should apologize for not testing the rape kit sooner</p> <p>Multiple attempts should be made to contact survivors who do not respond to initial notification attempts</p>	<p>Public Service Announcements/ commercials should be used to notify the public that old rape kits are being tested and interested survivors can call--in for more information.</p> <p>An interactive website should be developed so survivors can check on the status of their case and ask questions in real-time</p> <p>Survivors should be notified about the status of their rape kit through personal letters</p> <p>Survivors should be notified about the status of their rape kit through an automated informaton line</p> <p>Survivors should be notified about the status of their rape kit through email</p>	<p>An 800 phone system should be developed so that survivors can talk to a live person for status updates relating to their rape kit status</p> <p>Survivors should be notified about the status of their rape kit through in-person visits</p> <p>Survivors should be notified about the status of their rape kit through phone calls</p>

### Statistical Analyses

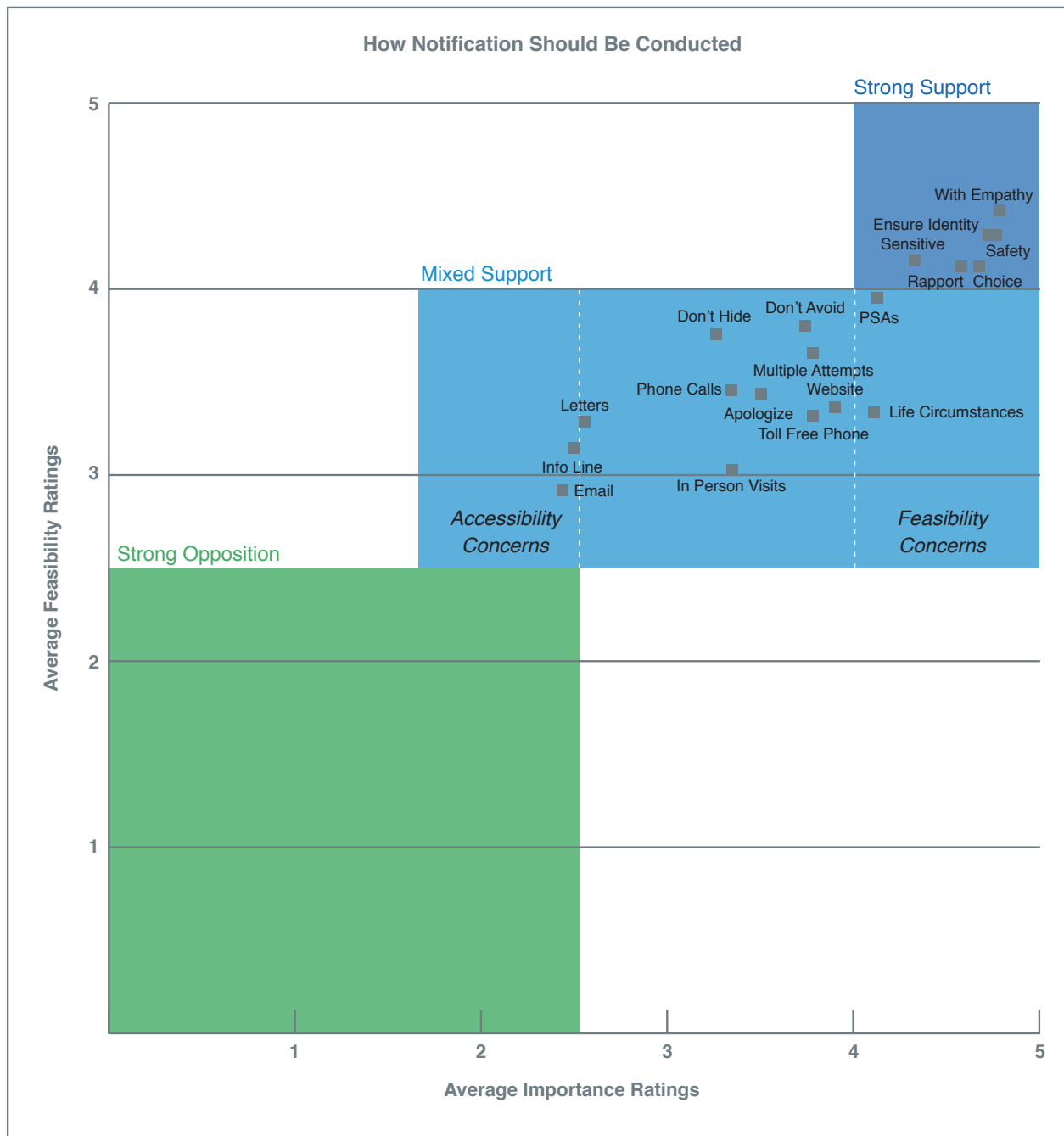
Means and standard deviations for each of the 19 suggestions about how to notify survivors can be found in Appendix A. Means were also plotted in Figure 20 which depicts the average importance rating (low to high on the horizontal axis) and the average feasibility rating (low to high on the vertical axis) given to each suggested practice. In this scatterplot:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices about which participants are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the

- graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 20, seven of the 19 suggestions about when to notify survivors were consistently rated as both highly important and highly feasible, and none of the suggestions were rated as low in both importance and feasibility. The remaining suggestions all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

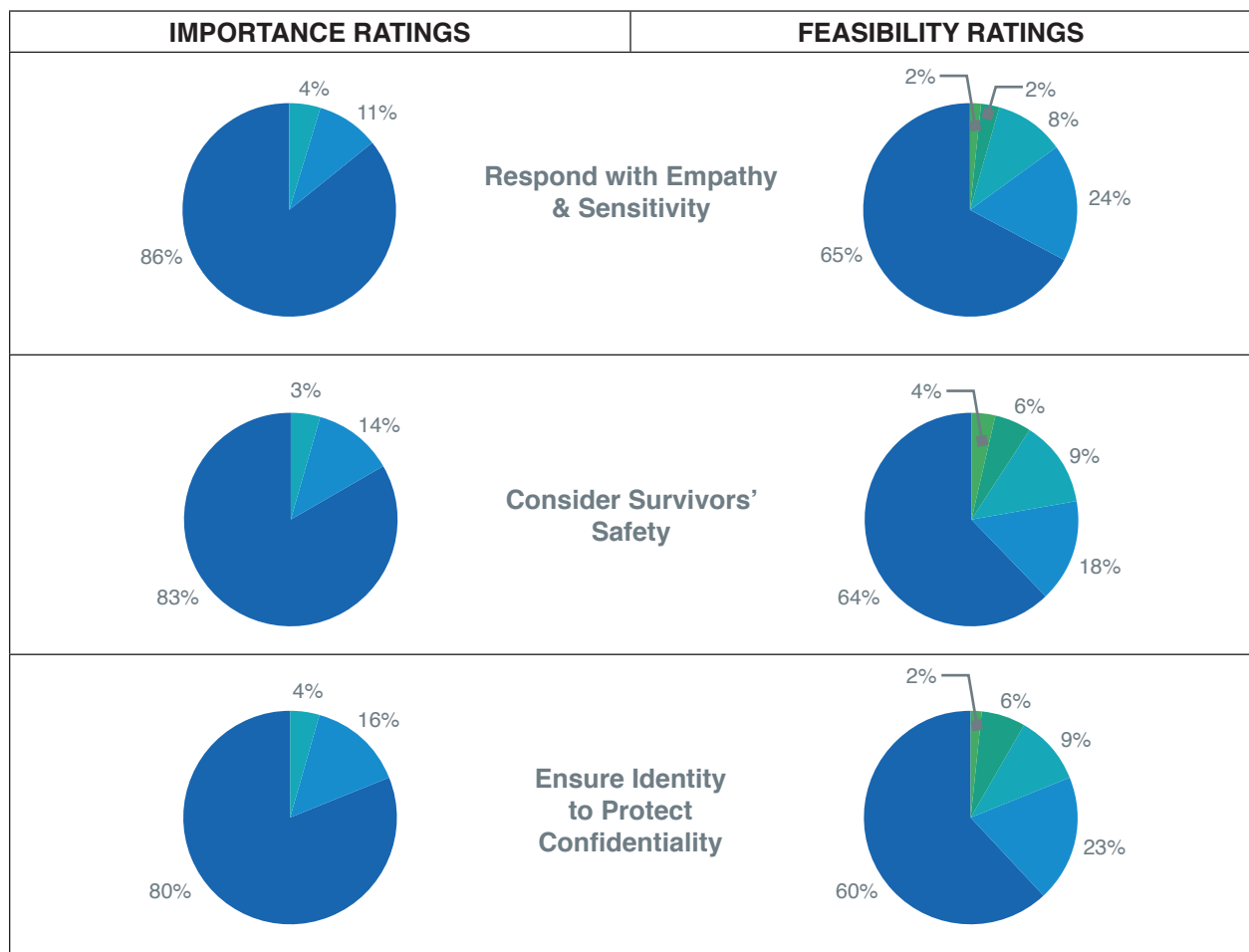
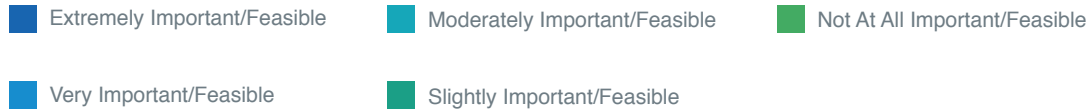
Figure 20. Scatterplot of importance and feasibility ratings for suggestions about how to notify survivors.

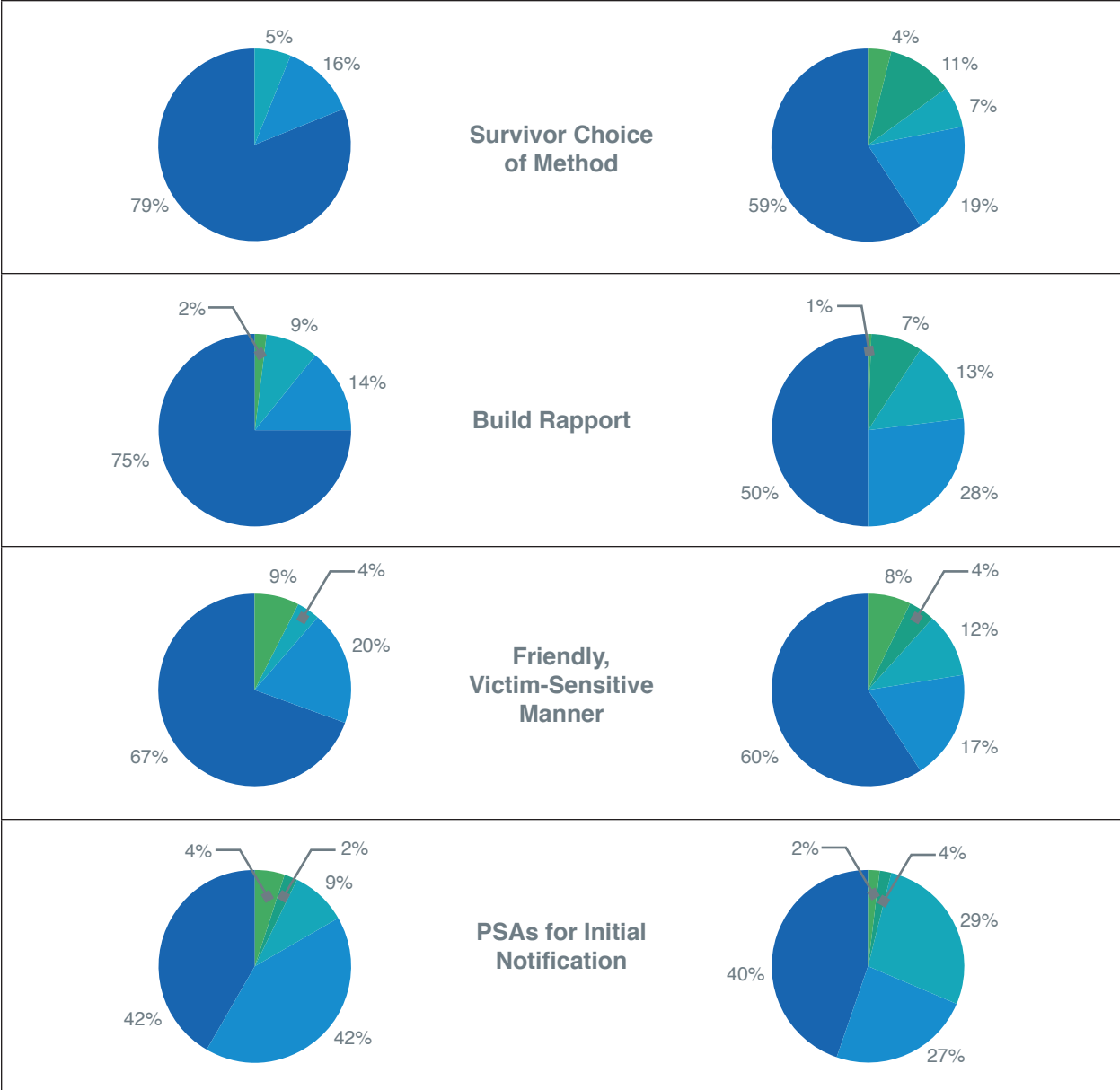


*Strongly Supported Suggestions About How to Notify Survivors*

Seven of the suggestions about how to notify survivors were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 21, these suggestions included a range of recommendations about responding in a victim-centered way and suggestions for protecting survivors' safety and confidentiality.

Figure 21. Frequency of importance and feasibility ratings for strongly supported suggestions about how to notify survivors.





*Strongly Opposed Suggestions About How to Notify Survivors*

None of the suggestions about how to notify survivors were consistently rated as both unimportant and infeasible. This does not mean that individual participants were not opposed to some of the suggestions in this set; they were. But just as many participants were supportive of the same practices, bringing the average ratings up above our thresholds. As a result, none of the suggested practices were categorized as being strongly opposed by the majority of participants.

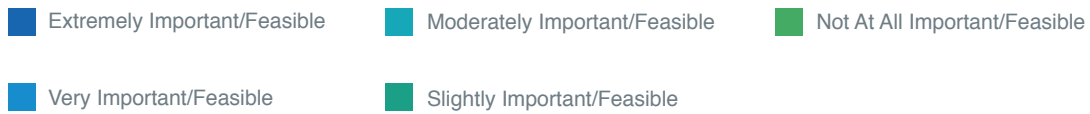
*Suggestions Receiving Mixed Ratings About How to Notify Survivors*

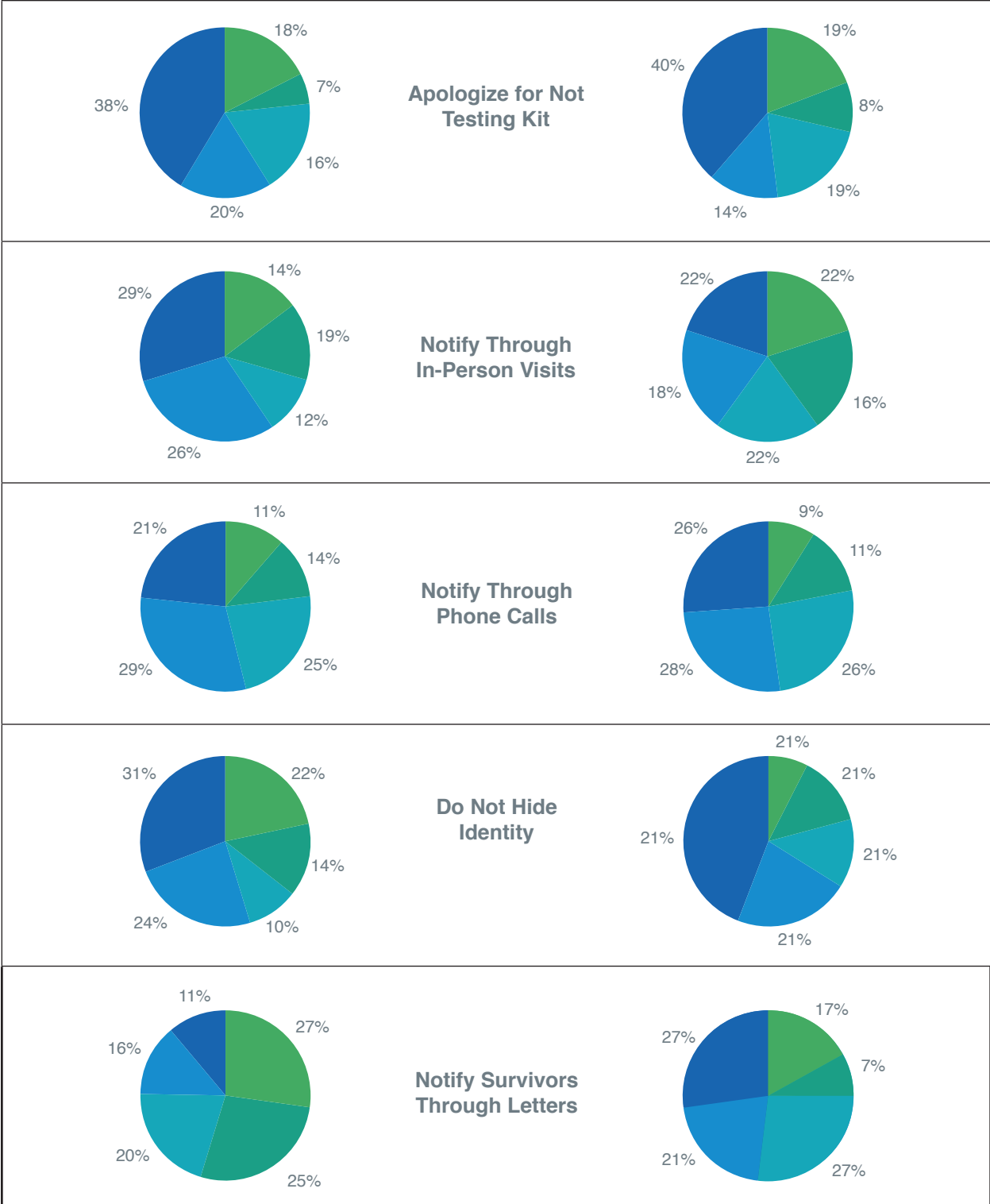
The remaining 12 suggestions all yielded a fairly wide range of ratings across participants. Most of these suggestions received mixed ratings on both importance and feasibility. Each of the suggested practices in Figure 22 yielded a fairly wide array of ratings, ranging from strong support to strong opposition of the



practice. These findings suggest that there is a great deal of variation in participants' opinions about the specific techniques that should be used to notify survivors.

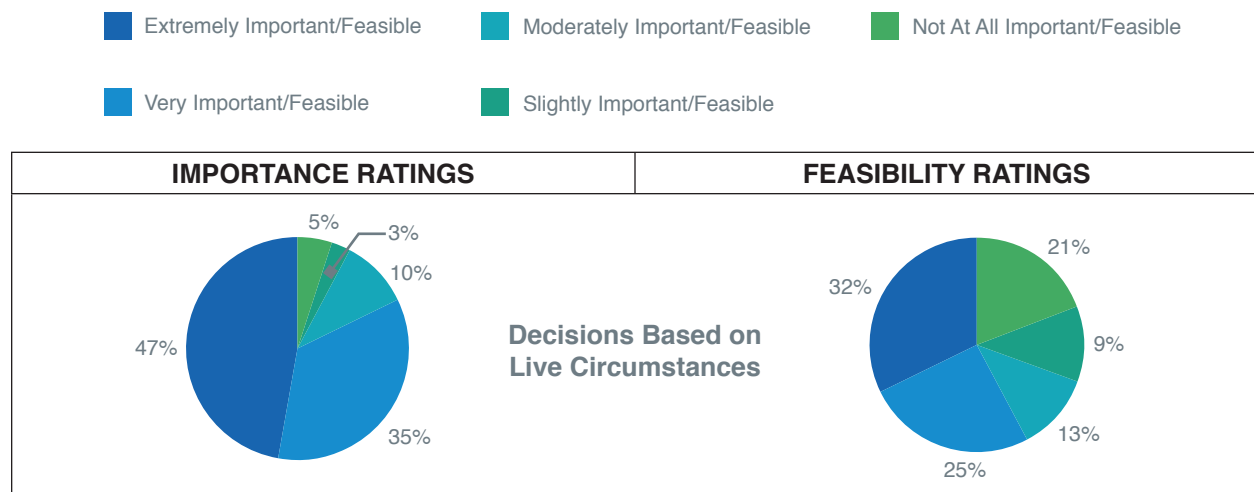
Figure 22. Frequency of importance and feasibility ratings for suggestions with mixed ratings about how to notify survivors.





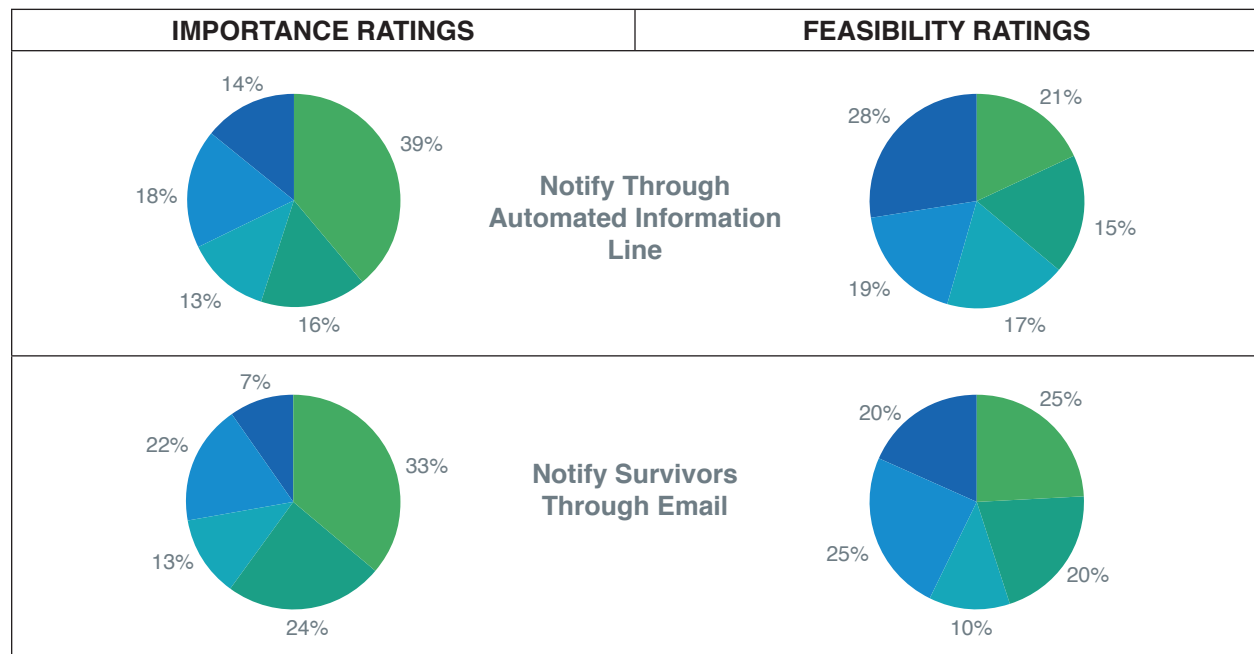
While most of these suggestions received mixed ratings on both importance and feasibility, it is noteworthy that the suggestion to base decisions about how to contact survivors on survivors' current life circumstances received fairly high importance ratings across participants. Where participants disagreed was in their assessment of how feasible this approach would be (see Figure 23).

Figure 23. Frequency of importance and feasibility ratings for suggestions with feasibility concerns about how to notify survivors.



In contrast, the suggestion to use email or an automated information line to notify survivors evidenced fairly low importance ratings across participants and fairly mixed ratings about feasibility. This finding highlights fairly substantial concerns with these practices, despite feasibility ratings that exceed our thresholds.

Figure 24. Frequency of importance and feasibility ratings for suggestions with lower acceptability.



*Group Differences in How to Notify Survivors*

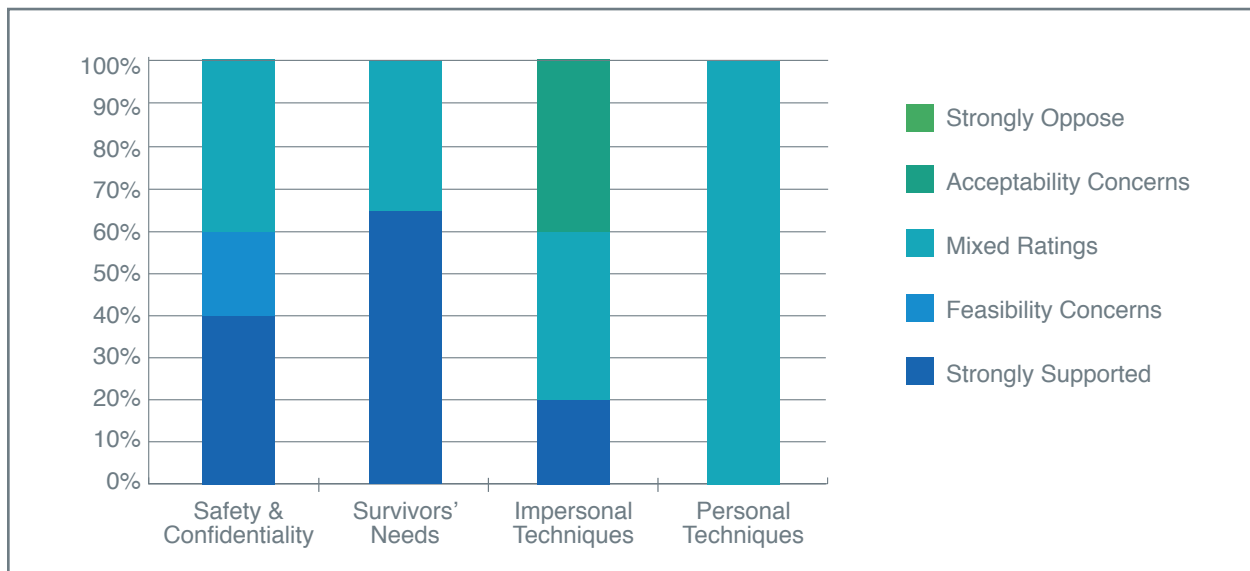
To determine whether these differences of opinion can be accounted for by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggestions to compare the importance ratings given by four groups of participants: 1) criminal justice

system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(57,48) = 1.12$ ,  $p = .35$ , Wilks'  $\Lambda = 0.08$ , partial  $\eta^2 = .57$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

#### *Differences in Philosophical Approach About How to Notify Survivors*

As noted in Figure 19, the 19 specific suggestions about how to notify survivors fell into roughly four categories: 1) suggestions about protecting survivors' safety and confidentiality; 2) suggestions about enhancing survivor agency and responding in a survivor-centric way; 3) suggestions to notify survivors through impersonal techniques such as letters and email; and 4) suggestions to notify survivors through personal techniques such as phone calls and in-person visits. To facilitate a broader interpretation of the data, we conducted a chi-square test of independence to determine whether there was a relationship between philosophical approach and level of support for each suggestion. Results suggested that the relationship between our five support categories (strong support, mixed support, feasibility concerns, acceptability concerns, and strong opposition) and our four notification categories (confidentiality and safety, survivor-centric approach, impersonal approach, and personal approach) was not significant,  $\chi^2(9, N = 19) = 13.47$ ,  $p = .14$ . Although suggestions involving survivors' safety and survivors' needs were more highly represented in our strongly supported category, the differences that can be seen in Figure 25 did not rise to the level of statistical significance.

Figure 25. Crosstabulation of different approaches about how to notify and rating support categories\*



\* Percentages reflect the number of suggestions about how to notify that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

## Qualitative Analyses

To better understand participants reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against protecting survivors' safety and confidentiality, responding to survivors' needs, using impersonal notification techniques, and using personal notification techniques.

### *Protecting Survivors' Safety and Confidentiality*

Arguments in favor of protecting survivors' safety and confidentiality were articulated with great frequency. Arguments in support of and against this approach are summarized in Table 4.

Table 4. Arguments for and against protecting survivors' confidentiality and safety.

	<b>Arguments For Confidentiality &amp; Safety</b>	<b>Arguments Against Confidentiality &amp; Safety</b>
Survivor Well-Being	88	4
Organizational Efficacy	3	0
Public Safety	1	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 4, the most common arguments offered in favor of protecting survivors' confidentiality and safety centered around survivors' well-being. These participants emphasized the negative impact that a breach of confidentiality could have on survivors' relationships, particularly if survivors hadn't told family members of current partners:

*Be sensitive that family may not know, and your notification should not put the victim in a situation where she has to tell someone she wouldn't tell otherwise. – Prosecutor*

*Sexual assault has this secretive element. This person could have never told anyone in her family. We can learn a lot from homicide cases, but sexual assault is unique in secrecy. Leaving a card isn't necessarily what victims want ... I didn't think of having a blank business card that didn't say "sex crimes" or sending a letter without the police letterhead. Friends and family will be curious. – Police Officer*

Other participants focused on survivors' safety. For these participants, concerns about retribution by assailants or rejection by unsupportive family members were paramount:

*There are safety issues. Do not do it around family members because word spreads. This might be the deepest, darkest secret she has. She might not have told anyone...If she is from Saudi Arabia, she may now be "untouchable." Many cultures shun survivors.  
– Advocate for Diverse Populations*

*You must consider survivors' safety because some feel they are still in grave danger. When you have been sexually assault by a stranger that can be crippling and debilitating. He could have been my neighbor or someone watching me for a long time...Some women are afraid the*

*perpetrator will find them and retaliate. – Survivor*

Yet, while many participants emphasized the importance of protecting survivors' confidentiality and safety, there were considerable differences of opinion about how far such efforts should go. For example, some participants felt that safety assessments should guide decisions about whether to notify survivors at all:

*If they are in an unsafe situation, for example, the perpetrator still lives in the household. If the survivor is in an abusive relationship, and you can't have access to her because the perpetrator is around. If the survivor has mental health issues, how safe would it be to let her know... That would require a lot of assessment and determining the physical safety of the person. – Clinician*

But others felt that the survivors themselves are in the best position to determine what is safest for them and how they wish notification to unfold:

*It comes down to assessing where the victim is in life, in terms of moving beyond the crime. Whom they have told. How public the crime was. There is a safety factor. If they moved and reestablished themselves and got married and had children. I don't know how you assess that without bringing it up to victims to rehash it. Maybe they will want to come forward to help other victims. – Advocate*

*The only instance I would have hesitation about is if it was an intimate partner and the survivor is still with that person. You would need to take extra precautions... If the perpetrator is an intimate current or former partner, get in touch with the victim to see about safety and whether she is in a relationship with that person. – Policy Expert*

Participants also expressed the concern that an overemphasis on confidentiality is sometimes used as an excuse to avoid notification. While these participants were still clearly concerned about taking reasonable steps to protect survivors' safety and confidentiality, they drew the line at avoiding notification in the name of survivor well-being:

*I just don't understand the over-emphasis on confidentiality, honestly. Like if we were victims of attempted murder, would we be worried that if they found somebody 15 years later who might be a viable person who did it, that if they wrote a letter to us, somebody might read it? I don't understand—I literally don't understand it. I feel like they have no sensitivity at all, but suddenly, now, they're worried somebody else is going to open the letter. You write the letter, you seal the letter; you do your best to say it's confidential. – Survivor Focus Group Participant*

### *Responding to Survivors' Needs*

Participants also offered arguments for responding in a survivor-centric way. Arguments in favor and against this approach are summarized in Table 5.

Table 5. Arguments for and against responding to survivors' needs.\*

	Arguments For Responding to Survivors' Needs	Arguments Against Responding to Survivors' Needs
Survivor Well-Being	175	0
Organizational Efficacy	8	0
Public Safety	3	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 5, the most common arguments offered in favor of responding to survivors' needs centered around survivors' well-being. These participants noted that not all survivors are going to want to receive the information in the same way. Allowing survivors to determine how they wish to receive information about their case is thus the only way to ensure that survivors' diverse wishes and needs are met:

*It's so different for everyone. Some people like email. Some people like letters. Some people like phone calls. I think to be on the safe side, maybe a little bit of everything. Maybe to have a phone call that tries to reach me directly, and also sending an email to my personal address or something. If they don't have an email, then leave a message at the tone, and have someone tell me to call them back. Just because I think it's different for everyone. How to best get in touch with a person. – Survivor Focus Group Participant*

*Being able to dictate how the notification happens is very beneficial. Allow her to say, "No, just tell me over the phone" or "I'd prefer to do it at this location." Allow her to dictate. – Academic Expert*

Having the ability to choose when, where, and how notification occurs was also seen as essential to reinstating the sense of personal control that was lost during the assault. Empowering victims to make their own decisions was seen as particularly important in the context of the criminal justice systems' failure to thoroughly investigate the case when it was reported:

*That's just another choice. That's the whole thing about choices. You do, as a victim, you feel like you have no choices. Everything was taken away from you....Now, it's like [the police are] still trying to control everything, every aspect of this rape. Give me something. Give me something to deal with...something that I can take that's tangible. The choice is important. – Survivor*

Responding in an empathetic and respectful way was also seen as key to enhancing survivors' well-being. For many participants, it is more important to respond in a kind and caring manner than it is to select a specific notification technique:

*We asked victims what they need and talked to professionals about what victims need. They just wanted to be heard. Sense of justice, whatever it would look like. Counseling services, legal services. Support around that process. That mapped onto what professionals thought as well. Victims wanted someone to call them who knew how to talk to victims—respectful and sensitive.*

*Help them cope and deal with results. Someone empathic. Someone who got what it's like to go through the process. – Academic Expert*

*I think they should just make sure that they have the person's interest in mind, like their emotions and things, especially depending on how long or how short the time span between was. Not everybody reacts the same. We all react differently. You just have to, I guess, not just assume that they're gonna be happy or they're gonna be upset. You just have to go into it with a—I guess an empathetic attitude. Just be kind, be a little bit gentle, and I guess, work at it. Go into it a little slowly. Don't just jump in. Gradually work your way in. – Survivor*

Benefits of a survivor-centric approach were seen to extend beyond survivor well-being alone. For many participants, responsive and empowering notification procedures were seen as essential to building survivors' trust and subsequent willingness to re-engage with the criminal justice system, both now and in the future:

*You must show them you will make it safe for them. If it's coming to their house, or meeting them somewhere, show them you are concerned about their safety. That safety was taken away from them. Earn their trust back. Know the buzzwords to say or not to say. Don't be intimidating or forceful trying to convince them this is the right way. Give them the power to choose what happens. A sense of control was stripped from them. They feel hopeless and powerless. Some are not handling it well. They have been ridiculed or passed off. – Survivor*

*It was nice that I felt like someone cared again and that I wasn't forgotten. I was really excited. I was excited that it had been reopened, and I was happy to come back and assist. – Survivor*

While there was broad support for responding sensitively, there was less agreement about the importance of apologizing. For some participants, apologizing for the wrong was considered a central component of survivor healing:

*Apologize for the wrong. [Detective] did that. I had no idea of the impact it had on me. He read my police report and said I was a brave little girl. He said what happened to you was not your fault. Everything lifted off my shoulders. I knew it, but no one ever took the time to let me know. I could have died if I had tried to prevent it. I needed that confirmation. I needed the law to see I am still a survivor. I did all I could do. It was not my fault because the police made me feel like I was to blame. [Detective] made me feel so empowered. I have been gung ho ever since. – Survivor*

*Sergeant [Name] did apologize to me. He apologized. He apologized so many times. He apologized when he first met me. He apologized for the officers then, and he apologized cuz he said, "I know they were—they were not trained properly how to handle a victim." He said, "Especially a child." He said, "I can see many things on this report that I do not agree with, and I apologize for that, but I'm here to make things right or at least try to make." That meant the world to me. That meant the world to me because, although it was not his fault, he was taking accountability for—because he represented the [Jurisdiction] police department. He took accountability, saying, "It's not just them. It's us, and we were wrong, and we're sorry for what we did, but I'm here to try to make it right with you." That's why I call him my knight in shining armor. I love him to death because of how he just really handled, and he didn't take anything for*



*granted. He thought about my feelings every step of the way, and I appreciate that. I appreciate that because it was long overdue. It was long overdue. – Survivor*

Other participants argued for system accountability, emphasizing the importance of owning up to past mistakes and making amends where possible:

*We are making notification more complicated than it needs to be. We are projecting discomfort and dissatisfaction on the victim when its really more of an internal discomfort. Unsolved homicide, evidence destroyed, our fault. We could choose to let them live out the rest of their days hoping and thinking something will happen, but that is wrong...We have to make the right decisions and take it on the chin. We have to be the ones to step forward and extend the olive branch and try to make it right. – Police Officer*

*I like the idea of a sense of accountability, of law enforcement saying, “This is no one’s fault but ours,” acknowledging that the perpetrator may have gone on to victimize others, or that this victim was re-victimized and did not report it because she figured ‘why bother? Nothing happened with my kit the first time around.’ The message should be ‘this is not your fault.’ The base instinct of law enforcement is victim blaming, so to take this step of apologizing is a big stretch, but it’s important. – Advocate*

Unfortunately, despite fairly mixed ratings about the importance of apologizing, none of the professional participants offered arguments for why an apology would not be warranted. There were also no other arguments made against responding to survivors’ needs, providing further evidence of fairly widespread support for survivor-centric methods of notification.

### *Impersonal Techniques*

While most participants argued in favor of survivor-centric approaches to notification, there was less agreement about the specific techniques that should be used to notify survivors. As can be seen in Figure 19, recommendations about specific techniques fell into two general categories: 1) impersonal approaches such as letters, emails, or automated systems; and 2) personal approaches such as phone calls and in-person visits. Ratings for these two general approaches were quite mixed. As can be seen in Table 6, participants who argued in favor of more impersonal techniques tended to emphasize survivor well-being most often.

Table 6. Arguments for and against impersonal notification techniques.

	<b>Arguments For Impersonal Notification Techniques</b>	<b>Arguments Against Impersonal Notification Techniques</b>
Survivor Well-Being	45	44
Organizational Efficacy	10	11
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

The most common argument made in favor of impersonal techniques was that they put the power in the hands of survivors to determine if and when they wished to receive information. For example, creating an interactive website that allows survivor to access real-time information about their case allows survivors to seek out information if and when they are ready:

*Access on their own—website. A really transparent system. States have differing victim notification systems: person is out of prison or on the move—you can find out what happened. If my kit is still sitting nine months later, I can call and see if the status has changed. Helpful for victims with anxiety. – Advocate*

*I would have loved to have seen a website, something I know is secure, so I can go in and check on things, or I can post something, like a question, maybe.... Like you have the RAINN website, certain things are private there. If I just had something where I know I can go, or I can just pull some information about my perpetrator, or something like that.  
– Survivor Focus Group Participant*

Impersonal methods are also seen as less intrusive, allowing survivors to overcome the shock of initial notification and then process information in their own time:

*If they just show up at the survivor's doorstep, the survivor might not be ready for that. With a letter or phone call, the survivor still has the power. She can hang up on you. It's not as in her face as going to see her. – Clinician*

*I would not have preferred them show up at my door, no...I have three children that might be there. It may have been an inconvenient time, uncomfortable, just being caught off guard in person. – Survivor*

But not everyone was in support of impersonal methods of notification. For some participants, the impersonal nature of this approach feels too cold and impersonal:

*I would want something personal, for them to come to me. Sending a letter about an event that to me was about so much humiliation wouldn't work... A letter could get into the wrong hands. If it is a call, introduce yourself and say you want to come talk in person. Do not give too many details. I would rather it be in person. [Detective] came to meet with me. He asked me when he called how I wanted to do it. I felt safe in my home. My home now is where I have my family and safety.  
– Survivor*

*With the nature of sexual assault, I wouldn't want a letter. That's a personal, up close crime where you need compassion and comfort. Something more personal shows the agency cares about what is happening with the case. – Crime Lab*

For other participants, the inability to ask questions or to receive information in real time was seen as potentially agonizing for survivors:

*They have so many questions. Where is he? How do we hold him accountable? They will stew about it until you can meet them in person. – Police Officer*

*I don't want a letter because letters get lost, and this was important. I want somebody to call me, and keep calling me until I answer or call them back. They can talk to me and make sure that I know when to be there, what time to be there, what it's for, so they can answer my questions. Cuz if they send me a letter or they just send the sheriff, one, to me that's not as trustworthy, in a sense, cuz you don't know when it's gonna come, if it's gonna give me enough notice. Two, I'm gonna have questions cuz at that point, I was not familiar with the criminal justice system. If you told me there's a preliminary hearing, I don't know what that is. Are you gonna put me on the stand? No. Can I be in there? No. Is he gonna be there? What do I need to wear? – Survivor*

### Personal Techniques

Such concerns led many participants to argue in favor of more personal approaches instead. As can be seen in Table 7, participants who argued in favor of more personal techniques tended to emphasize survivor well-being, as well.

Table 7. Arguments for and against personal notification techniques.

	<b>Arguments For Personal Notification Techniques</b>	<b>Arguments Against Personal Notification Techniques</b>
Survivor Well-Being	96	24
Organizational Efficacy	13	1
Public Safety	2	1

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

For these participants, the personal nature of the crime requires personal contact. By making the effort to make personal contact, notifiers are communicating the seriousness of the crime and the extent of their concern for survivor well-being:

*It has to be a personal experience. The victim should not feel like one on 11, 000. – Advocate*

*Just that they're actually working on it. That it was a personal face-to-face contact instead of someone on the phone. It was official. Police officers coming and, yeah, it felt more official rather than somebody calling me on the phone. – Survivor*

Interacting with survivors personally also helps ensure that survivors' immediate needs are met. Participants who endorsed this recommendation asserted that you can only assess reactions and respond to survivors' needs in real-time if you are there in person:

*Face-to-face is the best. It's a very traumatic event in this person's life. It's a sensitive issue. You want to know how the victim feels. If you call and lay this information on them, you don't know how they will react. With face-to-face, you will know how the person handles the information and can offer support then and there. – Survivor*

*The best way is to go to the home of the survivor and talk to her. If you can, do it with an advocate so she has support. To call, you have no idea what's happening in her life and you're taking her right back to that horrible thing. In person and bringing an advocate would be the ideal situation.*

*You see the reaction. With trauma, it's really hard to know. They are used to hiding it. Advocates can talk to the survivor and see what kind of support she needs. It's a better situation. It's going to be traumatic and super hard. Some people have developed support, but we have to assume they don't have any. I can't imagine being on the other end of that phone call. It brings you all the way back. They relive it over and over again and many tuck it away somewhere. You have to check in to make sure she is okay. – Advocate*

But not everyone was supportive of more personal approaches, particularly when the approach involved unannounced visits to survivors' homes. For these participants, concerns about the emotional shock of having police show up unexpectedly outweighed any benefits of being able to ask questions:

*You see somebody in a suit walking up to your door, you're like, whoa. What's going on? I like the phone call cuz it's a little—it's like breaking heavy news gently. There's a little bit of a buffer, I guess. – Survivor*

*For undocumented victims, law enforcement can cause so much fear to begin with. When they knock on the door, it's so incredibly scary, and victims believe they will be deported... – Advocate for Diverse Populations*

Concerns about the public nature of the contact were also present, especially for survivors whose family did not know about the assault or survivors whose neighbors or co-workers may be curious about why the police were looking for the survivor:

*It should not be an officer in uniform showing up at the house and ringing the doorbell in front of the neighbors. – Advocate*

*Privacy and confidentiality is the most important consideration. Do not just show up and knock on the door. – Policy Expert*

Given the pros and cons of the various methods of contact, many participants expressed a preference for multiple forms of contact that unfold sequentially over time. These participants often advocated for a less intrusive initial contact that alerted survivors to the fact that there was information about her case. A separate contact was then arranged to actually convey the information:

*Don't just show up because you don't know who knows. First, it should be a phone call—'Is now a good time?' You don't know where they are. If it's not a good time, set up a time that is. Have them call you back. Then say, "I have information and would like to come talk to you about it. Would that be okay?" – Academic Expert*

*Once you verify that's me first, not telling me everything, but in a sense where you tell me to contact you, in a sense, about some important matters that happened. Just you find the right verbiage for it to contact me so I can make that as one of my options. Then I contact you back, and then once we share, you verify that this is me, that happened, we can talk about it, and then maybe give me the choice, if you wanna meet, or if you want whomever to call you back on the phone...Then you give me a little bit more information. I'm like, "Okay. Well, let me think about it.*

*Let me meditate.” Or, I’ll say, “No, let’s meet. Come to my house,” or let’s do this.*  
– Survivor Focus Group Participant

The primary rationale for using a multi-step approach was to give survivors some time to prepare for the information and to make choices about how and when they wished to receive the information:

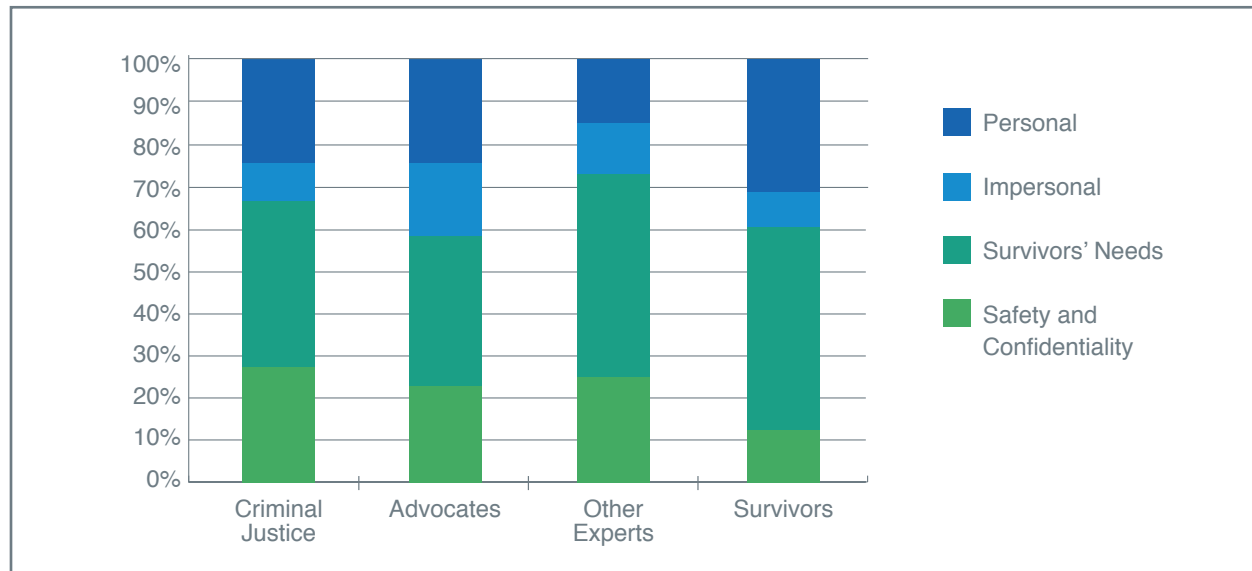
*A call puts the survivor in some position of power. They can decide whether to accept the call or not. They might feel like they don’t have the option if someone from law enforcement comes to their door.* – Advocate

*Trying to contact someone and giving her a head’s up as to what this is about and giving her time to process it before you do it. Notice that this might be coming. Trying to do some preliminary notification at the time it happens on current cases. Telling them they might hear something down the line and asking how they would like to be contacted. Do you want to be called? We should involve the rape survivors to get some survivor feedback on what that might look like. There is no way to avoid the shock, but you can filter it over time in order to process it more easily.*  
– Advocate

### Survivors’ Perspectives About How to Notify Survivors

In an effort to highlight survivors’ voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 26, survivors argued for paying attention to survivors’ needs at roughly the same rate as the other participants. Survivors were also slightly more likely to argue for personal approaches to notification and slightly less likely to argue for safety and confidentiality concerns.

Figure 26. Proportion of arguments for each approach about how to notify within each participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about how survivors should be notified among each group of participants.

Overall, survivors were more likely to argue for personal forms of notification than impersonal forms of notification:

*I definitely preferred the in-person contact. I thought that it just meant that they cared. Yeah, it was very important. I think if I got a letter or a phone call, I woulda just thought I was being checked off a long list. This way I felt special. – Survivor*

But many expressed a desire for a multistage approach that started with a more impersonal form of notification and then progressed to more personal interactions at the time and place of the survivors' choosing:

*There's just no good way. There should be options. If you don't want that news to come to you at that moment, you should have the option to call back, to see that person calling you in person and bring a friend or family member. Some preparation giving you the power to decide how you want to receive that. Any way to empower the survivor in those moments because whatever the outcome is, it's the moments after someone needs to be there to encourage and support and remind them they are a survivor. To make sure there is a support network to support them. I would have liked to been told, we have the results, is this a good time? If not, how you would like to proceed? We can call you back another time, you can come in, you can get an email. Give options so they can pick the way that will give most support in a really difficult situation. – Survivor*

Survivors in our sample also acknowledged that other survivors may prefer more impersonal methods. Because no two survivors are alike, the survivors in our sample argued strongly for multiple methods of notification and the ability for survivors to choose if, when, and how they receive information:

*You need choices, because you have to think of the different victims, and what they encounter, or what they may not encounter. Some people don't use the internet. Some people will tell you, "I don't watch TV at all." Some people may do other things. – Survivor*

*There's so many ways we can access people now. I was asked for my email address when they took down my information. Why not email people with a number to call about this? Our email addresses are private. Who's reading our emails, except, you know, the NSA or something. I mean there is email. You can send a snail mail that doesn't reveal all of your information, but says, "Hey, we weren't able to contact you by phone. If you'd like to contact us by letter, by phone, here are some—by email, here are some options. You can do that." Why not have all of these options available? – Survivor*

There was also a great deal of consensus about the tone of the notification. For survivors, the question is less about the form of the notification than it is about nature of the interaction. What survivors wanted was for someone to care, be kind, and to address their needs:

*Gently, yet professionally. It was like there was a serious tone to it, but also, he was really willing to help me, I guess, with a helpful, "I'm here. I'm here to help you. We'll get you through this. Whatever you need, call me anytime. Here's my card. Here's my cell phone. Call me anytime." Yeah. Just being helpful and sincere. – Survivor*

*I would want a phone call from someone apologetic, kind and warm, with a certain manner. Warm and gentle but straight with me. Do you want to continue the conversation? Asking if I knew the guy gave me the choice to be involved from the minute I picked up the phone. – Survivor*

All but one of the survivors in our sample also wanted an apology, for someone to say they were sorry that their case was not fully investigated when the rape was first reported and to promise that they'd do everything they can to make up for it now. For survivors, taking responsibility was an essential step in re-establishing trust in the system and ensuring that the same problems don't occur again:

*[If they] spent a little time saying, "We realize that the policies that we had in place didn't—weren't ideal for survivors. We're sorry, and here's what we've done to fix it, it would go a lot farther than if they just said—if they just said, "We're moving forward," and wanting to forget the past. I feel like if they said, "We realize that by not testing these rape kits and not having good systems in place, we really bungled things, and we're sorry." They're so afraid that that's gonna somehow make them culpable in some way that people don't do that, and that's just too bad. – Survivor*

*For me, it would have been to be more apologetic with how long they took. The crime of rape is not considered serious. It's such an uncomfortable crime, people want to get in and get out and move on. With any crime, at least apologizing for creating such a languishing time period and be available to listen to the survivor's reaction to that. It would have made a huge difference in how I was followed up with, in such a cold 20 to 30 second phone conversation... – Survivor*

### **Conclusions About How To Notify**

Taken together, the wide discrepancies that emerged in ratings of specific notification techniques suggest that different survivors may be more amenable to different approaches. Whereas some survivors have strong preferences for in-person notification methods, others may appreciate more impersonal approaches:

*Some had an in-person notification and hated it, and some liked it. What I have learned is it is very individualized. There can also be some general protocols to follow... A lot of it needs to be based on individual preference and empowering the victim to make the choice about how to receive the information. – Policy Expert*

The key is not to try to force one approach on all survivors but to instead give survivors as many options as possible. Using a multistage process that starts with an initial alert and then builds to more personal and detailed interactions at the time and place of survivors' choosing may be the most effective way of accomplishing this goal:

*Taking into consideration her wishes and respecting them... Sometimes they aren't ready immediately. Consider giving them time to decide... She might change her mind after it sinks in. – Prosecutor*

*You need to invite the victim into the process, not demand, not just assume. You have to issue an invitation, otherwise you're mimicking perpetrator like behavior. There has to be a time*

*where you present info, ask how can we help you with this right now, then approach the issue of identification and what that might mean with the legal process at a different time. – Advocate*

By providing choices, notifiers are communicating that they care about survivors’ well-being which may, ultimately, be most important of all. In the end, the question may be less about the specific technique that is used to contact survivors and more about what that contact actually looks like. Do the notifiers convey concern for the survivor? Are they kind? Are they respectful? Can they respond effectively to survivors’ needs? Have they invited the survivor into the process and actually listened to what the survivor said? Can they help? For the survivors in this sample, it is these interpersonal aspects of notification that make the most difference.

*I think when you have any kind of trauma, and you feel heard—H E A R D—it is one of the most healing experiences to replace some of the trauma impact. I always talk about feeling heard and supported. I know no one can take it away or fix it perse. Being heard and supported is just an emotionally corrective experience. – Survivor*

Considering notifiers ability to interact effectively with survivors may thus be critical when deciding who should conduct these notifications.

### Who Should Notify Survivors

Twelve specific suggestions about who should notify survivors were identified from the qualitative data. These suggestions included recommendations about who should conduct the actual notification, who should follow-up with survivors, and other characteristics that should be considered when selecting notifiers (see Figure 27 for a list of specific suggested practices).

Figure 27. Specific suggestions about who should notify survivors.

Advocate Involvement	Criminal Justice/Forensic Involvement	Other Characteristics to Consider
<p>Rape victim advocates should be involved in contacting survivors about their backlogged rape kit</p> <p>Advocates should be available to support survivors following notification</p> <p>Advocates involved in the notification process should follow-- up with survivors soon after the initial notification</p> <p>A multidisciplinary team should work collaboratively to contact survivors about their backlogged rape kit</p>	<p>Police should be involved in contacting survivors about their backlogged rape kit</p> <p>The prosecutors’ office should be involved in contacting survivors about their backlogged rape kit</p> <p>Crime lab personnel should be involved in contacting survivors about their backlogged rape kit</p> <p>The forensic nurse examiner who originally conducted the rape kit should be involved in contacting survivors about their backlogged rape kit</p>	<p>Adequate training is more important than gender in determining who should conduct the notifications</p> <p>The original detectives assigned to the case should not be in charge of notification because they may be perceived as having mishandled the case to begin with</p> <p>Female officers should be used to handle survivor notification when available</p> <p>Advocates who are themselves survivors should be present during notification</p>



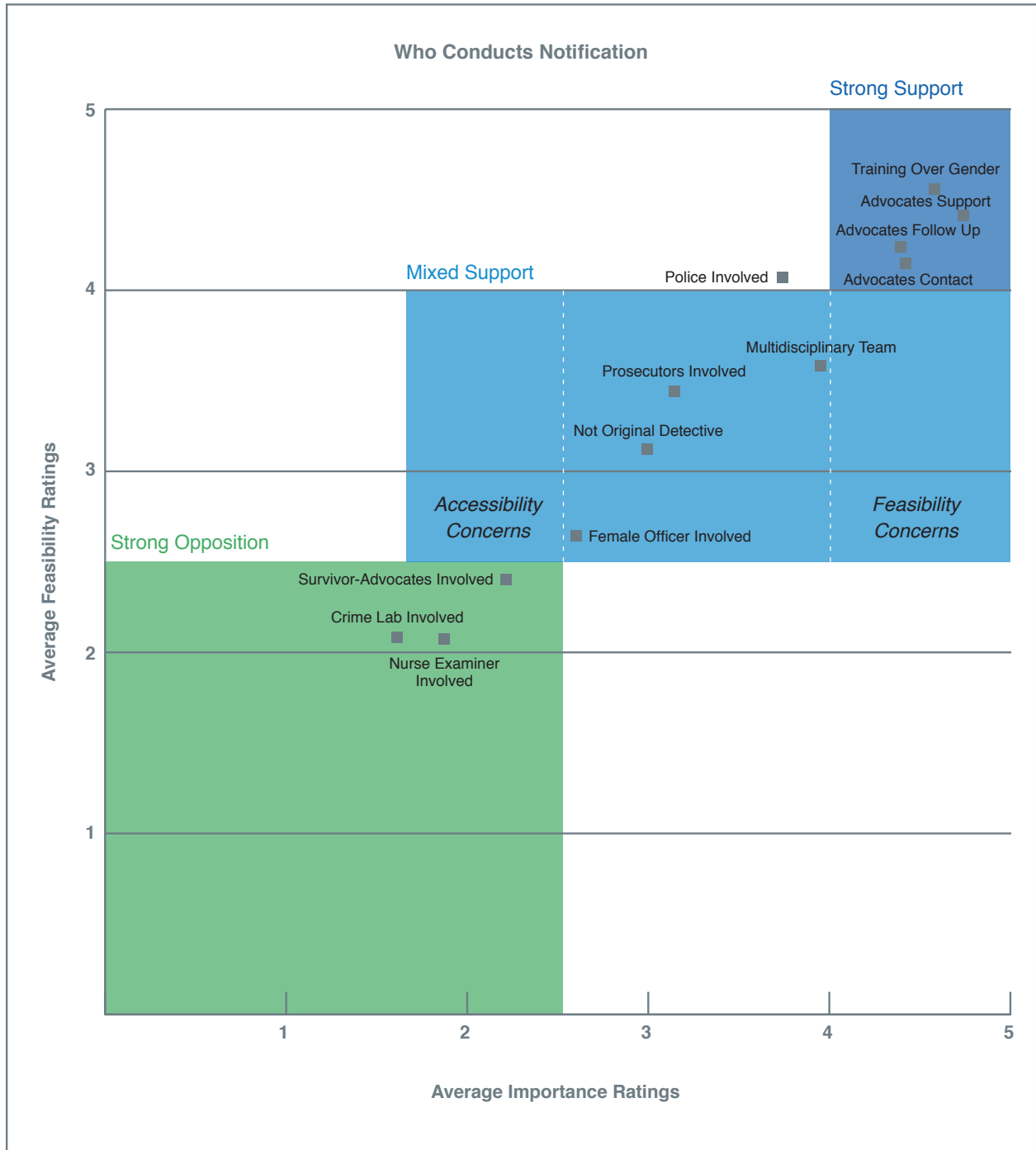
## ***Statistical Analyses***

Means and standard deviations for each of the 12 suggestions about who should notify survivors can be found in Appendix A. Means were also plotted in Figure 28 which depicts the average importance rating (low to high on the horizontal axis) and the average feasibility rating (low to high on the vertical axis) given to each suggested practice. In this scatterplot:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices where participants' opinions are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 28, four of the 12 suggestions about who should notify survivors were consistently rated as both highly important and highly feasible, and three of the 12 suggestions were rated as low in both importance and feasibility. The remaining practices all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

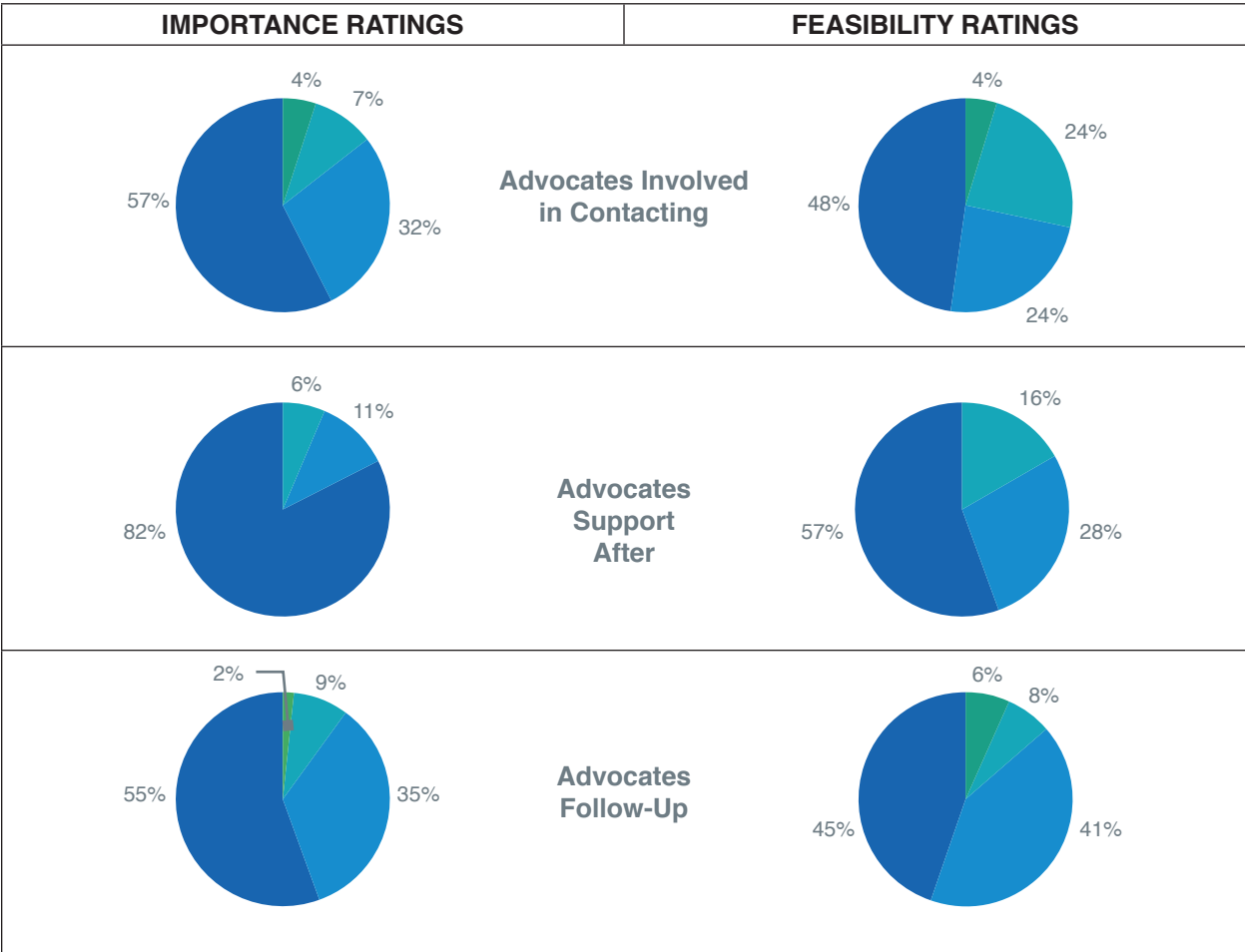
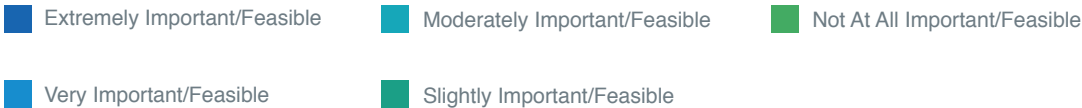
Figure 28. Scatterplot of importance and feasibility ratings for suggestions about who should notify survivors.

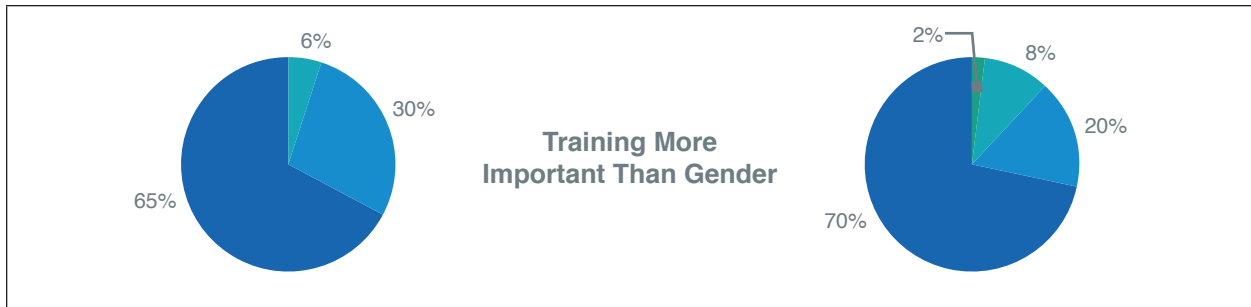


*Strongly Supported Suggestions About Who Should Notify Survivors*

Four of the suggestions about who should notify survivors were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 29, these suggestions included all of the recommendations for advocate involvement and one suggestion to consider training over gender when selecting notifiers.

Figure 29. Frequency of importance and feasibility ratings for strongly supported suggestions about who should notify survivors.

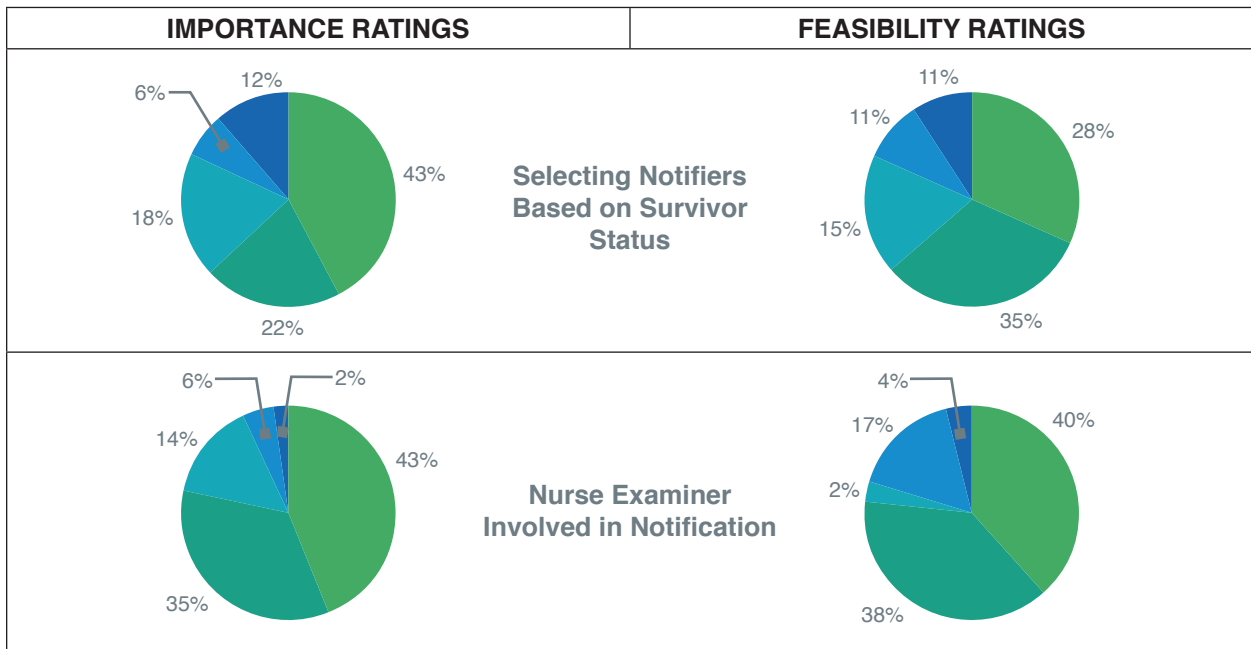
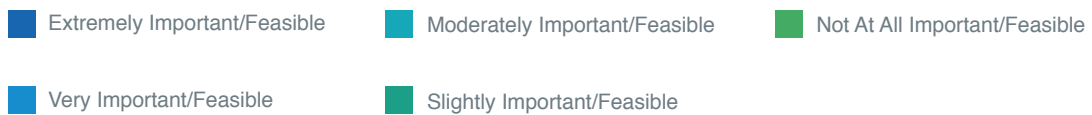


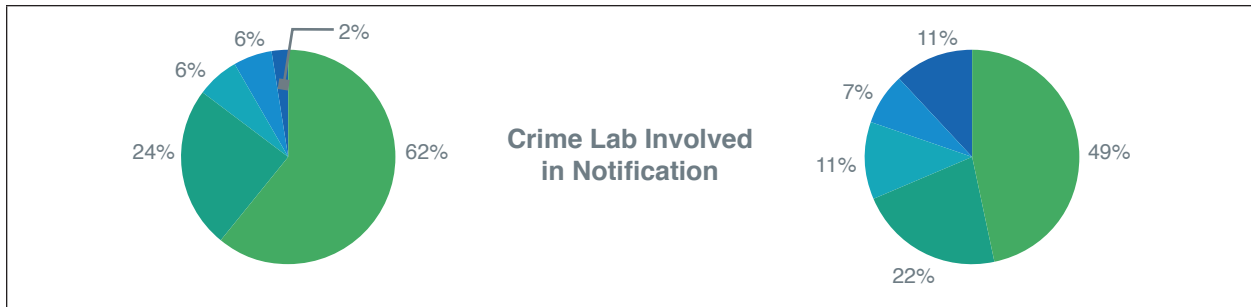


*Strongly Opposed Suggestions About Who Should Notify Survivors*

Three of the suggestions about how to notify survivors were consistently rated as both unimportant and infeasible. These recommendations included selecting notifiers solely on the basis of their survivor status, asking nurse examiners to notify survivors, or involving the crime lab in the notification process.

Figure 30. Frequency of importance and feasibility ratings for strongly opposed suggestions about who should notify survivors.

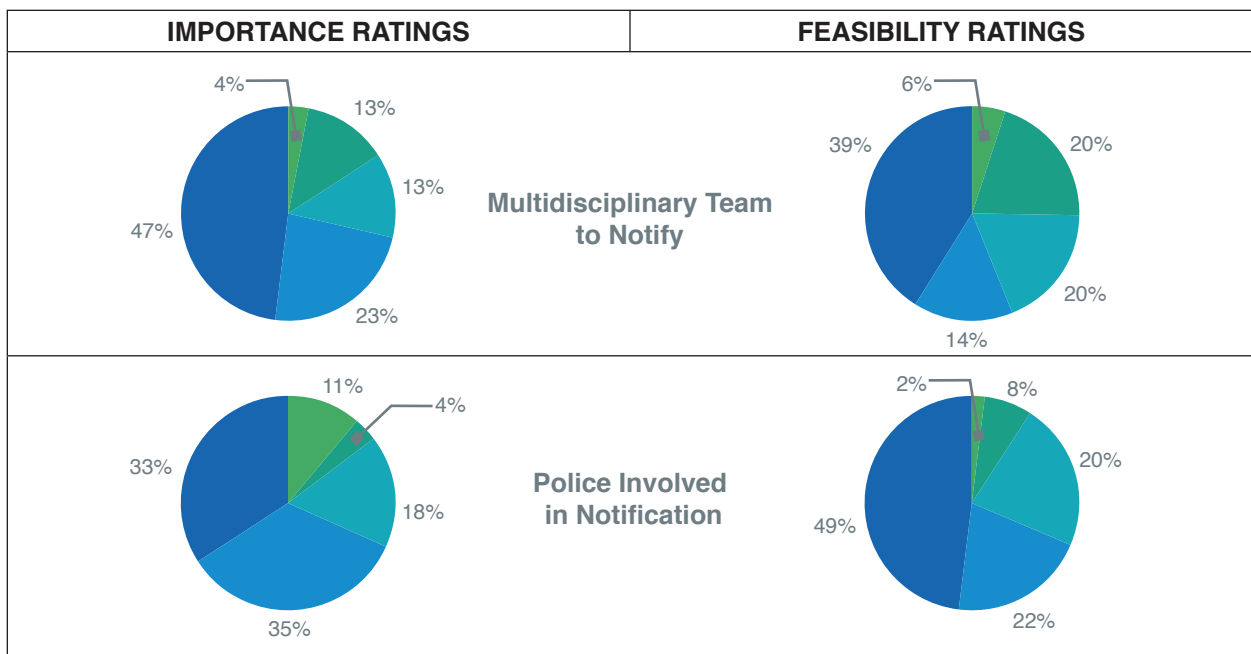
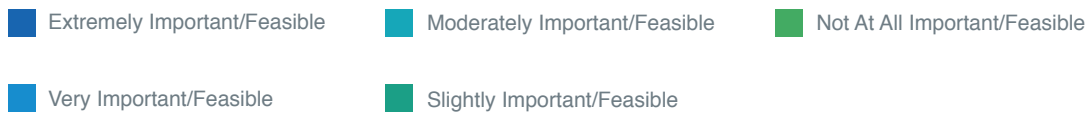


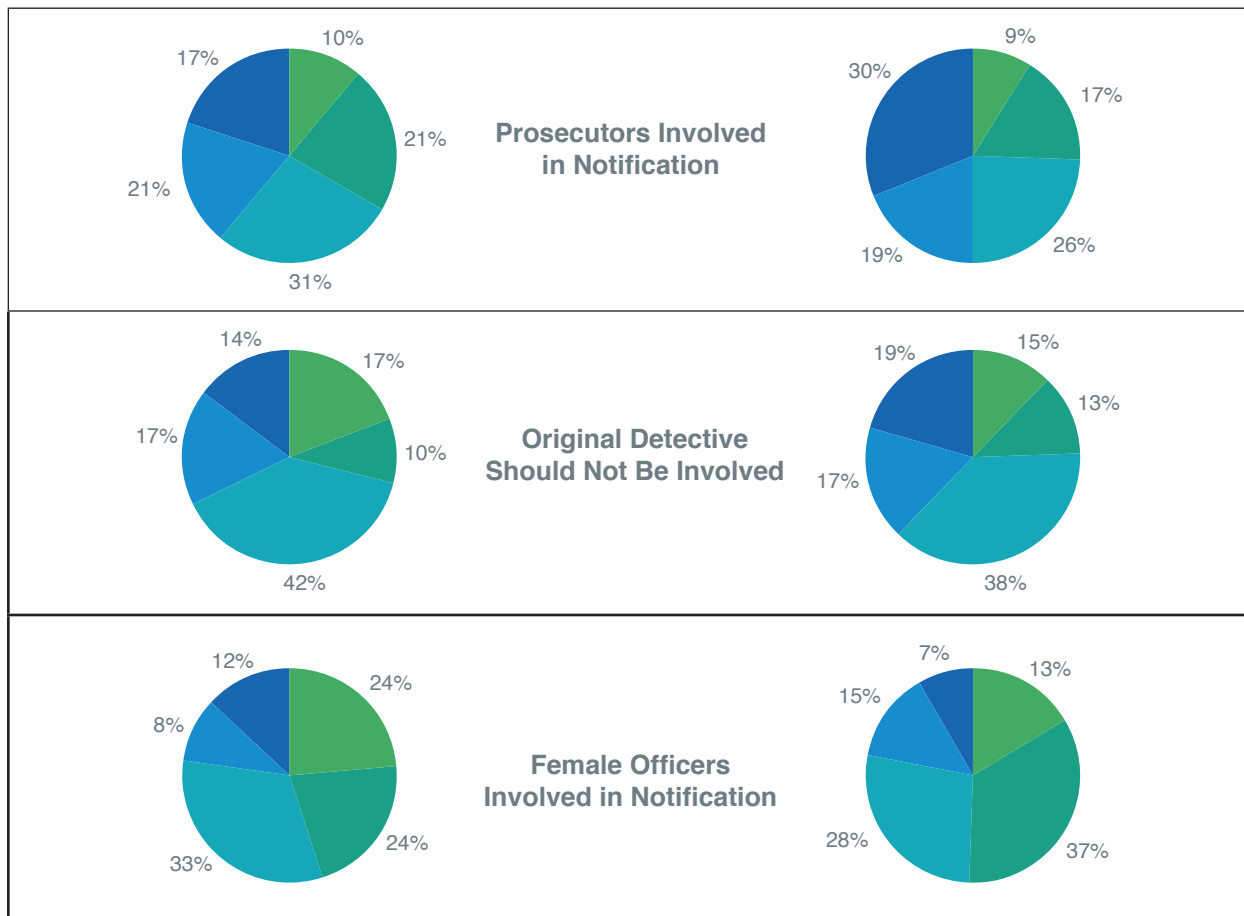


*Suggestions Receiving Mixed Recommendations About Who Should Notify Survivors*

The remaining five suggestions all yielded a fairly wide range of ratings across participants. In this set, none of the mixed suggestions fell into our feasibility concerns or acceptability concerns category. As can be seen in Figure 31, five of these suggestions yielded a wide range of opinions about the importance and feasibility of these approaches. These findings suggest that there is a great deal of variation in participants' opinions about multidisciplinary teams and criminal justice system involvement in notification.

Figure 31. Importance and feasibility ratings for recommendations with mixed ratings





*Group Differences in Who Should Notify Survivors*

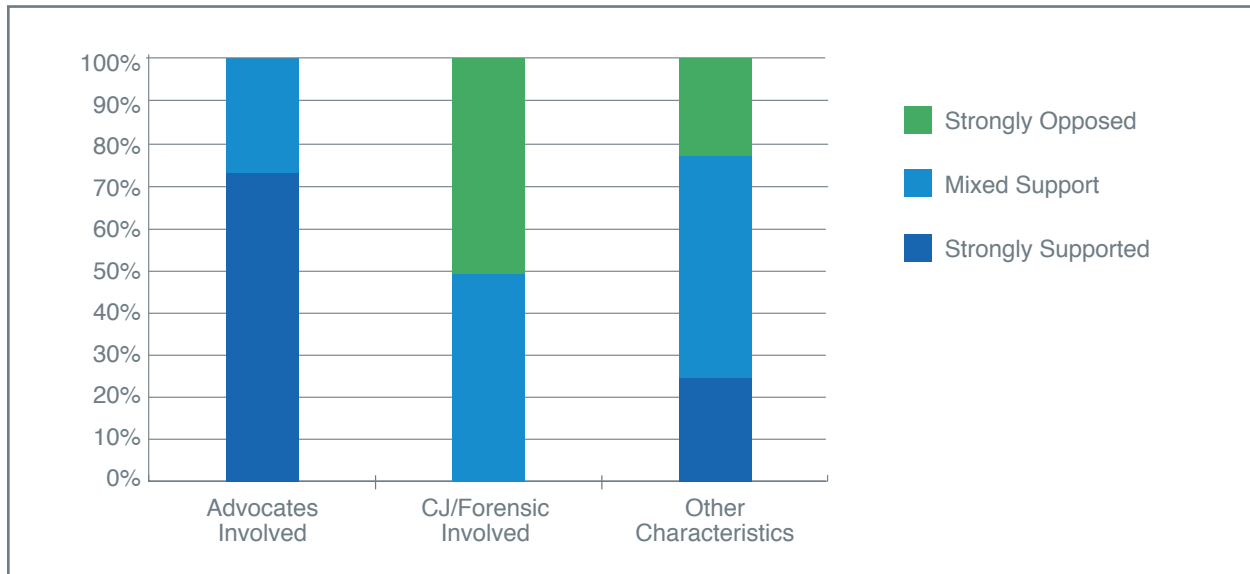
To determine whether these differences of opinion can be accounted for by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggested practices to compare the importance ratings given by four groups of participants: 1) criminal justice system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(36, 89) = 1.42, p = .09, \text{Wilks' } \Lambda = 0.26, \text{partial } \eta^2 = .36$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

*Difference in Philosophical Approach About Who Should Notify Survivors*

As noted in Figure 27, the 12 specific suggestions about who should notify survivors fell into roughly three categories: 1) advocates should be involved in the notification process; 2) criminal justice or forensic personnel should be involved in the notification process; and 3) other characteristics that should be considered when selecting notifiers. To facilitate a broader interpretation of the data, we conducted a chi-square test of independence to determine whether there was a relationship between philosophical

approach and level of support for each suggested practice. Results suggested that the relationship between the three support categories that emerged for this set (strong support, mixed support, and strong opposition) and our three notification approaches (advocate involvement, criminal justice/ medical involvement, other selection criteria) was not significant,  $\chi^2 (4, N = 12) = 5.9, p = .21$ . Although suggestions about involving advocates were more highly represented in our strongly supported category, the differences that can be seen in Figure 32 did not rise to the level of statistical significance.

Figure 32. Crosstabulation of who should notify survivors and rating support categories.\*



\* Percentages reflect the number of suggestions about who should notify that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

### Qualitative Analyses

To better understand participants' reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against involving advocates in the notification process, involving criminal justice or forensic personnel in the notification process, and using other criteria to select appropriate notifiers.

#### *Involving Advocates in Notification Process*

Arguments in favor of including advocates in the notification process were articulated more often than any other type of argument. Arguments for and against this approach are summarized in Table 8.

Table 8. Arguments for and against including advocates in the notification process.

	Arguments For Including Advocates	Arguments Against Including Advocates
Survivor Well-Being	161	4
Organizational Efficacy	36	5

Public Safety	0	0
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\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 8, the most common arguments offered in favor of including advocates in the notification process centered around survivors' well-being. The most common reason for including advocates was because of their training. Unlike criminal justice personnel who are trained to investigate and prosecute cases, advocates are trained to help survivors cope with the trauma of their experience. Advocates thus tend to have a more trauma-informed approach to working with victims:

*Hopefully, an advocate will know more about trauma and crisis management. This can create a crisis. They have a way of talking with survivors that is totally calming. They know this is a hard time. They can make a meaningful connection. – Advocate*

*There must be no chance of isolation. The person must be well-trained, a solid advocate. You want them to have an advocate to whom they can say or show anything. Someone might have a life partner or coworkers and still be isolated. Someone who can read the situation. There is a shock piece to it. The survivor might have wave after wave of trauma. For others, the waters might be still and here comes a tsunami. There must be no isolation. – Clinician*

Advocates have also been trained to respond in an emotionally supportive way. Techniques such as active listening, affirmation, and deflecting self-blame may help survivors cope with trauma that may arise during notification:

*They are trained in a bunch of different skills, but what's most beneficial is they are outstanding listeners. They have cold case training and SA training. They are empathic. They can schedule more time to listen and sit with the victim. Prosecutors have a tendency to feel like you don't have time to go out and listen to a survivor's story for 3-4 hours. In perfect world, we would have time. Advocates can build that time into their schedule. They care about supporting the victim. We think of the case from a global legal perspective. They think primarily from a survivor perspective. – Prosecutor*

*One thing we designed was to say to the advocates, you take her where she is. If she has bigger issues, help her with what she needs help with. If she wants to talk about sexual assault, then talk about it. They don't want to think about it if they have worse things going on. We try to take them where they are. – Advocate*

Advocates are also more connected to services in the community and can provide more consistent support to victims over time:

*Remind them of services. Safety planning if necessary. This can take her to a place where she has to pick up her kids and she's not able to do it. Sexual assault advocates can generally tell when someone is in crisis. – Advocate*

*I think it's so critical to let people know that there are support systems out there. I think*



*they should at least be aware of some kind of—maybe a rape advocacy group, some kind of therapy, different types of places that have therapy, paid for, unpaid for. I would've loved to have some kind of information disseminated to me at any time, especially in that beginning period. It was so critical to have people tell me, this is what you can do.... It would be nice if anybody even called, knowing that this is what you've gone through, to say, "These are some things you can do to help." – Survivor*

Advocates are also more disconnected with the legal system, allowing them to say and do things that criminal justice system personnel may not be able to do:

*I am looking for admissions or inconsistencies, but victims are looking for an apology. Advocates can say all the things I cannot say. An advocate is someone who has dealt with trauma and knows the available resources. Law enforcement could hand someone that information, but advocates can make the referral. 'I am here for you, here are your resources.' They can make an introduction and bridge that gap. – Police Officer*

*I would much rather a neutral person with a vested interest regardless of the criminal justice outcome because that's victim-centered. Their intention is for the case. – Survivor*

Benefits of including advocates in the notification process were also seen to extend to the system. When survivors are supported throughout the life of the case, they are more likely to work cooperatively and consistently with legal personnel:

*It helps to explain and have someone there with you through the process, someone to explain the process. When they are involved with the legal system, it is very scary. It can feel like being re-victimized. "I was the victim. I survived this event. Why do I now have to deal with this? I just want it to be done." When there's an advocate, it helps to provide support. Not having education around these issues and processes, it can be very daunting. It increases anxiety and fear. An advocate can be a bridge to the legal system. – Clinician*

While nearly every participant felt that there was a role for advocates in the notification process, the precise timing of advocates' involvement was a matter of more debate. Whereas some participants felt that advocates should be involved in initial notification efforts, others felt that advocates should play a more supporting role by following-up with survivors after notification occurs:

*Within our office, we have victim witness advocates. We immediately assign an advocate and ask them to make the contact. They explain the situation and offer counseling. – Prosecutor*

*We created a packet of materials for survivors. She knew that she would offer immediately to call a victim advocate. She made it immediately clear that if they wanted an advocate, one would be available. She gave info to survivor and it was the survivor's choice to get in touch with an advocate. – Advocate*

This was particularly true for participants who felt that advocates lack the legal expertise to be able to

answer questions about why kits weren't originally tested, what will happen with the case next, and other legal questions that can only be answered by the prosecutor:

*I was happy that it was a detective because, again, it was that initial 'you're part of this investigative team that's gonna put this bad guy away.' I think an advocate, if it was just an advocate, I would of felt weird, like, ok, are you waiting for me to pass out or start crying? I like that it was a detective because it was just my initiation, if you will, into the system. – Survivor*

*We are trained and haven't identified a need for an advocate. We did a really good job. Might have just confused the situation with one more point of view. Victim develops a close relationship with the prosecutor on these cases. – Prosecutor*

Still other participants raised concerns about what different types of advocates can do, noting the difference between advocates who are connected to the prosecutors' office (system-based advocates) and advocates at freestanding rape crisis centers (community-based advocates), particularly in terms of confidentiality and bias:

*[System-based] victim advocates in law enforcement or the district attorney's office have their hands tied in some ways—they work with so many different crimes. It's interesting to consider the new model where the [community-based] victim advocate is disconnected from the system and can provide emotional support. This will help system advocates with more time and resources. [Community-based] victim advocates can provide services immediately. They are already tapped into counseling resources and know how to refer the person. They have the training and background. They can get victims in the door for services. These are two different disciplines, experts across different areas. This is important for victims. Bringing in two critical pieces paired together. – Academic Expert*

Advocates lack of knowledge and experience with specific cultural and social groups was also noted as a potential problem, prompting some participants to call for the inclusion of advocacy groups who specialize in working with recent immigrants, women of color, LGBT, homeless, or formerly incarcerated individuals:

*You want to get groups on the ground to help you. Get the groups that focus on the special population to help you with this. Get those advocates involved in helping you with the notification piece. They have a stake and will make sure you do it in a competent way. Identify and engage significant community-based groups working on behalf of unique populations. It is important that they are the messengers and offer support. People will need support at the beginning, middle, and end after this process. There is a post- or after care part to this. What will that look like? Can they come back at any time to make sure people are okay? Once you test and can do something or not, that person may still need support. – Advocate for Diverse Populations*

### *Involving Criminal Justice and Forensic Personnel in the Notification Process*

Participants also offered arguments for including criminal justice and forensic personnel in the notification process. Table 9 summarizes arguments in favor and against this approach.

Table 9. Arguments for and against including criminal justice and forensic personnel.\*

	<b>Arguments For Including Criminal Justice</b>	<b>Arguments Against Including Criminal Justice</b>
Survivor Well-Being	37	67
Organizational Efficacy	27	25
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 9, the most common arguments offered in favor of including criminal justice personnel in the notification process centered around survivors' well-being. One key benefit is the ability to provide survivors with real-time information about the case and to answer survivors' questions:

*Someone who is knowledgeable about the legal system, someone who can explain the process. What is a kit? Where the system fails is its complex and leaves people who are traumatized with more questions and lack of control. – Advocate*

Participants also noted that involving criminal justice personnel added credibility to the process by providing the backing of the entire legal system:

*Detective—law enforcement because I know that this was the organization involved in it, not someone just showing up. The authority doing it. – Survivor*

*The chief should do it...He needs to take responsibility. – Survivor*

*Since the police literally washed me away, I want direct contact. If anything comes up with my case, I want direct contact with the police. – Survivor*

Others focused more on the benefits to the system itself by noting that criminal justice personnel were in the best position to have access to information about the case. Having criminal justice personnel conduct the notifications was thus more efficient:

*The detectives I work with, they are the only people who do it. As far as training, the patrol officers, our sex crimes unit is really close by and they are very well aware of what I do. If we get a CODIS hit on an old case, the case is pulled. If the detective is still currently working in the sex crimes unit, it will go back to that detective. If they move on from the unit and are no longer there, will go to the cold case unit. – System Advocate*

But many participants expressed concerns about having law enforcement involved in the notification process, particularly when police conducted notifications alone. Noting that police tend to approach

victims through an investigative rather than an emotionally supportive lens, these participants questioned law enforcement's ability to respond with empathy, patience, and support:

*There can be frustration and blame with law enforcement that the kit sat for so long. Members of law enforcement aren't trained as social workers. They are trained as investigators and ask a lot of questions starting with why. It varies person by person. If a victim shuts down, law enforcement may not understand that because they look at the news as a good thing...The news could trigger something, and it's important to have someone there to manage it. It brings up a lot of things. – Advocate*

Participants also expressed concern about the limited time that most police or prosecutors' offices can devote to notification, noting that survivors often need ongoing support that cannot be provided in a 15 minute phone call or visit:

*They are so busy over there and they are hurried and they don't necessarily have time to explain things. Who understands JD indictments anyway? – Survivor*

*Law enforcement has so many cases. If I were a victim, I would be worried about law enforcement getting back to me. – Crime Lab*

Still other participants described the conflict that exists between what the criminal justice system needs and what survivors may need, noting that conflicting interests may make it difficult for criminal justice personnel to respond in a truly survivor-centric way:

*There are 1,000 ways this could go poorly. Very few ways that this could go well. One of the complications of victim notification protocols is that these are potentially active cases. There's a real tug to have law enforcement be first contact, while all my research suggests that law enforcement officers would not be well equipped to handle this. The legal demands and the emotional needs of the victim are not aligned with officers' purpose, mission, approach, and ideology. Law enforcement is positioned for a moment of doubt and disbelief before the first word comes out of their mouth. What survivors need most is belief, assurance. Nobody knows how misaligned this would be in cases going back 5-10 years prior. – Academic Expert*

Other participants were focused more on organizational barriers and consequences. Some of these participants expressed concern about the lack of resources, and the impact this can have on officers' ability to act as effective notifiers:

*The police are overworked already. To ask them to step into this role requires a lot of training. It's different from notifying family members about a homicide. It will be challenging to add to their already pressing duties. Jurisdictions are losing funding right and left. [City] has so few officers working these cases, and they are already doing overtime. They might not want to be insensitive, but it can come out that way. They are experiencing burn out. – Policy Expert*

Still others argued that personnel such as crime lab personnel and forensic nurses should not be pulled

away from the specialized tasks that only they are trained to do:

*My colleagues focus on what we are experts in and that's analysis. That's not something we do in [State] because we don't have the background and training to communicate with victims. – Crime Lab*

*We have to be unbiased and neutral. We go to court. It shouldn't be hospitals doing the notification. We will certainly field their questions. Initiating notification isn't our role.  
– Nurse Examiner*

Such concerns led many participants to argue for a multidisciplinary approach that can capitalize on the strengths and compensate for the weaknesses of each type of notifier. Such teams typically consist of both an advocate and legal personnel:

*My partner in victim services comes with me every time. She is female, which relaxes victims. She has counseling credentials. There should be an advocate/counselor with the detective. – Police Officer*

*I think they should use a victim coordinator who works along with the detective or whoever is doing the notification. It could be an advocate from a crisis center. It can be intimidating to meet with the police. There should be someone who knows what to say, who is compassionate, empathetic and listening. The advocate can prepare the police as well. – Survivor*

Multidisciplinary teams can also include a variety of criminal justice and advocacy representatives, including police, prosecutors, community-based advocates, system-based advocates, and advocates who work with diverse cultural and social groups who all work collaboratively together:

*Law enforcement or even prosecutors and an advocacy agency—community-based and system-based should be at the table. System-based advocates understand the judicial process, and community-based can bring the resources—support, group and individual. The approach of how to notify should be determined by the group. The initial investigator should be involved with the process if possible. It would be a SWAT team style approach—how to go about notifying most effectively for that person and protect her privacy. – Forensic Nurse*

*It should be a hybrid of core folks—DA, law enforcement, advocates within the DA's Office—who know the process and what's about to happen. Ideally, there would be an LGBT specific organization on the team...Having them be part of the team is incredibly helpful. They may know less about the process, but they know far more about victimization and trauma within the LGBT community. A group model would be beneficial, where they are already getting support and you bring in a representative. So, you would have people who know about clearing rape kits, people who know about violence and the LGBT community, and people who know this survivor.  
– Advocate for Diverse Populations*

By bringing together an entire multidisciplinary team, the team as a whole can capitalize on the strengths of different team members while freeing up individual team members to do what they were trained to do.

*Idea of victim advocate paired with an investigator was well-received. Advocate may not understand legal and DNA results, but investigator could explain. The advocate can do crisis intervention and communicate in holding a victim or sensitively addressing her needs. Both experts in collaboration in a comprehensive process. They will talk to the victim and provide unique services. – Academic Expert*

*From the prosecutor standpoint, I don't have the time to explain the process. My caseload is just too high. Advocates can refer survivors to resources and take the time to be more empathetic, to validate how that person is feeling. Prosecutors deal more with scheduling the next meeting and pretrial prep. Advocates deal with the psychological aspects. I like working with advocates. Yesterday, a victim came in, and we told her we couldn't charge yet and needed to do more investigation. She was freaking out and holding her breath. The advocate was great. They have training that police and prosecutors do not to deal with that. – Prosecutor*

#### Other Characteristics to Consider

Participants also offered a number of suggestions about other characteristics that could be considered when selecting notifiers. These suggestions included selecting notifiers based on survivor status, gender, and their previous connection to the case. Arguments offered in favor and against these recommendations are depicted in Table 10.

Table 10. Arguments for and against other characteristics to consider.

	<b>Arguments For Considering Other Characteristics</b>	<b>Arguments Against Considering Other Characteristics</b>
Survivor Well-Being	29	6
Organizational Efficacy	4	1
Public Safety	1	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 10, the most common arguments offered in favor of considering other characteristics when selecting notifiers centered around survivors' well-being. Some participants were in favor of utilizing notifiers who had personal experience with sexual assault:

*Peer support is important: someone who went through the process and is a survivor him or herself being engaged and carrying the message is critical. If it's just law enforcement or a social worker, they won't necessarily get it. Having peers say why this is important is empowering and can lead to closure and resolution. It has to be someone who walked that road. – Advocate*

Other participants argued for the use of female notifiers:

*A female cop would be better. It does help. – Advocate for Diverse Populations*

Still others argued for notifiers who had experience working with diverse populations:

*The question is: whom do victims trust? Engage community-based orgs that are well-respected by immigrant women. They cannot be male dominated orgs. Whom do they trust in their community? You have to look at the community and the population. They might have services of their own...It should be someone who speaks the language, maybe a government official or someone from an NGO. – Academic Researcher*

But others argued that training and competence was more important than other characteristics in determining how notifiers will interact with survivors:

*People gave me a lot of shit about, “Well, we’re trying really hard to be sensitive, so it’s really important that we find a woman.” Every time they gave me a woman, she was a fucking bitch. There was not a single woman who treated me with proper respect, who treated me like a woman...She was the cruelest to me, of all. She said, “Well, if you don’t want terrible things to happen to you, maybe you should consider your lifestyle. Those of us who weren’t sluts don’t have this kind of thing happen to them.” That’s basically what she said. She was the worst of all of them...Everyone asking if I wanted a woman. I said, “I just want someone to be nice to me.” Gender never came to my mind, but it was on everyone else’s. – Survivor Focus Group Participant*

Similarly, some participants argued in favor of including the original detective on the notification team. For these participants, the assumption was that the original detective had already developed a level of rapport with the participants and understood the case:

*You know, it would’ve been great if I could stay with the chain of the command, the person who was there the day it happened. Then you feel like you’re remembered and understood. – Survivor*

*It was by someone involved in the initial case. That was helpful because it was a pre-established relationship, and there was a level of trust with that person. It wasn’t a stranger coming out of the woodwork. – Policy Expert*

But others disagreed with these assessments, arguing that the original detective is the very person who failed to thoroughly investigate the assault in the first place. Survivors, in particular, raised serious concerns about including the original detective on the team:

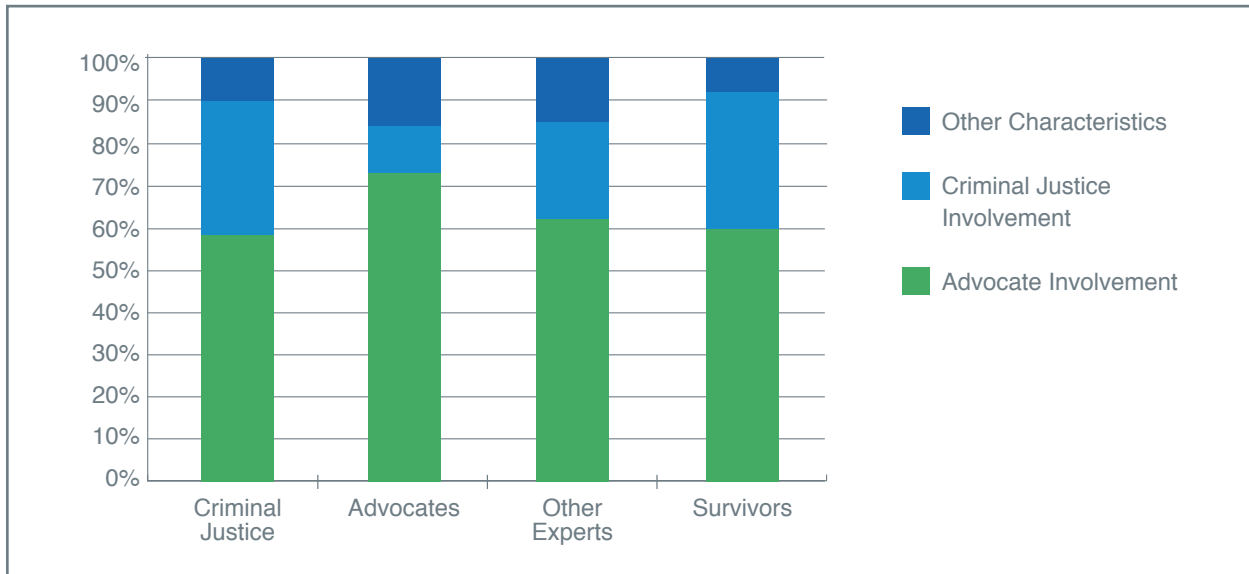
*They didn’t believe us initially. Now they’re the people who are gonna tell us what’s going on? We don’t wanna—we don’t like them. We don’t trust them. They’re in charge—they’re still in charge of this process that they really blew. Why is that a good thing for any of us? Why do we think that’s where we should start? Why do we have to accept that assumption, that the police and the DA are in charge of this process? Because they really did a really bad job, and they’ve done a bad job for 25 years. Why do we think*

*they're gonna do a good job now? I don't think so. – Survivor Focus Group Participant*

### Survivors' Perspectives About Who Should Notify Survivors

As can be seen in Figure 33, survivors argued for involving advocates in the notification process at roughly the same rate as the other participants. Conversely, survivors were somewhat more likely to argue for criminal justice personnel involvement than advocates.

Figure 33. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about who should be involved in notification among each group of participants.

Most survivors supported the idea of using a multidisciplinary team that included both advocates and criminal justice personnel:

*I think they should use a victim coordinator who works along the detective or whoever is doing the notification. It could be an advocate from a crisis center. It can be intimidating to meet with the police. There should be someone who knows what to say, who is compassionate, empathetic and listening. The advocate can prepare the police as well.*  
– Survivor

*I would hope LE would have a close connection with the local SA program and be able to communicate together and work together therefore when LE tells survivors the kit was tested, the SA program is right there and can be a support. It's supposed to be a team and communicate back and forth. They should all be on the same page.* – Survivor

But others felt that criminal justice personnel shouldn't be involved in the initial notifications at all. These survivors didn't feel that the police would be capable of providing the level of emotional support that survivors would need and felt that the police should be kept out of the equation altogether:



*I don't even know that police are the right people to follow up. If there could be an intermediary, an advocate or victims services could follow up, someone trained. These officials just are not trained for this. I don't know that they should be following up. It's out of their scope of training. – Survivor*

*I feel like, it's a paramilitary organization, it supports a hierarchy, it functions on rules, and to tell them you have to care about how people feel, you have to be kidding me. It makes for a hard format to integrate this idea that you need to care more about rape victims. – Survivor*

Survivors were also quite supportive of including other survivors in the notification process, particularly if those survivors had been trained as advocates and could work as part of a team:

*I thought what also would've been lovely would have been an actual advocate survivor like someone like ourselves, who's been through this, and whose cases were cold, and who's now working to make a change. I think that would be a lovely team. – Survivor*

But survivors were more mixed about whether the original detective should be involved or not:

*I didn't want to revisit my story to a new person... There were two detectives that were working with me, and it was important that I continued to work with them. – Survivor*

*I hated mine[original detective]. He went on vacation to avoid me, is how I felt. – Survivor*

Overall, survivors were less concerned about who actually conducted the notification than they were about training. As long as the person was able to be supportive, answer their questions, and was honest with them, they were less concerned about the person's affiliation:

*Depending on what the information was to be delivered, whoever's job it was to deliver it. I wouldn't've, I don't think, cared who, just as long as it was an appropriate person who could do whatever they were supposed to be doing. – Survivor*

*I don't care who that person is. As long as that person can just be straightforward with me and say, "Hi. This is the results that we have." I don't want anyone to cut me corners. I don't want anyone to fucking lie to me because I've been lied to all this time, that we're gonna do something, but not. I'd rather just be told the truth. Whoever it is, I want someone to tell me the truth. – Survivor*

### **Conclusions About Who Should Notify**

Taken together, these findings suggest that there was broad support for involving advocates in the notification process. Opinions about having police and prosecutors take sole responsibility for conducting notifications was more mixed, and there was little quantitative support for selecting notifiers based on characteristics such as gender, survivor status, or previous connection to the case.

One possible solution that offers great promise is to convene a multidisciplinary group that can capitalize

on the strengths of various team members without requiring individual notifiers to go outside of their area of training and expertise. While opinions about this approach were mixed, arguments in favor of this approach were quite common:

*I like a team approach, including a crisis counselor or advocate with a mental health background—they can provide resources and be there in case the person needs to debrief. There should also be a designated person from law enforcement. – Policy Expert*

*I would recommend a partnership with an advocate or social worker, who can manage the reaction. The news could trigger something, and it's important to have someone there to manage it. It brings up a lot of things. It's important to do notification in a partnership. – Advocate*

By bringing together team members with varying skills and knowledge bases, jurisdictions can help ensure that multiple aspects of survivors' needs are addressed and that the team members themselves are allowed to capitalize on their own strengths. Using a multidisciplinary team may also help ensure that survivors receive both support and information during the notification itself.

### What Should Be Included In The Notification

Eight specific suggestions about what type of information should be conveyed during notification were identified from the qualitative data. These suggested practices included recommendations about the level of case detail that should be conveyed, information about the legal system that should be conveyed, and information about follow-up services that should be provided during notification (see Figure 34 for a list of specific suggested practices).

Figure 34. Specific suggestions about what should be conveyed during notification.

Level of Detail	Information About CJ System	Information About Follow-Up Services
<p>Initial notifications should not include any specific details about the crime or the case in order to protect victim confidentiality</p> <p>Initial notifications should include specific information about the current status of the case and what will happen next</p>	<p>The survivor should be given information about the criminal justice process, the use of DNA to solve cold cases, and what may be expected of him or her during the process.</p> <p>Survivors should be given a tentative timeline about how long testing will take and other steps in the criminal justice process</p> <p>Information about the statute of limitations and specific options for each survivor should be provided during notification</p> <p>Survivors should receive updates about the rape kit backlog in general, in addition to information about their specific case</p>	<p>Initial notifications should include referrals for services</p> <p>Group counseling should be set up for survivors whose kits had been in the backlog</p>

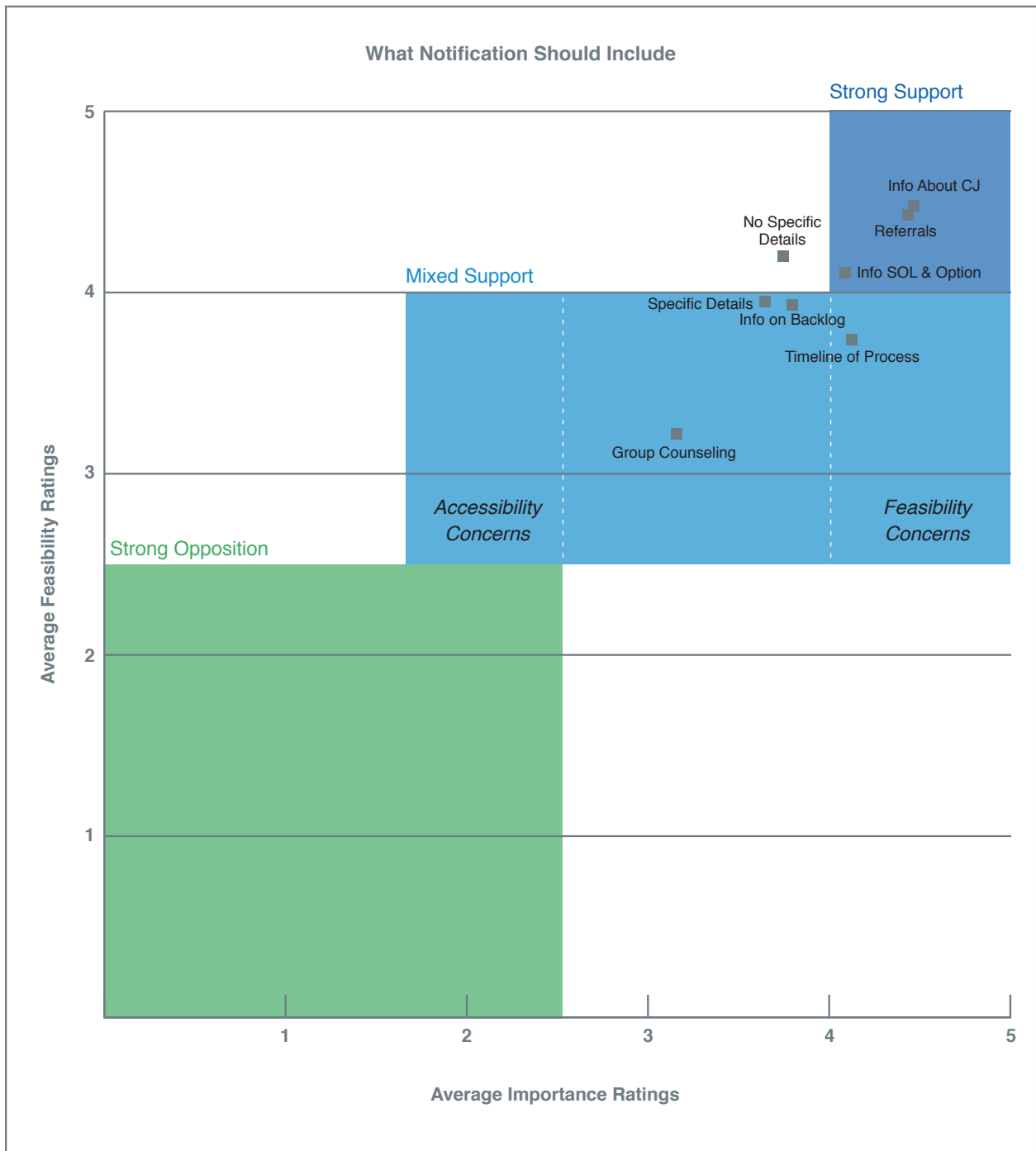
## ***Statistical Analyses***

Means and standard deviations for each of the eight suggestions about what notification should include can be found in Appendix A. Means were also plotted in Figure 35 which depicts the average importance rating (low to high on the horizontal axis) and the average feasibility rating (low to high on the vertical axis) given to each suggested practice. In this scatterplot:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices about which participants are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 35, three of the eight suggestions about what notification should include were consistently rated as both highly important and highly feasible, and none of the eight suggestions were rated as low in both importance and feasibility. The remaining suggestions all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

Figure 35. Scatterplot of importance and feasibility ratings for suggestions about what notification should include.



*Strongly Supported Suggestions About What Notification Should Include*

Three of the suggestions about what notification should include were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 36, these suggested practices included recommendations to include information about both the criminal justice system and sources of support.

Figure 36. Frequency of importance and feasibility ratings for strongly supported suggestions about what notification should include.



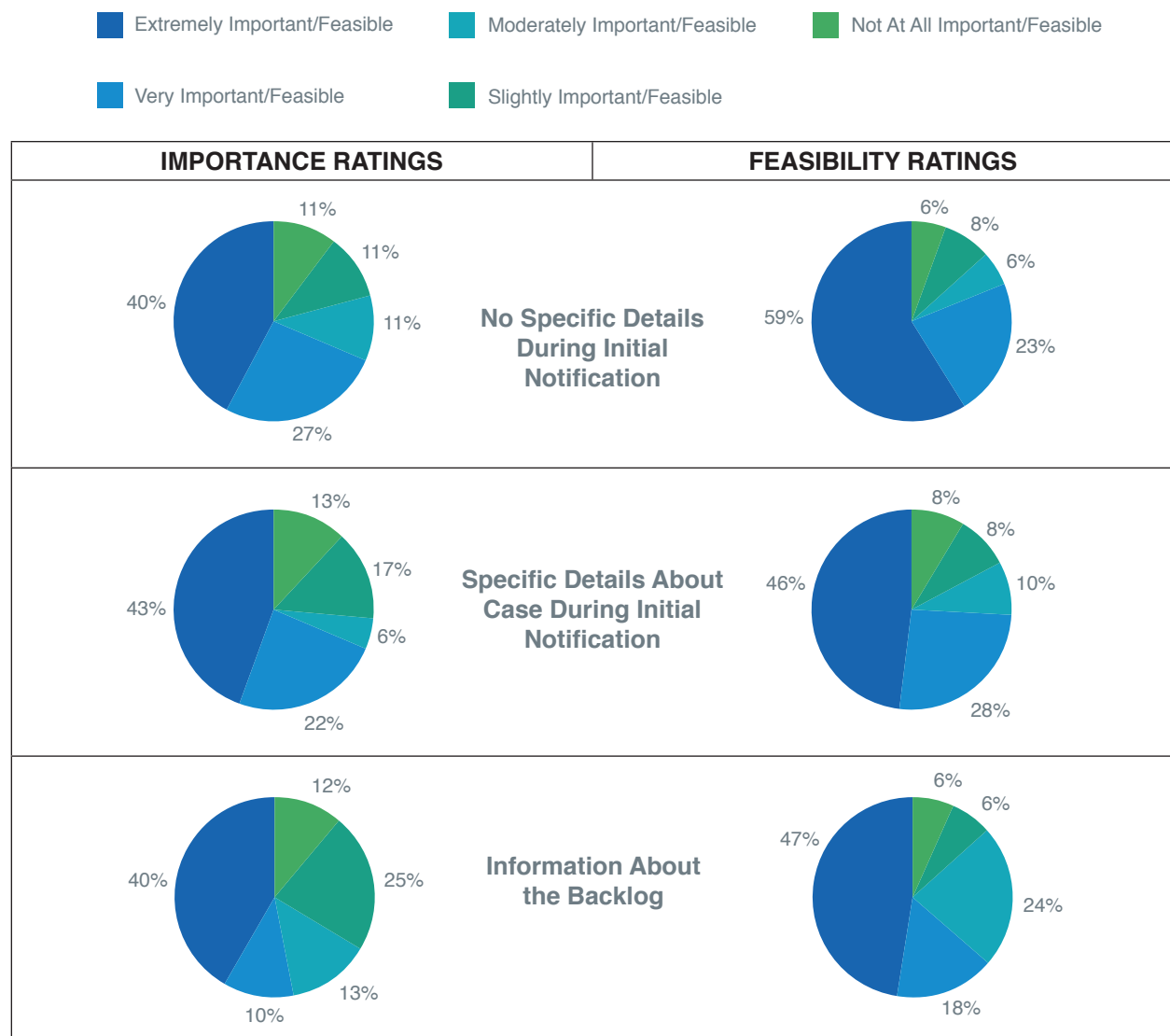
*Strongly Opposed Suggestions About What Notification Should Include*

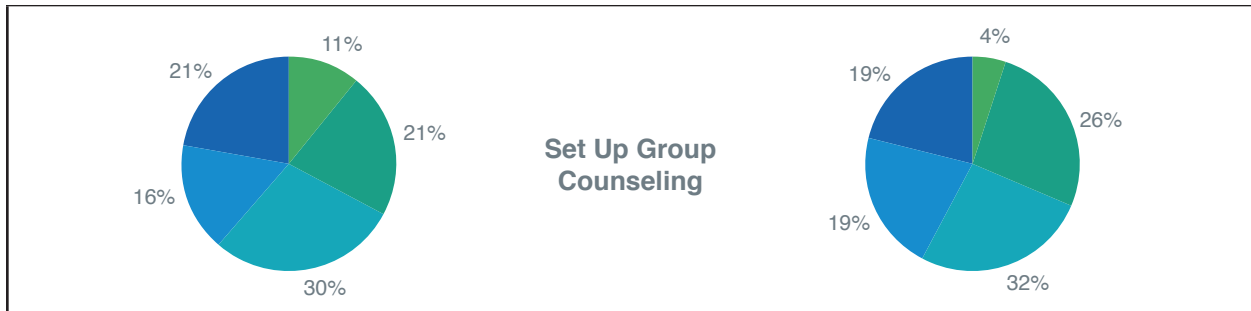
None of the suggestions about what to include in notification were consistently rated as both unimportant and infeasible. As can be seen in Figure 35, all of the suggestions in this set were considered at least somewhat important and somewhat feasible.

*Suggestions Receiving Mixed Ratings About What Notification Should Include*

The remaining five suggestions all yielded a fairly wide range of ratings across participants. As can be seen in Figure 37, four of these suggestions yielded a wide range of opinions about both the importance and feasibility of these approaches. These findings suggest that there is a great deal of variation in participants' opinions about the level of case detail to be shared during notification and whether jurisdictions should be responsible for setting up group counseling for survivors whose cases had not been fully investigated.

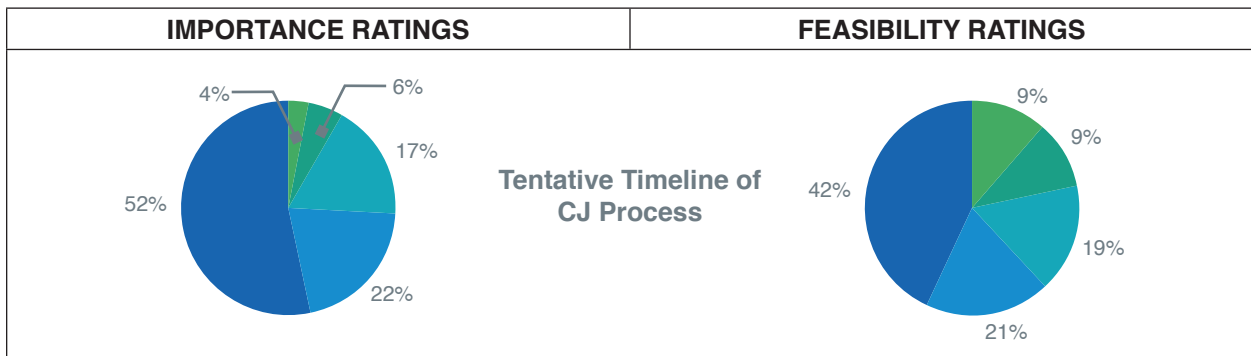
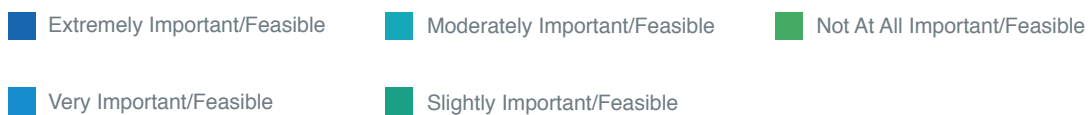
Figure 37. Frequency of importance and feasibility ratings for suggestions with mixed ratings about what should be included in notification.





While most of these suggestions received mixed ratings on both importance and feasibility, it is noteworthy that the suggestion to provide a tentative timeline of the criminal justice process received fairly high importance ratings across participants. Where participants disagreed was in their assessment of how feasible this approach would be (see Figure 38).

Figure 38. Frequency of importance and feasibility ratings for suggestions with feasibility concerns.



*Group Differences in Ratings About What Should Be Included During Notification*

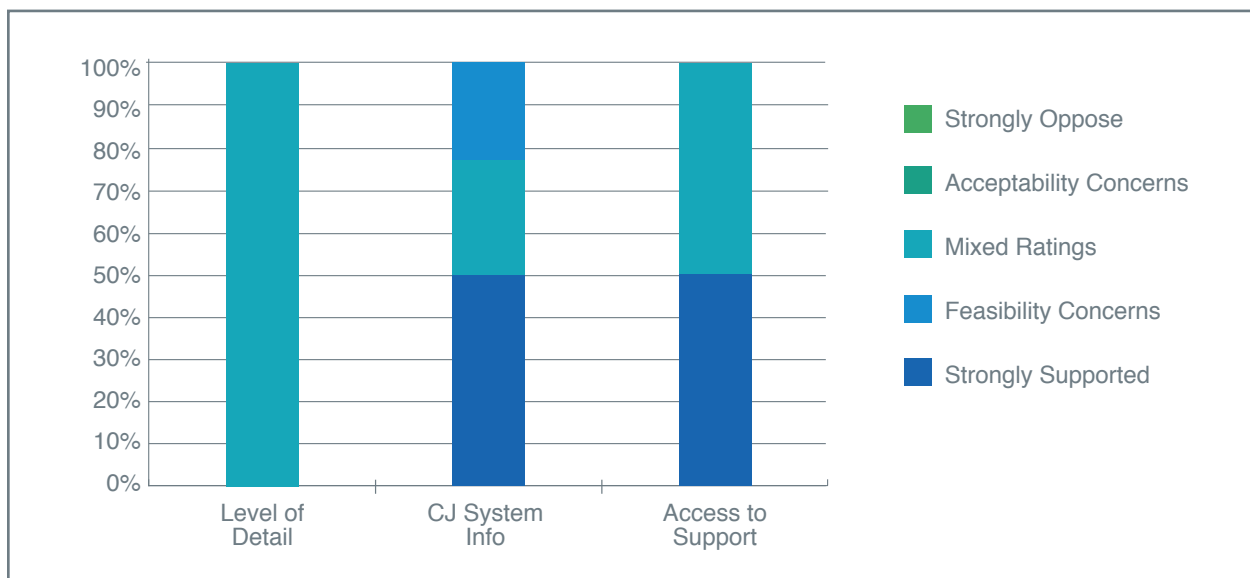
To determine whether these differences of opinion can be accounted for by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggested practices to compare the importance ratings given by four groups of participants: 1) criminal justice system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(24, 96) = 1.45, p = .11, Wilks' \Lambda = 0.41, \text{partial } \eta^2 = .26$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

*Differences in Philosophical Approach About What Should Be Included During Notification*

As noted in Figure 34, the eight specific suggestions about what notification should include fell into

roughly three categories: 1) suggestions about the level of case detail to be provided during the initial notification; 2) suggestions about providing information about the criminal justice system ; and 3) suggestions about providing access to follow-up support services. To facilitate a broader interpretation of the data, we conducted a chi-square test of independence to determine whether there was a relationship between these categories and level of support. Results suggested that the relationship between the three support categories that emerged for this set (strong support, mixed support, and feasibility concerns) and our three notification approaches (level of detail, CJ system information, and support referrals) was not significant,  $\chi^2(4, N = 8) = 3.5, p = .48$ . Although suggestions about providing information about the criminal justice system and providing referrals were more highly represented in our strongly supported category, the differences that can be seen in Figure 39 did not rise to the level of statistical significance.

Figure 39. Crosstabulation of what should be included and rating support categories.\*



\* Percentages reflect the number of suggestions about information to include that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

### **Qualitative Analyses**

To better understand participants reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against conveying specific case details during the initial notification, providing information about the criminal justice system, and providing information about support services during notification.



### *Level of Case Detail During Initial Notification*

There was a great deal of variation in participants' opinions about the level of detail that should be provided during notification. As can be seen in Table 11, a variety of arguments were offered for and against providing detailed information.

Table 11. Arguments for and against providing detailed information during notification.\*

	<b>Arguments For Providing Detailed Information</b>	<b>Arguments Against Providing Detailed Information</b>
Survivor Well-Being	29	9
Organizational Efficacy	1	14
Public Safety	0	2

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 11, the most common arguments offered in favor of providing detailed information during the initial notification centered around survivors' well-being. Participants who argued in favor of full and complete information tended to view information about the case as belonging to the survivor. Survivors were thus seen as having a right to information about the case:

*We get ourselves in trouble when we hold back info. We have to be open and honest and victims will have more respect. If they find out another way and it's in the paper, they will want to know why they weren't notified. Any info is better than none. We need to be forthcoming with information. You don't want to bombard people, but if they ask about details, you need to slowly give info. People have a right to know because it is their case. People get frustrated because they don't feel like they have a lot of say. It's the People's cases. And there are a number of cases, so it probably doesn't always happen when it should. Even if we don't have a lot of info, we give what we can. You have to remember it happened to them. – Advocate*

*Give survivors information in real time and full information, delivered in a way that shows respect and being respectful of the response. Being emotional does not mean the survivor is not deserving of the right to know. – Clinician*

Participants who were in favor of providing detailed information also pointed out that complete information is necessary for informed choices:

*Talk early on about options and what it all entails. Everything. Don't try to coddle the victim. Tell them everything. It gives them some control back, and it's less intrusive. – Advocate for Diverse Populations*

*Empowerment and autonomy. Respect their right to evaluate this their way not our way. Not re-traumatizing them. You are bringing up something traumatic. Need for full, accurate information. – Prosecutor*

They also noted that full and complete information can be important for the healing process:

*I certainly wanted to know every single detail about him. I wanted to know—and I felt like I couldn't ask those questions...like, "Okay, well, what happened? How did you find him? What was going on?" I wanted to know all that, because all those years I was like, "Did he hurt other people?" I felt guilty for not stopping whatever, thinking somehow it's my fault that he didn't get caught. I wanted to know all those questions. One of the things I did ask the ADA at the time was—I think one of the first things I asked her is, "What is his name?" For whatever reason, I just wanted to know his name. I certainly don't think that's the case for every survivor, but for me to know his name was so empowering. That was the most empowering thing. It was just like, "He has a name. He's a real person. He's not just this boogeyman that did this to me in 1993. He is a person. That's his name, and I know what it is. – Survivor*

In contrast, those arguing against detailed information during the initial notification emphasized the potential for a breach of confidentiality. In an effort to protect survivors' confidentiality and avoid unintended disclosures of personal information, these participants argued for very vague initial notifications that ask survivors to call for more information:

*Our letter is very vague. It's on department letterhead and all it mentions is this: "The [police department] is conducting a review of unsolved criminal investigations. It is advised you contact us about an update on your case." My name is the contact person on it. – Police Officer*

*DA would send a letter and search for the victim. The letter was basic. You had interaction with DA, we have an update on your case. Please contact us. – Police Officer*

Other participants described holding back information to protect the integrity of the case:

*Every instance is unique. Sometimes I am more careful about what I say...I will tell them a lot, but not too much about the case. Just about the DNA hit, not other evidence. Don't want to open them to cross examination on the stand. – Prosecutor*

*In some cases, we might not tell the victim because it could be used by the defense to show she was given information that colored her testimony. We have to be careful not to insert her back into process. – Prosecutor*

Unfortunately, survivors sometimes perceive the withholding of information as an intentional effort to keep them in the dark, particularly when jurisdictions tried to cover up the sheer number of untested kits. Such interpretations can have a negative effect on survivors' likelihood of continued engagement with the system:

*I would have liked to have had more information given to me, because I now in retrospect realize how much was being withheld...I mean they definitely put a narrow funnel of—sort of like kept things out of my line of vision to keep things simple for law enforcement...*

*They were—I'm trying to think of the right word. Not dishonest, but they withheld information about what had happened with my kit, and tried only to present me with the information about moving forward, as opposed to answering my questions about what had happened with my kit and why...They didn't want to provide answers regarding what had happened with the kit, or why. Actually told me that it was confidentiality issues that they weren't allowed to give me the information I was asking for...I kept asking, "So wait—so how—so did you just process my kit? Did you process it before? Like what happened?" He said, "Well, I can't—that would actually compromise the investigation. I can't tell you that. – Survivor*

Withholding information can also breed distrust of the system, affecting future decisions to report crimes to the police. Such distrust of the system can impact the ability of the criminal justice system to operate effectively and protect public safety:

*People can deal with it if they have straight answers. The runaround is frustrating. It's also frustrating for the frontline people because they can't be truthful. A victim will lose faith in the justice system and will not report in the future. She will carry that sentiment into the community, and it will grow. People will ask, "Why report?" If you are honest, they can accept the news versus nothing. They came in the first place for answers, not to be coddled. – Advocate*

#### *Providing Information About the Criminal Justice System*

Participants also offered arguments for providing information about the criminal justice system during initial notification. Table 12 lists a number of arguments for and against these suggested practices.

Table 12. Arguments for and against providing information about the criminal justice system.

	<b>Arguments For Information About the Criminal Justice System</b>	<b>Arguments Against Information About the Criminal Justice System</b>
Survivor Well-Being	79	0
Organizational Efficacy	9	0
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 12, the most common arguments offered in favor of providing information about the criminal justice system centered around survivors' well-being. A key benefit of this approach lies in helping survivors' understand a complicated system:

*A little bit more knowledge maybe somehow. I don't know how, but about the legal system'ish. He did explain things to me, but I really didn't know much about the legal parts of it...It could be as simple as just a vocabulary sheet. I mean they go over so many things, and then maybe some of the key notes, key words on what to discuss were*

*on a form with the definitions. I even had a problem like is the prosecutor for me or is it for him? Like that simple little things that I just kinda like oh I don't know what that means. Little stuff like that. – Survivor*

*Information is power. People feel more empowered when they understand. Overall, know the dynamics and the possible reactions and feelings you might get. Provide sensitivity and explain what the process might look like. At the very least, tell them someone will follow up. Prepare something to give to them about what the process will look like.  
– Clinician*

Understanding how the system works and what will be asked of the survivor was deemed essential for making informed choices:

*What's involved with the process, being indoctrinated with the CJ process. It may take a very long time, and they will be needed in court, so the time involved. Lots of education and information needs to be relayed to them. What to expect in the process.  
– Prosecutor*

*They need to be informed about their options, legally. That in their response, the person responding can answer their question about the statute of limitations, has it expired, when will it expire, what are my options if it does? What happens when we go to court? Walk me through the process, because I don't know. – Survivor Focus Group Participant*

When survivors are prepared for what is going to happen, they are then more likely to remain involved with the system throughout the life of the case:

*You want the victim 100 percent with you. It's something you want to do, but it's also the right thing to do. There should be a checklist rather than a statement of principles. Have you explained the court process from beginning to end? Don't assume they know how it works. This is what the schedule is. Did someone let them know? The process can really be a mystery. There can be delays. We forget they don't know what's happening. We take it for granted. How do you translate compassion and care into letting them know about adjournments? A model checklist. It's just not good if they don't know what's happening.  
– Prosecutor*

### *Information About Sources of Support*

Participants also offered a number of arguments in favor of providing information and access to support following notification. Arguments offered in favor and against these suggestions are depicted in Table 13.

Table 13. Arguments for and against providing information about sources of support.

	<b>Arguments For Information About Sources of Support</b>	<b>Arguments Against Information About Sources of Support</b>
Survivor Well-Being	138	0
Organizational Efficacy	8	0
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 13, the most common arguments offered in favor of providing information about sources of support centered around survivors' well-being. For these participants, providing referrals was essential for helping survivors deal with the trauma that may resurface as a result of notification:

*At the time of the notification, make sure they are given resources and somewhere to go for counseling. They are put right back at the scene of the crime. It totally re-traumatizes them. Don't say everything is going to be okay. – Advocate*

Participants also felt that this type of advance preparation helps communicate concern for the survivor, particularly when coupled with actual efforts to help the survivor access these resources:

*I think it showcases that they care about you somewhat, that it's not just a cursory, "All right. Bye." ...Just to have that available to me was really important. Even if you choose not to seek counseling, the fact that people thought of opportunities for you to go and do something. – Survivor*

Referral lists were also seen as an opportunity to connect survivors to services now that they have had more time to heal. Notification thus becomes another opportunity for sharing resources and helping survivors connect with supportive organizations in their community.

*I had all kinds of resources. I was in such a good spot this time, reopening the case. I dealt with what I didn't deal with back in '86 as well as reopening the case, so it was counseling and stuff that just was spot-on, that I could get over both of it—the '86 feelings and having the case reopened and reexamined and everything. It was a two-for-one shot, and it really worked. – Survivor*

For most participants, follow-up support was confined to providing a list of referrals and/or having advocates follow-up with survivors. But a few jurisdictions took the idea of follow-up support a step further by actually convening support groups for survivors whose kits had been ignored. These participants described very clear benefits for the survivors who participated in the groups:

*In following up, we put ladies in touch with others who have already gone through it. [Jurisdiction] has a group for women with pending cases with untested kits. – Prosecutor*

*I was offered the cold case support group, which was great because it was other women who had their cases reopened. Counselors and therapists were offered by law enforcement. – Survivor*

These participants also describe benefits for the system in the form of enhanced survivor engagement:

*Do it in groups. Women do well in groups. Bring together similarly situated women to talk about it in a group. It's important to be creative. Information shows that groups work for women. Say to her, "We have a small group of six women who are making the same considerations. Would you like that support and to talk about your concerns?" That way,*

*she is making the decision but feels supported. She is more likely to be involved than if she were just on her own. The perpetrator could be family or someone in the community. It has a lot of layers and is complicated. It's not necessarily a stranger rape. Having a thoughtful, supportive process in place with opportunity and education, maybe in a group setting, to ask questions and really get clarity and then make the decision makes it more likely that she will make a thoughtful decision. Allowing her to say, "No, and here's why..." would give us useful information about why people do participate or don't.*

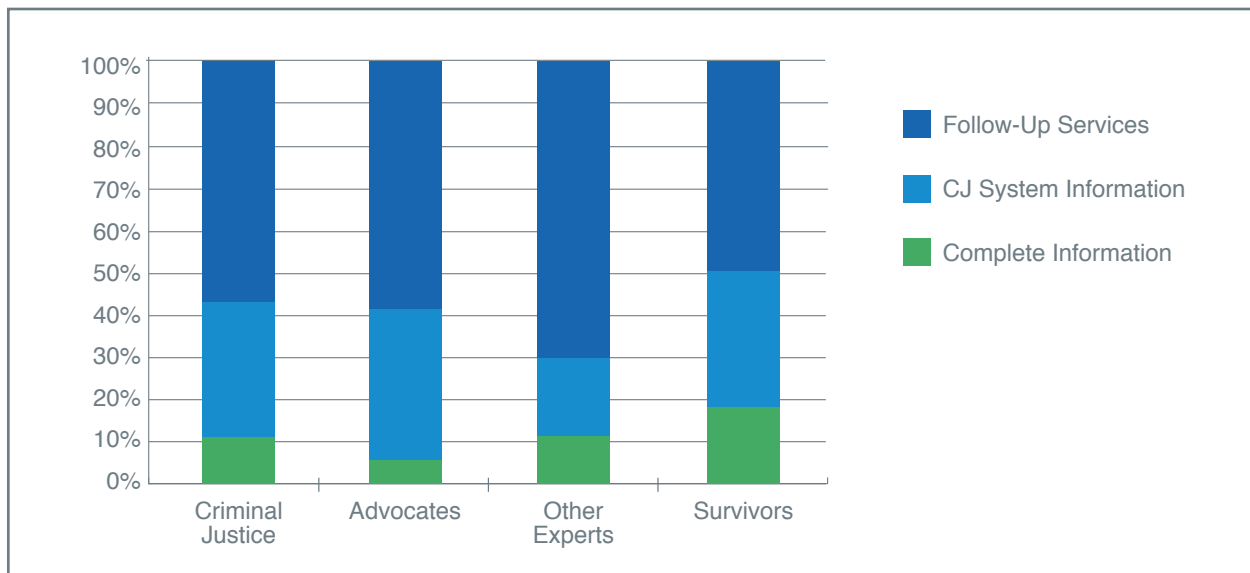
– Advocate for Diverse Populations

Despite these advantages, ratings of importance and feasibility for this recommendation were quite mixed. Unfortunately, no arguments were made against this recommendation in the qualitative data, so we are unable to provide insight into participants' specific concerns.

### Survivors' Perspectives About What Should be Included

In an effort to highlight survivors' voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 40, survivors argued for information about follow-up services and criminal justice processes at roughly the same rate as other participants. Conversely, survivors were slightly more likely to argue for complete information at the time of notification than other participants.

Figure 40. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about what should be included in notification among each group of participants.

As can be seen in Figure 40, many survivors expressed a very clear preference for full and complete information. Survivors were full of questions about the investigation, why so many kits had been ignored, and what was going to happen next. They wanted access to as much information about as many aspects of the case as possible,:

*They tested the kit. This is what's in it. This is what's gonna happen. This is where we're going or not going. This is the stuff you have to take after it. Cuz there's a lot of questions that can be raised. – Survivor*

*I would want options to see, read, touch whatever there is—the proof, like the medical report. – Survivor*

*Ask what information they want or need. I was curious about everything. I wanted to know about DNA. I wanted to see the kit, but that couldn't happen. – Survivor*

For those survivors whose kits yielded positive hits, there were also a lot of questions about the rapist:

*How did you find him? What happened? What has he been doing all these years? What took so long? I did ask if I was safe, and said he was at Rikers, and he was behind bars and would be until the trial. That was one thing we went over. Certainly I would ask all those sorts of questions but didn't. – Survivor*

*I certainly wanted to know every single detail about him. I wanted to know—and I felt like I couldn't ask those questions. Cuz here I am; this ADA's given me her personal cell. I don't wanna take advantage of the fact that she's given me all this leeway to communicate with her. I felt bad about asking her things like, "Okay, well, what happened? How did you find him? What was going on?" I wanted to know all that. – Survivor*

Survivors also wanted to understand what happened to their cases, why so many kits had never been submitted, and what was being done to prevent it in the future:

*To know why. To know why...I think I wanted to know why it took so long. Why no one did their job; why my kit was thrown somewhere and just left in a vacant—or a bin in a warehouse. Why? I wanted to know all those things. Who did it? Who actually put my—I wanted to know who actually put my case in the warehouse—I'm sure they have to have a record of it—and why no one ever did anything. Yeah, the investigation, as far as that, I wanted to know. – Survivor*

*I have visions of my kit sitting on a shelf, of those police officers tearing up my report. That has an effect. I would want to know if the kit was tested, resources were used and someone did what they were supposed to. In some small way, it mattered. Having someone call you and fax you what they have makes a big difference. – Survivor*

Information about the legal system was also considered essential by many survivors. For survivors, the legal process was often confusing and intimidating, and they wanted someone to explain the system, explain what their options were, and explain what might be expected of them:

*Everything about what could possibly happen and not happen, and if there was anything I could be helpful or decide with them. – Survivor*

*I'm gonna have questions because at that point I was not familiar with the criminal justice*

*system. If you told me there's a preliminary hearing, I don't know that is. Are you gonna put me on the stand? No. Can I be in there? No. Is he gonna be there? What do I need to do where? – Survivor*

Survivors also expressed a strong desire for referrals and services:

*I think it's so critical to let people know that there are support systems out there. I think they should at least be aware of some kind of—maybe a rape advocacy group, some kind of therapy, different types of places that have therapy, paid for, unpaid for. I would've loved to have some kind of information disseminated to me at any time, especially in that beginning period. It was so critical to have people tell me, this is what you can do.*

*– Survivor*

*Support like therapy, if we had some kind of peer group that would be awesome. Like a provider group. Information with resources about PTSD. – Survivor*

Active efforts to connect them with services were also far more preferable than simply being handed a list:

*I think it showcases that they care about you somewhat, that it's not just a cursory, "All right. Bye." I felt like in my whole time of law enforcement, no one said to me—even the ones who said, "You should take care of yourself." How do you take care of yourself? These are some options. Whereas, I feel like the people who I felt really wanted to take care of me, were actively looking at places. I mean, there were some people, who a week after talking to me would be like, "You know, I did some research because of you, and these are some services that you can look at. I know you don't have a lot of money. There are some things that you can do for free. Try it out. It can't hurt." – Survivor*

### **Conclusions About What Should Be Included During Notification**

Taken together, the suggestions about what notification should include point to the need for considerable advance planning. For most of the participants in this study, notification was not just about conveying test results but about arming survivors with the information to cope with all of the implications that those test results might have. Notification was thus about anticipating what survivors might need moving forward and providing that information and support without the survivor having to ask for it.

Recognizing the difficulty that survivors may have in digesting information when they are in a state of shock, many participants advocated for preparing materials in advance:

*Put as much in writing as possible because they will be in shock. – Advocate*

*Provide materials that talk about the flow of the process, perhaps a diagram of the ways in which the case could proceed from certain points. – Policy Expert*

Participants also advocated for a slow and patient approach to notification as a way of ensuring that survivors are able to process the information being shared:

*You have to do a lot of going in super gently. The brain takes time to process. Some*



*might have been expecting the call everyday, and others will have suppressed it. You have to give the brain time to synapse it. – Clinician*

*It's like when you go to the doctor and they give you bad news. You go home and don't remember anything that was said to you. That happens to victims. They are starting new with the process. They don't remember anything that was told to them. They don't know if they have to testify at a preliminary hearing. Tell them from A to Z what to expect.  
– Prosecutor*

While there was less consensus about the level of case detail that should be shared during initial notifications, survivors expressed a strong desire for full and complete information. While concerns about confidentiality and case integrity are also important, it is clear that survivors may benefit from having their questions answered in as complete and honest a way as possible. By taking survivors' needs into consideration, notifiers may be able to strike a reasonable balance about the level of detail to be shared. Training on survivors needs and perspectives may be an essential component of this process.

## **CONTEXTUAL FACTORS TO SUPPORT NOTIFICATION**

In addition to these suggestions about specific techniques to employ during notification, participants also offered a number of suggestions about larger contextual changes that can help support notification efforts. In the following sections, we discuss suggestions about training notifiers, changing organizational systems to better support notification, and legislative and larger systemic changes that can improve how the backlog is addressed.

### **Training Recommendations**

Seventeen specific suggestions about training notifiers were identified from the qualitative data. These suggested practices included training notifiers to understand survivors' perspectives, training notifiers to interact effectively with survivors, training notifiers on specific content knowledge so they can answer survivors' questions, and a number of logistical suggestions about how to actually conduct notifier training (see Figure 41 for a list of specific suggested practices).

Figure 41. Specific suggestions about training.

Survivors' Perspectives	Interacting with Survivors	Information to be Conveyed	Logistics
<p>Training should emphasize that sexual assault is a serious criminal offense that should be responded to accordingly</p> <p>Survivors' perception of the criminal justice system is affected more by the nature of communication with criminal justice personnel than the outcome of the trial</p> <p>Training should help criminal justice personnel view rape kits as people not just as evidence</p> <p>Training should emphasize the impact of untested kits and unidentified perpetrators on public safety</p> <p>Training should emphasize the importance of victim satisfaction for the criminal justice process</p> <p>Training should include survivors' stories in the form of in-person presentations or pre-recorded training videos</p>	<p>Law enforcement personnel should be required to undergo rape trauma training</p> <p>Training programs for law enforcement personnel should take a victim centered approach focused on survivors needs</p> <p>Law enforcement personnel should be trained to handle potential varied reactions (anger, joy, anguish) survivors might exhibit during the notification process</p> <p>Police should make it clear that the decision to not test a rape kit is not due to the validity of the story</p> <p>Law enforcement personnel should be required to take sensitivity training</p>	<p>Training should include awareness of community services for survivors</p> <p>Notifiers should be trained to answer questions about why the backlog exists and why kits weren't tested in a timely manner</p> <p>Law enforcement personnel should be required to attend a basic training course in forensics and DNA testing to help better explain the process to survivors</p>	<p>Victim-centered training manuals and brochures should be developed for use during training nationwide</p> <p>Law enforcement personnel should engage in reciprocal training with rape crisis centers</p> <p>Sexual assault advocacy training should include testing prior to certification to ensure adequate sensitivity and knowledge</p>

### Statistical Analyses

To determine the relative level of support for each suggested practice, we first calculated means and standard deviations for each practice (see Appendix A for a complete list). These means gave us a good idea of which suggestions were deemed important and which were deemed feasible, but we wanted to be able to compare suggestions on both dimensions simultaneously. To do so, we plotted each suggested practice along two axes: 1) average importance ratings were plotted along the horizontal axis from left (low importance) to right (high importance); and 2) average feasibility ratings were plotted along the vertical axis from bottom (low feasibility) to top (high feasibility) (see Figure 42). We then used the resulting scatterplot to draw conclusions about the relative ratings given to each suggested practice. Specifically:

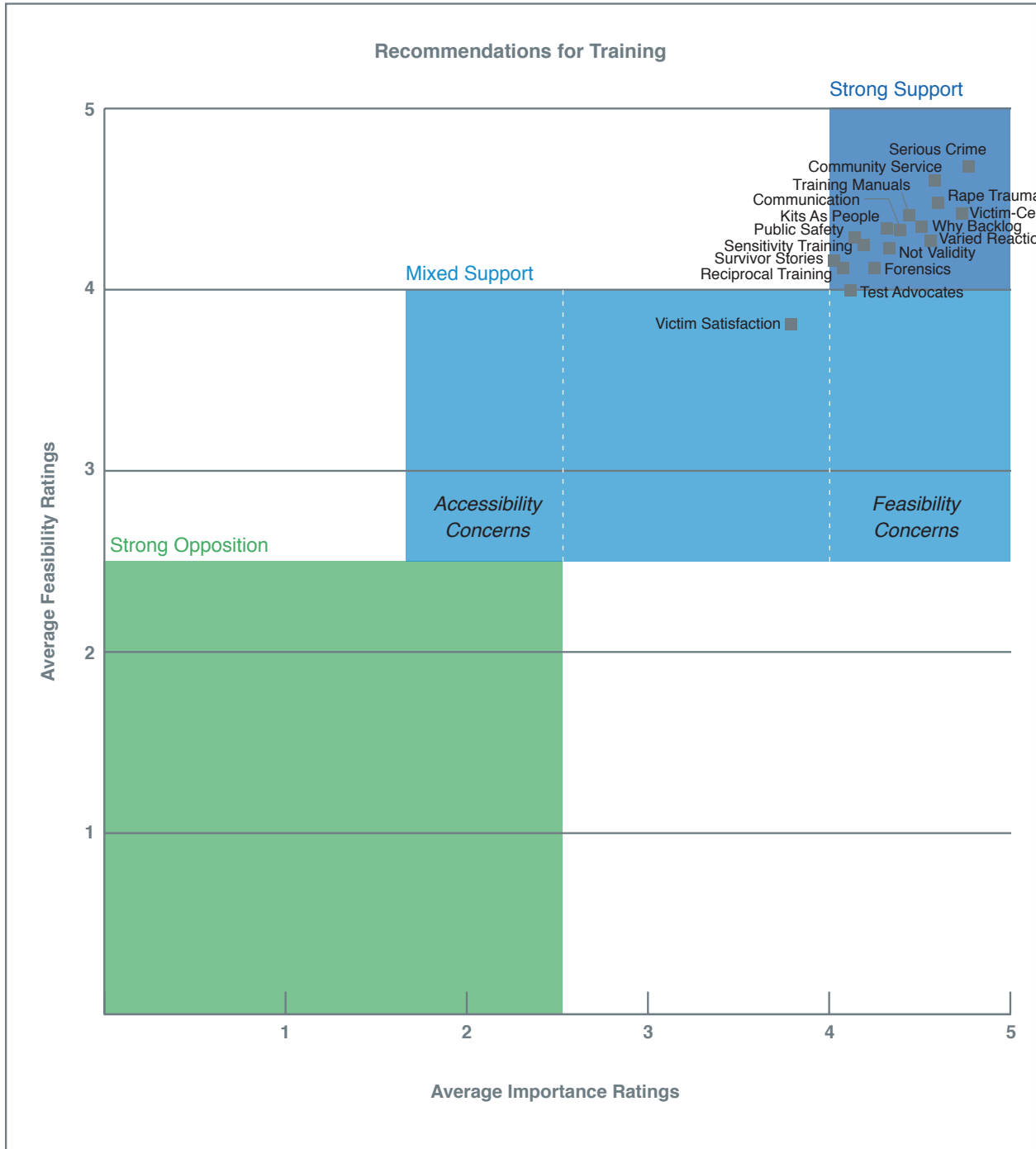
- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper

right hand section of the graph. These are the practices that are most strongly supported by participant ratings.

- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices where participants' opinions are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 42, 15 of the 17 suggestions about training were consistently rated as both highly important and highly feasible, and none of the suggestions were rated as low in both importance and feasibility. The remaining two suggestions yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

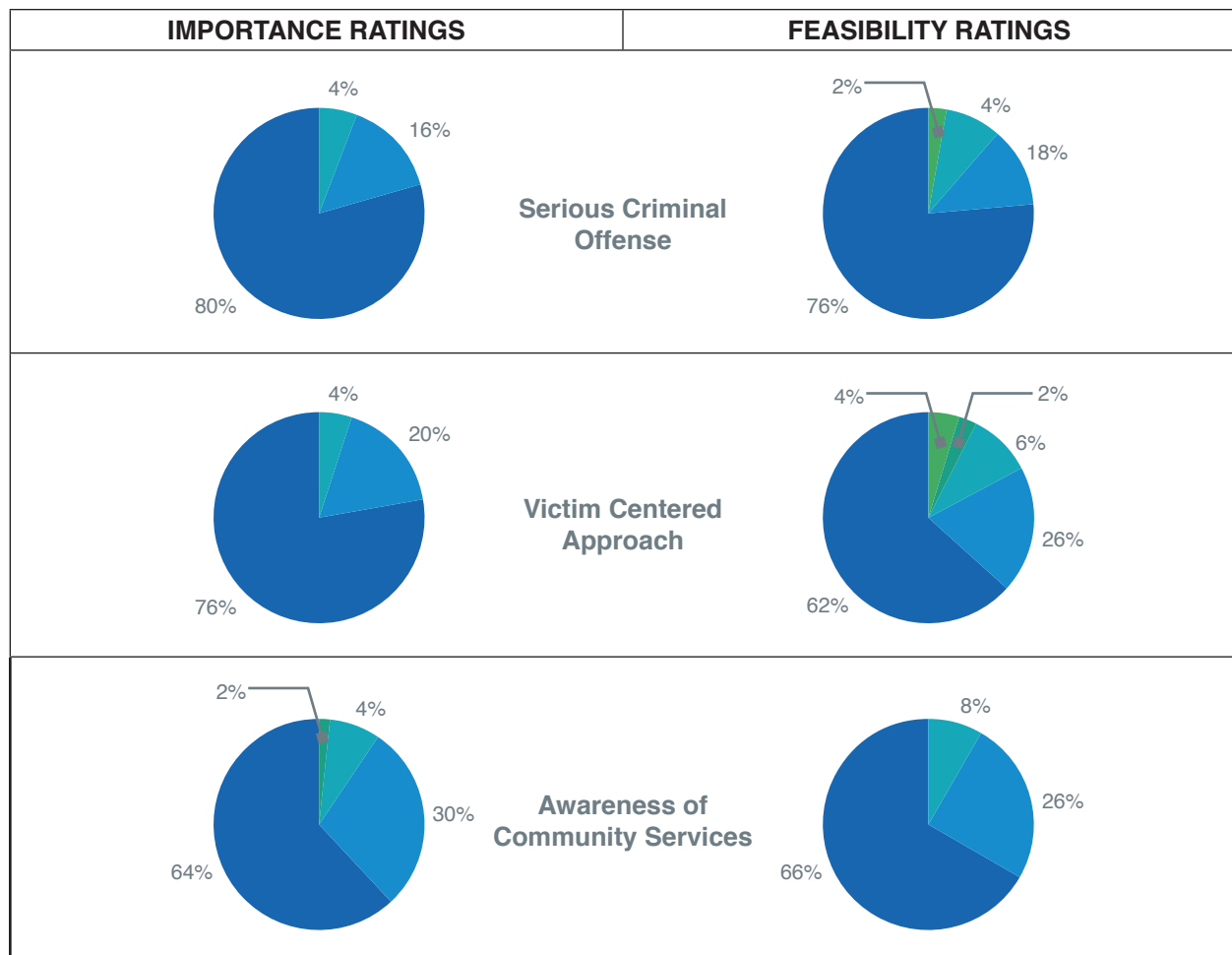
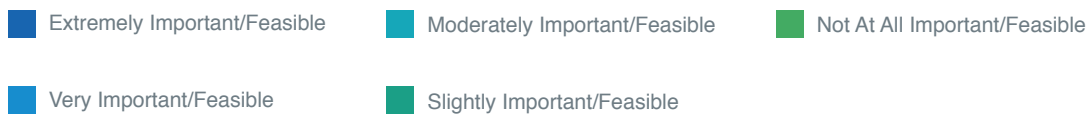
Figure 42. Scatterplot of importance and feasibility ratings for suggestions about how to train notifiers.



*Strongly Supported Suggestions About Training*

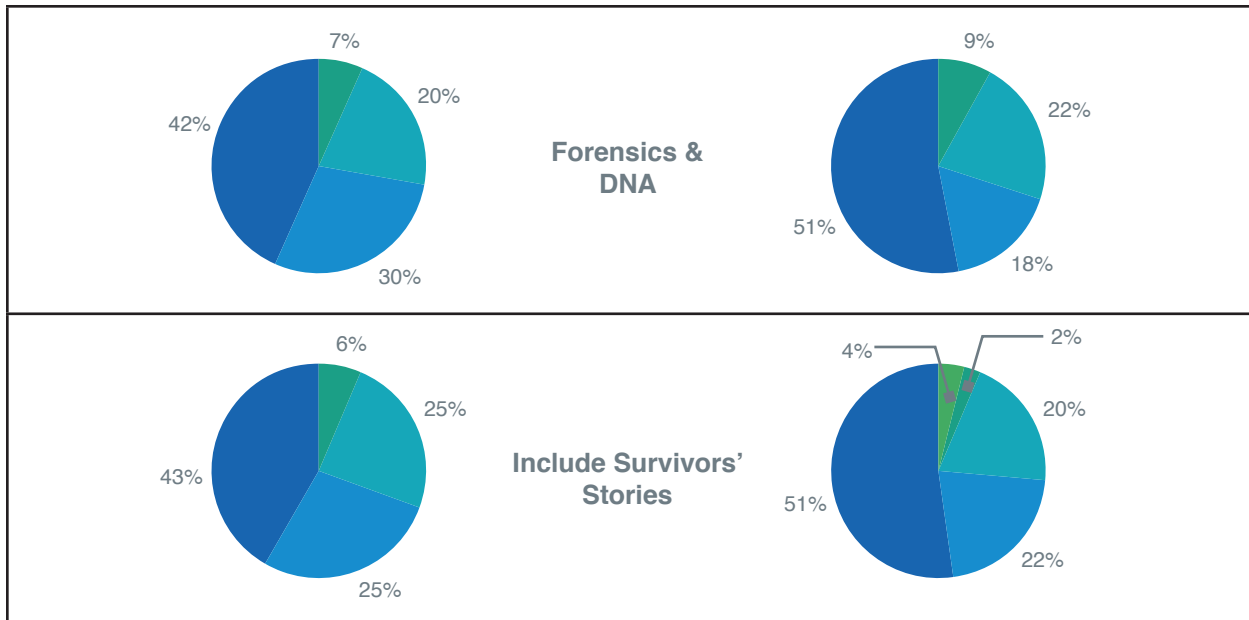
Nearly all of the suggestions about training (15 of 17) were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 43, these recommendations included a range of items about training notifiers to adopt a survivor perspective, training notifiers to interact effectively with survivors, training on the type of information to be conveyed, and logistical suggestions for implementing training sessions.

Figure 43. Frequency of importance and feasibility ratings for strongly supported recommendations about training.









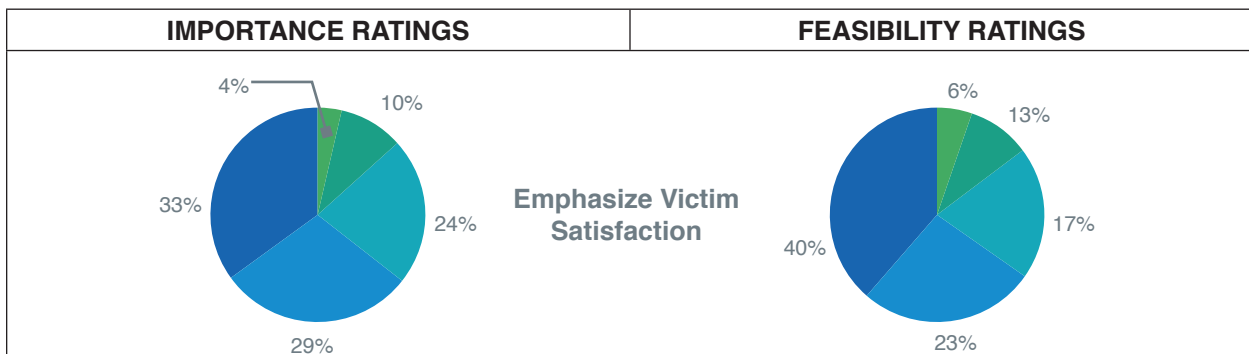
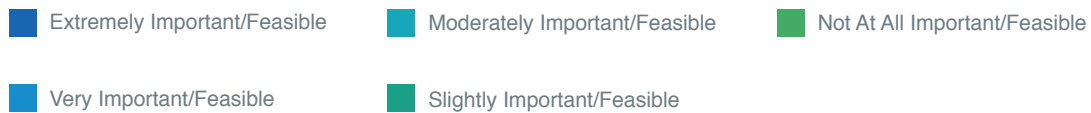
*Strongly Opposed Suggestions About Training*

None of the suggestions about how to train notifiers were consistently rated as both unimportant and infeasible. As can be seen in Figure 42, all of the recommendations in this set were considered at least somewhat important and somewhat feasible.

*Suggestions Receiving Mixed Ratings About Training*

The remaining two suggestions yielded a wider range of ratings across participants. The recommendation to emphasize the importance of victim satisfaction for the criminal justice process received mixed ratings on both importance and feasibility.

Figure 44. Frequency of importance and feasibility ratings for suggestions with mixed ratings about training.

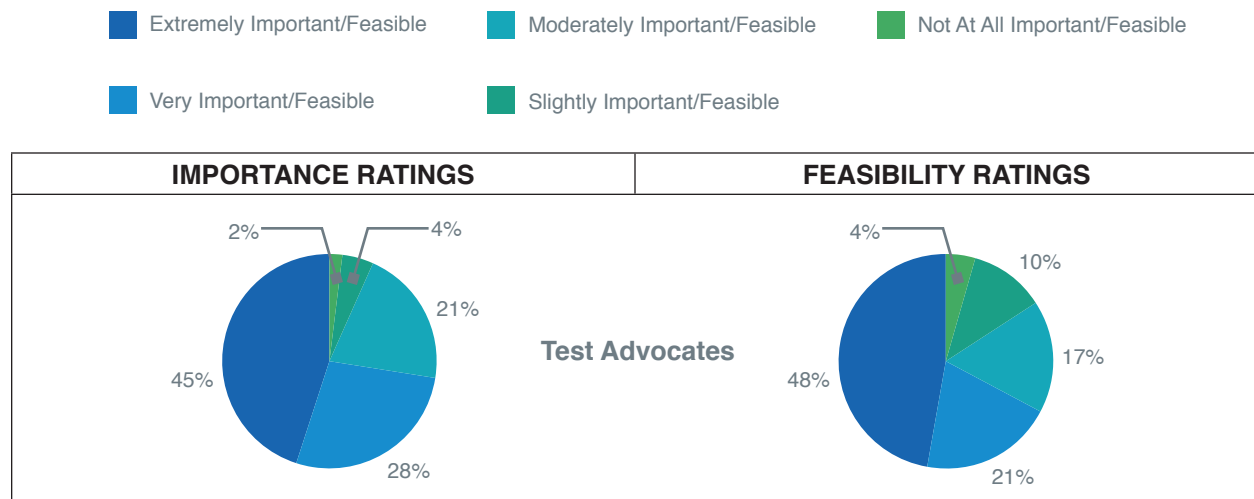


In contrast, the suggestion to test advocates prior to certification received fairly high importance ratings



across participants. Where participant opinions are more mixed is around the question of feasibility (see Figure 45).

Figure 45. Frequency of importance and feasibility ratings for suggestions with feasibility concerns about training.



#### Group Differences in Ratings About Training

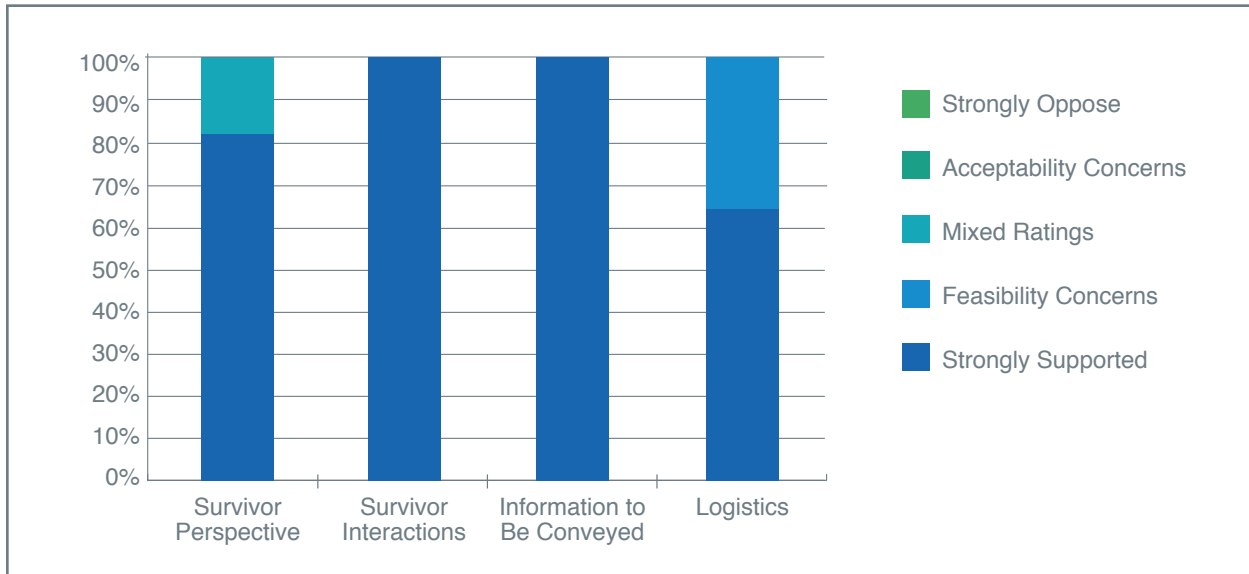
To determine whether these differences of opinion can be accounted by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggested practices to compare the importance ratings given by four groups of participants: 1) criminal justice system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(51,72) = 1.35$ ,  $p = .12$ , Wilks'  $\Lambda = 0.14$ , partial  $\eta^2 = .49$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

#### Difference in Philosophical Approach About Training

As noted in Figure 41, the 17 specific suggestions about training notifiers fell into roughly four categories: 1) suggestions about training notifiers to understand survivors' perspectives; 2) suggestions about training notifiers to interact effectively with survivors; 3) suggestions about training notifiers to answer survivors' questions; and 4) logistical suggestions about how to actually conduct training. To facilitate a broader interpretation of the data, we were also interested in determining whether any of these three broad approaches to notification tended to receive more support or less support than others. To this end, a chi-square test of independence was used to determine whether there was a relationship between training category and level of support. Results suggested that the relationship between our three support categories (strong support, mixed support, and feasibility concerns) and our four notification categories (survivor perspective, survivor interactions, information to convey, and logistics) was not significant,  $\chi^2(6, N = 17) = 6.80$ ,  $p = .34$ . This result is driven primarily by the fact that most of our suggested practices fell

into the strongly supported category which was fairly equally distributed across approaches (see Figure 46).

Figure 46. Crosstabulation of training approaches and rating support categories.\*



\* Percentages reflect the number of suggestions about training that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

### Qualitative Analyses

To better understand participants reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against training notifiers on survivors’ perspectives, how to interact effectively with survivors, information to be conveyed, and logistical recommendations for training notifiers.

#### Training Notifiers to Understand Survivors’ Perspectives

A number of arguments were made for training notifiers to understand survivors’ perspectives. A summary of these arguments can be found in Table 14.

Table 14. Arguments for and against training notifiers to understand survivor perspectives.\*

	Arguments For Training Notifiers on Survivor Perspectives	Arguments Against Training Notifiers on Survivor Perspectives
Survivor Well-Being	15	0
Organizational Efficacy	10	0
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 14, the most common arguments offered in favor of training notifiers on survivor perspectives centered around survivors' well-being. Many of these participants argued that understanding survivors' perspectives is essential for framing survivor-centric notification efforts. By understanding how survivors view the issue, jurisdictions can make more informed decisions about which approaches will work best and why:

*There is a victim perspective of what happened and what happened with the investigation, and a law enforcement perspective of what happened and what happened with the victim. I need to bridge those two perspectives. They have two things they come in here with – the experience of being sexually assaulted, and the experience of what it means to be in law enforcement. The trauma of the assault, and the fact they made a report and were hoping for a resolution and there wasn't. They bring that back in, and the experience includes bias of the detectives and someone said something to the victim that was offensive, and not appropriate, and culturally and socially not great... how can we bridge that so they can bridge the language and tell the same story to get to the other side of this. – Trainer*

Educating notifiers about survivor perspectives was also seen as essential to helping them understand why survivors react as they do and what survivors' needs might be:

*They need to understand that in that moment of tremendous trauma, it takes you to somewhere you have never been before. They must understand trauma and what it can do to you. Initial trauma. It is different over time. Although you are coming to save them, even you are suspect. – Advocate*

*If you show them, or tell them how it has changed you, or how it has affected you, maybe they can accept things better. Basically, that's training... maybe that's how we have to come at our DA's and our police departments. It's the training and the education... we're showing that this is what happens to victims. This is how we respond. This is how we react. This is how we feel. – Survivor*

Part of this framing was to help jurisdictions understand that each rape kit represents a person. Instead of seeing the kits as just an additional piece of evidence, these participants wanted notifiers to think about the people behind the kits:

*In terms of the training, to train people that the kits represent people, and lives, and history, not just evidence. There's this feeling that they're—is the evidence good for something? Well, I don't know, it represents people...A few years ago I [made a presentation]... That's exactly what I prayed to everybody, no matter what they were doing, that we're not a test tube. We're not a number...we need a standardized way of finding a human in their test tube. – Survivor Focus Group Participant*

For these participants, the hope was that educating jurisdictions about the serious nature of the crime and the importance of testing would result in a greater investment of time and effort into the investigation and prosecution of these cases. At the heart of these arguments was a hope that if jurisdictions just understand, then maybe they would do a better job:

*Imagine being a prosecutor and having somebody say to you, “Let me just explain something to you.” I mean I like to think they’re human, and they’re so into their jobs that they have forgotten to think outside the box. Imagine somebody saying, “This is what happened to me. This has been the impact it’s had on my life.”... Maybe they would—maybe they would—if they would be offered a different perspective, perhaps they might respond differently. If they only have their own frame of reference, and they have a job to do, it never occurs to them that there is an alternative. There are certainly alternative realities that perhaps would be shared with them. – Survivor Focus Group Participant*

While no-one offered arguments against educating notifiers on survivors’ perspectives, it is important to note that nearly all of the arguments made in favor of this approach came from survivors and researchers who had spoken to other survivors (see Figure 47). Whether the absence of arguments against this approach reflects universal acceptance of the importance of survivors’ perspectives or a lack of awareness that survivors have a unique perspective is currently unknown. What is clear is that survivors have a distinct way of viewing the problem, and it is important to survivors that notifiers understand, acknowledge, and value their point of view.

*Training Notifiers to Interact Effectively with Survivors*

Participants also offered explanations for why it is important to train notifiers to interact effectively with survivors. A summary of these arguments can be seen in Table 15.

Table 15. Arguments for and against training notifiers to interact effectively with survivors.

	<b>Arguments For Training Notifiers to Interact with Survivors</b>	<b>Arguments Against Training Notifiers to Interact with Survivors</b>
Survivor Well-Being	76	0
Organizational Efficacy	8	0
Public Safety	1	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 15, many participants felt that it was important for notifiers to be trained to understand and interact with traumatized survivors. Training on the impact of trauma on survivors’ thoughts, feeling, and behaviors, notifiers was seen as essential for helping notifiers understand what survivors needs are and for helping them learn to respond in a patient, less judgmental way:

*For a person who is a victim of child sexual assault or adult sexual assault, it takes a lot of time to heal...It makes it important that the model or protocol is trauma-informed and to understand that you must establish communication and trust and understand there may be resistance. – Advocate*

*Understand the dynamics of sexual assault. It doesn’t matter if it was yesterday or 20*

*years ago, you must consider confidentiality, anonymity, and shame. Many cases in a backlog will be stranger cases, so it won't be as prevalent, but there is so much victim blaming with non-stranger cases. It concerns me that most officers in cold case units started with homicide. Do they have any understanding of the sexual assault dynamic? I used to leave a sex crimes business card. I never thought of the ramifications that doing that. – Police Officer*

Participants also felt that it was important to help notifiers understand that survivors are likely to have a wide range of reactions to the notification and to be prepared to respond to all types of reactions:

*They need to know trauma responses. The skills needed for notification are the same as for responding in the first place to a call. They probably have skills to know trauma and its signs, to connect survivors to an advocate, not to push. Treat her with respect and kindness and make sure she's safe. Make a connection. More about trauma and how a person will look when experiencing trauma. – Advocate*

*The reaction is different every time. Everyone handles trauma differently. Stress makes people act differently. – Police Officer*

By training notifiers to respond to survivors' needs, notifiers may be better able to bridge the gap between survivors' needs and the needs of the investigation, thereby serving the interests of both survivors and the system:

*More responsive when go through advocacy training or are involved in SART. There is a 40-hour advocacy training. At the end, every officer says everyone should go through this training... We train them at the academy but it doesn't have the same impact. – Advocate*

Enhancing notifiers interpersonal skills was also seen as critical for survivors' healing. By helping notifiers become better listeners and providing them with key phrases to help support survivors, the comfort level of both survivors and providers can be enhanced:

*People need training in sexual assault cases, how to talk to victims. Dealing with someone in crisis because we're not therapists. Being prepared for crisis. Referrals and resources to give them whatever they need. Emergency resources. Being sensitive and hearing what the victim is saying and not judging. They might say, 'I am done with this. I don't want to testify.' You have to be there to listen. – Prosecutor*

Training notifiers on the impact of trauma and how to respond to varied reactions also reduces the chance that notifiers will misinterpret survivors' responses or react negatively toward survivors in turn:

*During the protocol meeting, they talked about victims and how they had to go to [Agency Name]. They brought up victims changing their stories and how that factors into credibility. We brought up the other perspective: trauma impacts the body and the brain and how you present yourself and how it impacts you in terms of flight, fight and freeze mode. DA was surprised and had never thought about it from the perspective of*

*the victim. Maybe the trauma has impacted her. It's not about lying. It's the nature of the trauma. – Academic Expert*

*There must be training and education with accurate sources about trauma and the body for the person doing the notification. This is very crucial. When people without the proper training do notification, they think the reaction is bad. There needs to be more information and guidance. Reactions are often misinterpreted. – Clinician*

Such training was seen as not only important for criminal justice personnel, but for advocates and clinicians as well:

*They should be prepared—the advocate should be prepared for a negative response, how to accept the response, and how to respond back with positive. Then they can understand why the survivor might be acting like that...The advocates should be trained, and should have an ethics class, I do believe. They should know different strategies to use when approaching the victims, and also different interventions. – Survivor Focus Group Participant*

Ideally, such training should also incorporate an emphasis on cultural competency. For many participants, it isn't enough to simply train notifiers about rape. Notifiers also need to understand the needs of survivors from different cultures, different socioeconomic backgrounds, different sexual orientations, different mental health histories, and with varying levels of criminal justice system involvement:

*Training is really important, especially around mental health issues, and even broad training on extenuating circumstances around certain victims. Those who have that kind of training are amazing, but they generally are not working on the front lines. – Advocate*

*You must consider their healing process, their race and culture and who they are as an individual. Law enforcement should see her not just as someone who was victimized but as the mother she is or the teenager she is. They must know how to get her to understand what they are trying to get from her. They must realize they may have to do something different than with the last victim. The people in front of you are different. When they are victimized, they are that much different. When I am traumatized, I speak Spanish, my native language. Your body goes innately to what do I need to do to protect myself. – Advocate*

Training notifiers to interact effectively with a wide variety of survivors was seen as having positive benefits for survivors, the system, and public safety alike:

*I think that education can be very helpful for the police departments in their current states if we convey that this—if you interview a victim in the wrong way, and she doesn't wanna participate, that means that rapist goes free, and the community is that much more at risk. If we don't take these cases seriously, it's not just that oh, she's gonna go away and be miserable, whatever. There's rapists out there that are clearly serial offenders that—it's accepted now that rapists rape over and over. If we could just focus on framing this*

*more as a public health, public safety. – Survivor Focus Group*

In fact, support for this type of training was so high that not a single participant offered any arguments against it.

#### *Training Notifiers on Specific Content Knowledge*

Participants also argued for providing notifiers with the knowledge they would need to answer survivors' questions. These arguments are summarized in Table 16.

Table 16. Arguments for and against training notifiers on specific content knowledge.\*

	<b>Arguments For Training on Specific Content Knowledge</b>	<b>Arguments Against Training on Specific Content Knowledge</b>
Survivor Well-Being	15	0
Organizational Efficacy	3	0
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 16, participants also believed that training was important to ensure that the notification team understands the procedures and is able to implement them effectively:

*We do training and mandatory team meetings. We try to make sure everyone knows the roles and understands others' philosophical perspectives. – Advocate*

Ensuring that advocates and criminal justice personnel alike have the knowledge to effectively answer survivors' questions was also seen as critical:

*We worked with a lot of rape crisis centers. We tried to do training and provide training to counselors for their discussions with victims about labs. We provide that info to counselors. We had a good approach and attitude about keeping them informed, especially in light of DNA. Victims have a lot more questions now. I would recommend that those who notify have training in forensic DNA and science, like what is the database and a hit and a profile? – Crime Lab*

*Notifiers should have training on the history or background of the backlog. I would question why my kit wasn't tested. Be prepared to answer why the backlog happened. Explain why it happened in the first place. – Clinician*

Conveying accurate information to survivors was, in turn, seen as essential for survivors' ability to make informed decisions and connect with local services:

*They should have some kind of legal knowledge. What does a match mean? What do you want of me? What do I need to know? Most will be in some type of relationship and not sitting around waiting for this call. What if the survivor asks "how do I talk to my partner about this?" There must be a lot of sensitivity and understanding, being able to*

*listen and not overreacting one way or another. Is the survivor saying thank you? Is she bawling and wondering why you called her? There must be someone to explain what it means, the legal ramifications; someone who can come clearly out and say, "You do not have to cooperate, but we did want you to know." I wouldn't want her to be pressured. In terms of boundaries, it has to be someone who knows what to say when the victim survivor asks, "If you were me, what would you do?" Answering that question could pressure her into thinking, "I have to do this." There must be sensitivity and knowledge.*

– Clinician

*Recommendations About Training Logistics*

Participants also offered recommendations about how to actually conduct notifier trainings. Arguments for and against different approaches are summarized in Table 17.

Table 17. Arguments for and against logistical recommendations.\*

	<b>Arguments For Logistical Recommendations</b>	<b>Arguments Against Logistical Recommendations</b>
Survivor Well-Being	18	0
Organizational Efficacy	10	0
Public Safety	0	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

In order to train notifiers on both trauma and the criminal justice system, jurisdictions will likely have to bring in a variety of trainers – some with expertise in trauma and working with survivors, others with experience in the criminal justice system, and still others with expertise in forensics. One way of doing this efficiently would be to have rape crisis centers, police, and crime labs conduct reciprocal trainings with one another, thereby increasing one another’s knowledge base while enhancing connections between the three systems:

*Worked a lot within the past few years to revise 40 hour training that all officers need to be a sexual assault investigator...Co-facilitated. Not just an officer doing the training.*

– Advocate

*We are doing a training with the inspectors soon. We do cross-training with them a lot.*

– Prosecutor

*There is a 40-hour advocacy training. At the end, every officer says everyone should go through this training...We train them at the academy, but it doesn't have the same impact.*

– Advocate

Other participants offered suggestions about the nature of the training itself, arguing for the importance of hands-on training. For these participants, the opportunity to think through different scenarios and interact with survivors through various role plays was considered essential for effective skill development:



*Pure sensitivity training for every person delivering notification. Be prepared for all reactions: anger, nonchalant, don't want to be involved. Train on as many scenarios as possible and how to remain victim-centered in every situation.*

*– Advocate*

*Think carefully about training people to respond to phone calls carefully. Then do some role playing for the kinds of questions they might ask. – Survivor*

*We have analysts with prosecutors and victim advocates. We move them through different scenarios they can use and apply. – Policy Expert*

Still others argued for the importance of developing training materials and manuals ahead of time. Such materials can include manuals, talking points, and role plays that can help notifiers learn how to respond in a victim-centered way in a variety of different circumstances:

*When a victim calls in, we have a desk manual, which provides a general understanding of how to speak with a victim and how to meet their needs. – Victim Services*

*Talking points should be given to this person. – Advocate*

The suggestion to test notifiers on the knowledge and skills gained during training was also offered by some participants. Such tests would ensure that notifiers were sufficiently prepared to engage with survivors effectively, thereby reducing the potential for harmful interactions:

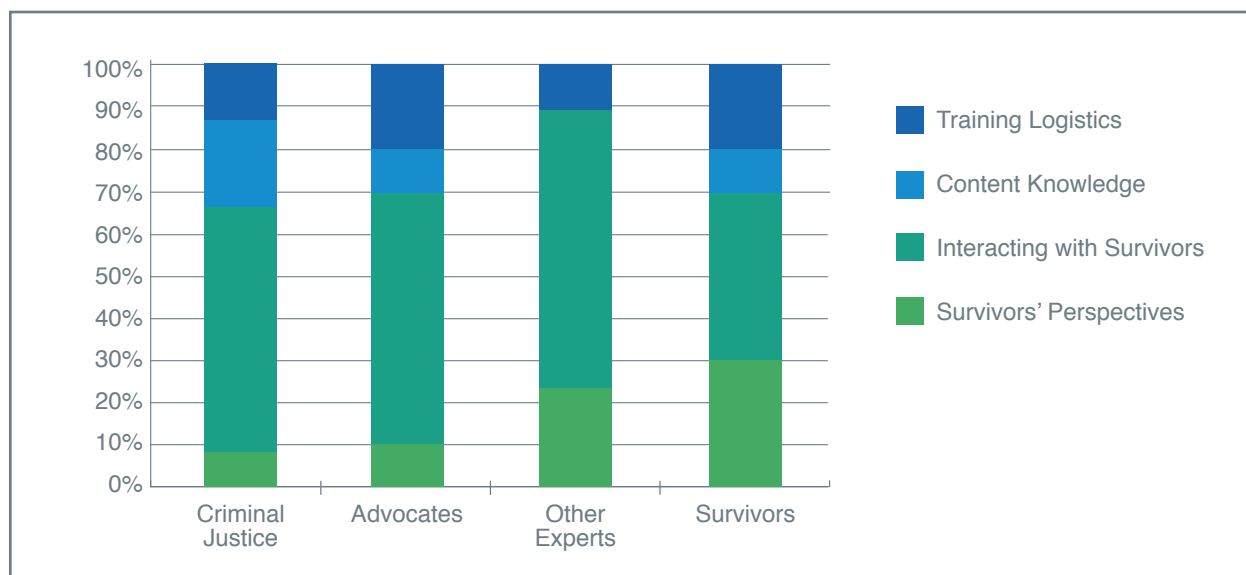
*They should have tests where they can see if they're biased. You know what I'm saying about certain subjects...For the advocates. If you hold certain biases about different subjects, different races, or different whatever, you might not put your all into that for that victim. – Survivor Focus Group Participant*

While participant ratings were more mixed about some of these suggestions, the qualitative data does not shed light on arguments against such approaches.

### *Survivors' Perspectives About Training*

In an effort to highlight survivors' voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 47, most of the arguments offered by participants involved helping notifiers understand survivors' perspectives and learn to interact with survivors in a sensitive and affirming way. Survivors were slightly more likely to emphasize the importance of survivors' perspectives, however.

Figure 47. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about what training should include among each group of participants.

As can be seen in Figure 47, helping notifiers understand survivors' perspectives was particularly important for survivors who often felt that a lack of understanding is at the root of the problem to begin with. For survivors, rape kits would never have gone untested if system personnel truly understood what it means to undergo one of the most traumatic experiences imaginable and then be ignored by a system that doesn't seem to care:

*That's exactly what sergeant told me how [State] was back in the day. He told me that rape was like, it was like nothing...That's what we're facing. Us coming, we're always mad, "Do this, do that," they're gonna be like—all the time people will turn a deaf ear to you. – Survivor Focus Group Participant*

Survivors were particularly interested in using training as a tool to bring about a fundamental shift in perspective. Instead of seeing kits as evidence, survivors wanted jurisdictions to see kits as people and to understand that letting a kit languish on a shelf is equivalent to letting a person languish on a shelf:

*In terms of the training, to train people that the kits represent people, and lives, and history, not just evidence. There's this feeling that they're—is the evidence good for something? Well, I don't know, it represents people... We're not a test tube. We're not a number....That was my life sitting on that shelf. I was not a kit. I wasn't a 100-pn whatever they told me. Yeah, no, my name is [name]. That's who was there. You hold us in balance, is what you do...This is the cause and effect of you sitting people's lives*

*on the shelf. You're saying, "Oh, I'm not worried about you." Close the door, lock it up, or even lose it. That's crazy...I can't even fathom that. I mean you just—that's just totally disrespectful to someone, to lose their kit. I mean it's already disrespectful to not test it, but to lose it. I'm like, "Are you serious?" Yeah, something has to be done.*

*– Survivor Focus Group*

For survivors, decisions about whether to test the kit or whether to share information about the kit thus don't belong to the criminal justice system. The kit came from their bodies. It is a part of them, and it therefore belongs to them. As a result, survivors believe that they should play an integral role in the process:

*If there's anything that could come in terms of the communication with law enforcement, that the guiding principle is they might be holding the kit, but it doesn't belong to them. It actually is ours. Like it has our—it's from our bodies. If we could help them re-conceptualize that it's not about successful prosecution, it's about communication with the survivor. – Survivor Focus Group*

Helping notifiers understand survivors' perspectives was also considered essential for promoting positive interactions and understanding. For survivors, the hope was that if jurisdictions just understood how survivors' feel, then perhaps they would do better:

*'If you show them, or you tell them how it has changed you, or how it has affected you, maybe they can accept things better. Basically that's training...Maybe that's how we have to come at our DAs and our police departments. It's the training and the education, the community service as survivors. We're showing that this is what happens to victims. This is how we respond. This is how we react. This is how we feel.*

*– Survivor Focus Group*

To further this end, survivors also felt it was important for notifiers to be trained to provide support and information to survivors:

*You can reach survivors, but you can reach survivors on a far larger scale if you reach the people who are reaching survivors. In the same way that we did training for all offices on sexual harassment in the workforce, we can talk about sexual assault as an actual crime...The start, for them, is just even recognizing sexual assault as a crime. I can't tell you the number of people who said to me, even in the hospital that I went to, to have my rape kit collected, "there are more important things that we're dealing with right now, and we can't get to you." ...This is the place where I'm coming from, and there's a lot to be said for education, in terms of the community, and in terms of the police force, in terms of the DA's office. – Survivor*

For survivors, such training is key to ensuring positive interactions, and it is these positive interactions which can have such an important impact on survivors' recovery and well-being:

*I thought it was good that the police sergeant, when he came to my home and shared with me—you could tell he was very trained. He was very sensitive, and that helped me*

*trust. It started back with some trusting, not all police, but it helped me a lot. I call him my knight in shining armor...he knew he had to connect with that little girl that was damaged. Nobody had ever addressed her before. Letting her know that I was brave, because I survived that attack that night, at knifepoint. He also let me know that there was nothing you could have done to change it. There was nothing you could have done to fight it. You're here, you're a survivor, and I'm proud of you. I commend you. He was like you're a survivor. Just that moment, sitting at my table, my dining room table, I was boo-hooing everywhere. Because I'm like oh my god, he addressed something. I knew he had been trained properly, how to deal with victims. – Survivor Focus Group Participant*

To achieve these goals, survivors emphasized the importance of including survivors voices and stories in the training process. Whether this be through in-person presentations or expertly edited videos, the goal is to help bring a human voice and face to the training so that notifiers can develop the empathy and understanding they will need to interact with survivors effectively:

*Putting together a video or some sort of document for the police, here's how survivors think about notification. Here's what matters. I mean even if we couldn't all go to every single police department in the country, but here's how we think about identification. We don't just think about prosecution, we think about information. Individual vignettes that might matter, and then even a website that gets posted in cities where the backlog is being addressed. Maybe through a grant that you guys get somewhere that says here are some survivor stories. Having somebody expertly edit it, so that it's not triggering, with a lot of information about the assault. When I did find out, here's what it meant to me. Really, expertly edited, that might have information that would allow somebody looking at it to say, "Whoa, so there are actually people out there who heard 20 years later." ... Here's how people might think about it. Here's how you might want to talk to people who haven't. – Survivor Focus Group*

### **Conclusion About Training**

Taken together, the results from the current study suggest that training should be an integral piece to victim notification efforts. Training efforts should therefore be carefully crafted to ensure that notifiers are prepared for the wide variety of reactions survivors may exhibit during notification, are able to interact with survivors from diverse backgrounds in a respectful and sensitive manner, and are able to competently answer survivor questions about the legal system and untested kits. Such trainings will likely require careful thought and should ideally include hands-on practice through scenarios, role plays, checklists, and talking points:

*I am concerned about training on how to notify. Is this a blind phone call out of the blue when she is with another intimate partner, and it draws her back in a negative way? The person would have some kind of specialized training. What to say and what not to say? How do you respond to something? How long to talk. Establish this is a safe time to make the notification. She is not sitting with a partner who knows nothing about this assault, and you call and say, "We have located information to get this person." How does she explain this call out of the blue? What if someone else answers the phone? What do you*

*say? What happens when she gets off the phone? If the case is ongoing, and you tell her “we’ll call you when we know something,” that can be traumatic. If the case is old, it’s a call out of the blue. Talking points should be given to this person. Who is the person? An advocate? Legal training? Calming voice? Is it role-played before? – Advocate*

Bringing together representatives from both the legal and advocacy community to design and conduct the trainings may also be particularly beneficial:

*We made it really victim-centered. We made it interactive to get officers involved. Brought in David Lisak’s work on serial rapists. Law enforcement co-facilitated... – Advocate*

Incorporating survivors’ voices into the training and ensuring that the needs of different cultural and social groups are included may also be critical components of any training program:

*It’s not enough to train police officers about what SA victims need. They need training on race and cultural issues in communities of colors. They need training to deal with victims with disabilities and gay communities... – Advocate*

### **Organizational Supports**

Sixteen specific suggestions about organizational policies and supports were identified from the qualitative data. These suggestions included the nature of policies that should be created, recommendations for creating these policies, and other organizational changes that can support notification (see Figure 48 for a list of specific suggested practices).

Figure 48. Specific suggestions about organizational supports for notification.

Policies for Backlog Notification	Process of Creating Policies	Organizational Changes
<p>Police should create official policies related to re-engaging survivors whose kits were part of the backlog</p> <p>Develop policies to deal specially with survivors from low-income, homeless, or mental illness backgrounds</p> <p>Specialized protocols should be developed for each type of survivor (e.g., spouse abuse, acquaintance rape)</p> <p>Procedures for re-engaging survivors whose rape kits had been part of the backlog should be developed on a case by case basis</p>	<p>Advocates should be consulted when developing police procedures for re-engaging survivors whose kits were part of the backlog</p> <p>Jurisdictions who have developed model programs should send consultants to other jurisdictions to help them develop effective procedures for addressing the backlog</p> <p>Survivors should be consulted when developing police procedures for re-engaging survivors whose kits were part of the backlog</p> <p>Survivors should be regularly surveyed about how their cases could have been better handled</p> <p>Police jurisdictions should hold annual community meetings where survivors can share their experience with law enforcement</p> <p>Local law enforcement officials, district attorneys, and advocates should meet annually to update and improve upon best practices for notification</p> <p>Departments should perform a yearly review of all policies and make necessary updates</p>	<p>Criminal justice personnel should maintain updated contact information for all open cases</p> <p>Notifiers should be fully updated about the case prior to contacting survivor</p> <p>Sex crimes divisions should be established in all counties to ensure expert handling of rape cases</p> <p>Digitize all records and create an on-line database to facilitate collection, maintenance, and communication of pertinent information about each case</p> <p>A specialized unit with legally-trained sexual assault advocates should be housed within the DA's office to serve as a consistent point of contact for survivors</p>

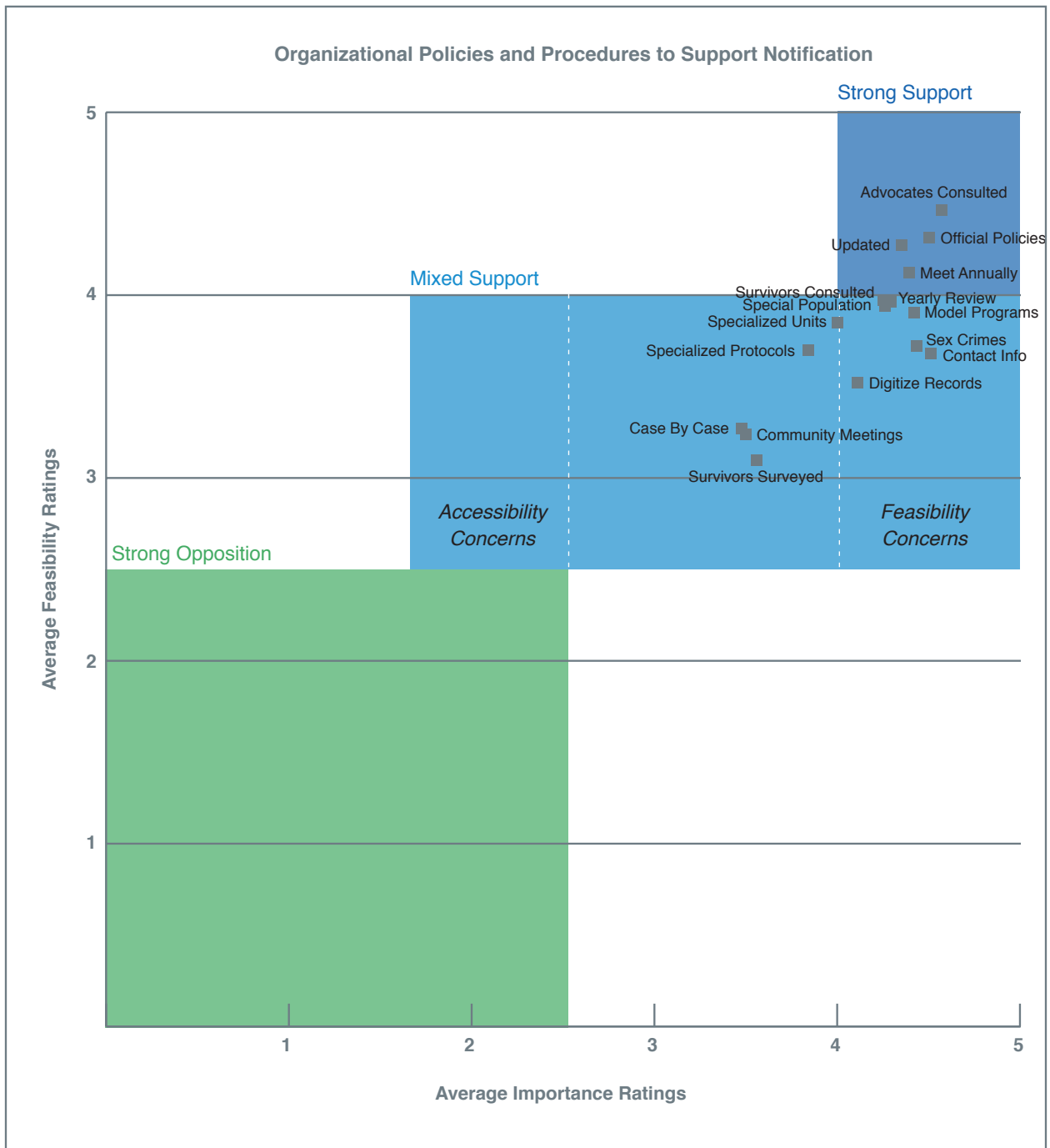
### **Statistical Analyses**

To determine the relative level of support for each suggestion, we first calculated means and standard deviations for each suggested practice (see Appendix A for a complete list). These means gave us a good idea of which suggestions were deemed important and which were deemed feasible, but we wanted to be able to compare suggestions on both dimensions simultaneously. To do so, we plotted each suggested practice along two axes: 1) average importance ratings were plotted along the horizontal axis from left (low importance) to right (high importance); and 2) average feasibility ratings were plotted along the vertical axis from bottom (low feasibility) to top (high feasibility) (see Figure 49). We then used the resulting scatterplot to draw conclusions about the relative ratings given to each suggested practice. Specifically:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices where participants' opinions are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 49, 3 of the 16 suggestions about organizational supports were consistently rated as both highly important and highly feasible, and none of the suggestions were rated as low in both importance and feasibility. The remaining practices all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

Figure 49. Scatterplot of importance and feasibility ratings for suggestions about organizational supports.

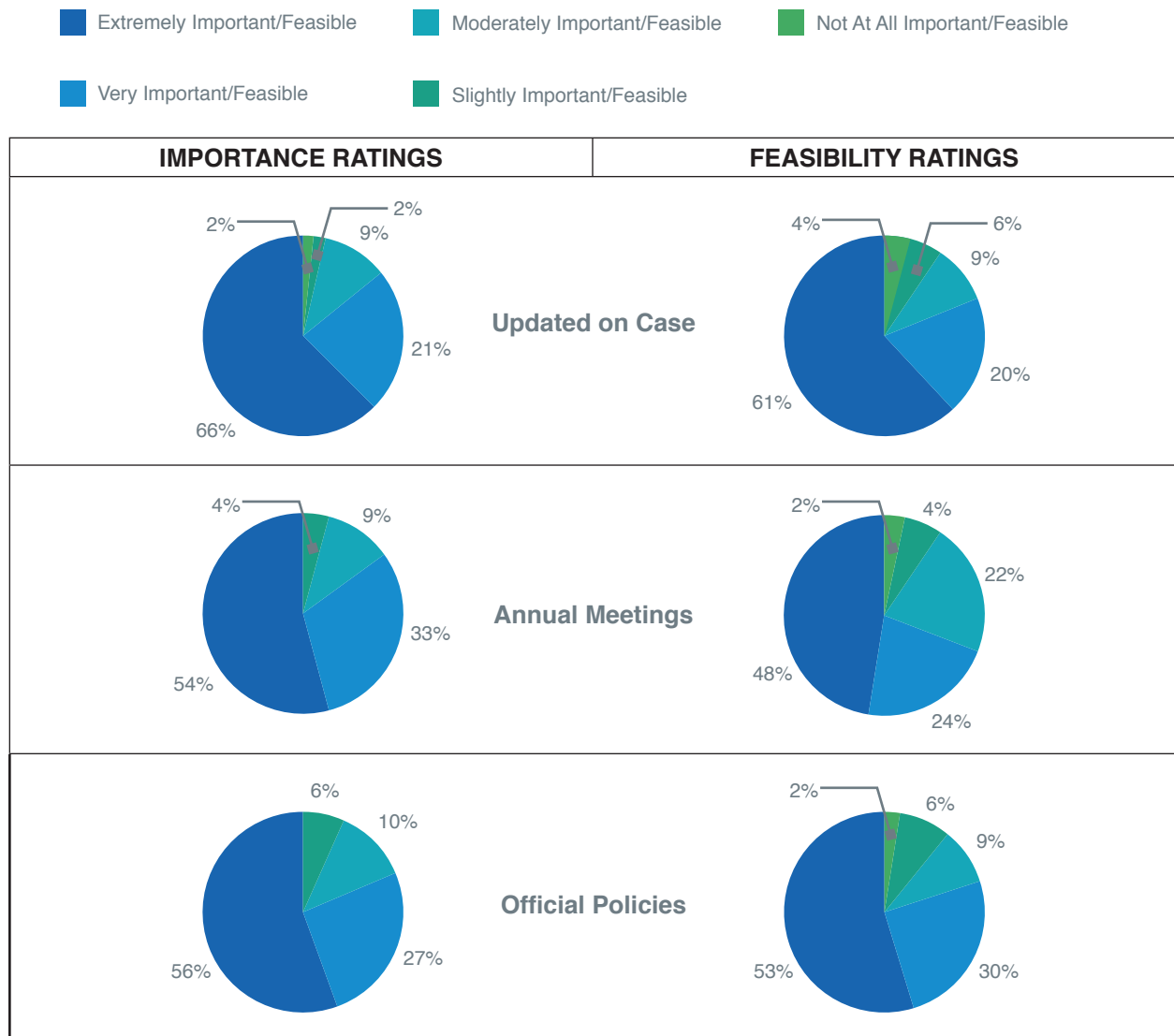




*Strongly Supported Suggestions About Organizational Changes*

Three of the suggestions were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 50, suggestions to maintain updated contact information, create official policies for victim notification, and hold annual meetings to revise these policies were all strongly supported in the data.

Figure 50. Frequency of importance and feasibility ratings for strongly supported suggestions about organizational changes.



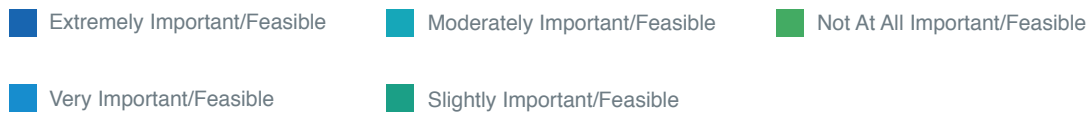
*Strongly Opposed Suggestions About Organizational Changes*

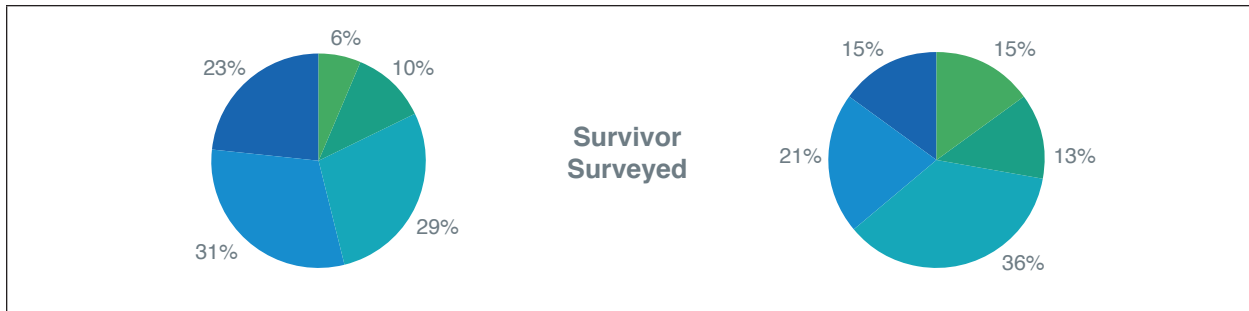
None of the suggestions about organizational supports were consistently rated as both unimportant and infeasible. As can be seen in Figure 48, all of the suggestions in this set were considered at least somewhat important and somewhat feasible.

*Suggestions Receiving Mixed Ratings About Organizational Changes*

The remaining 12 suggestions yielded a wider range of ratings across participants. Five of these practices received mixed ratings on both importance and feasibility, suggesting a fairly wide range of opinions about whether these practices should be implemented.

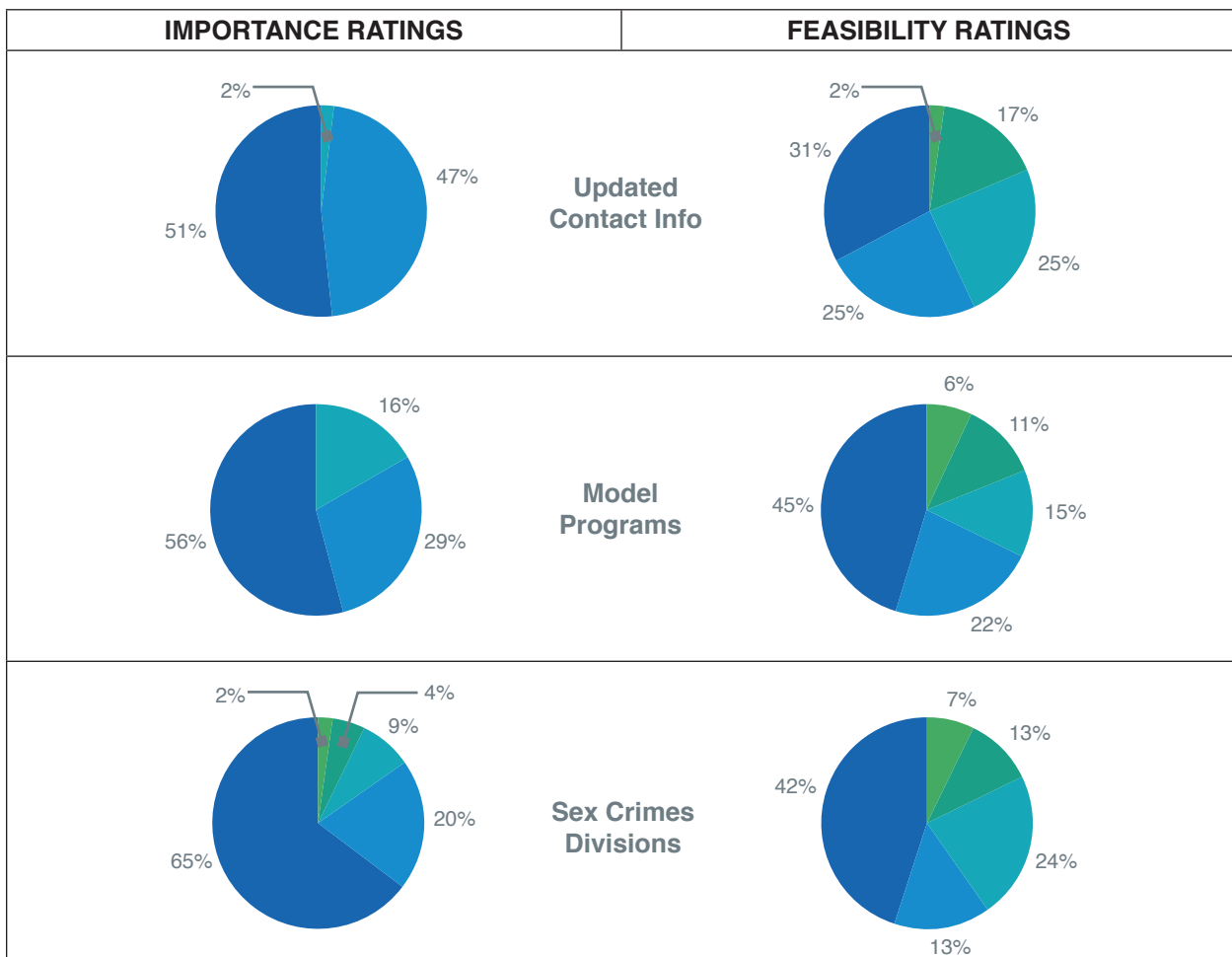
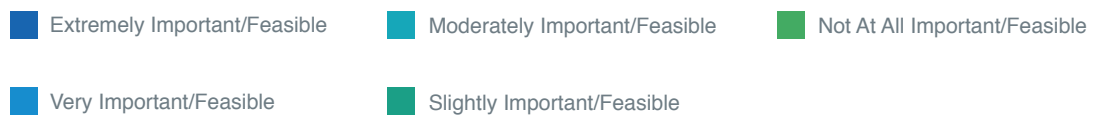
Figure 51. Frequency of importance and feasibility ratings for suggestions with mixed ratings about organizational changes.

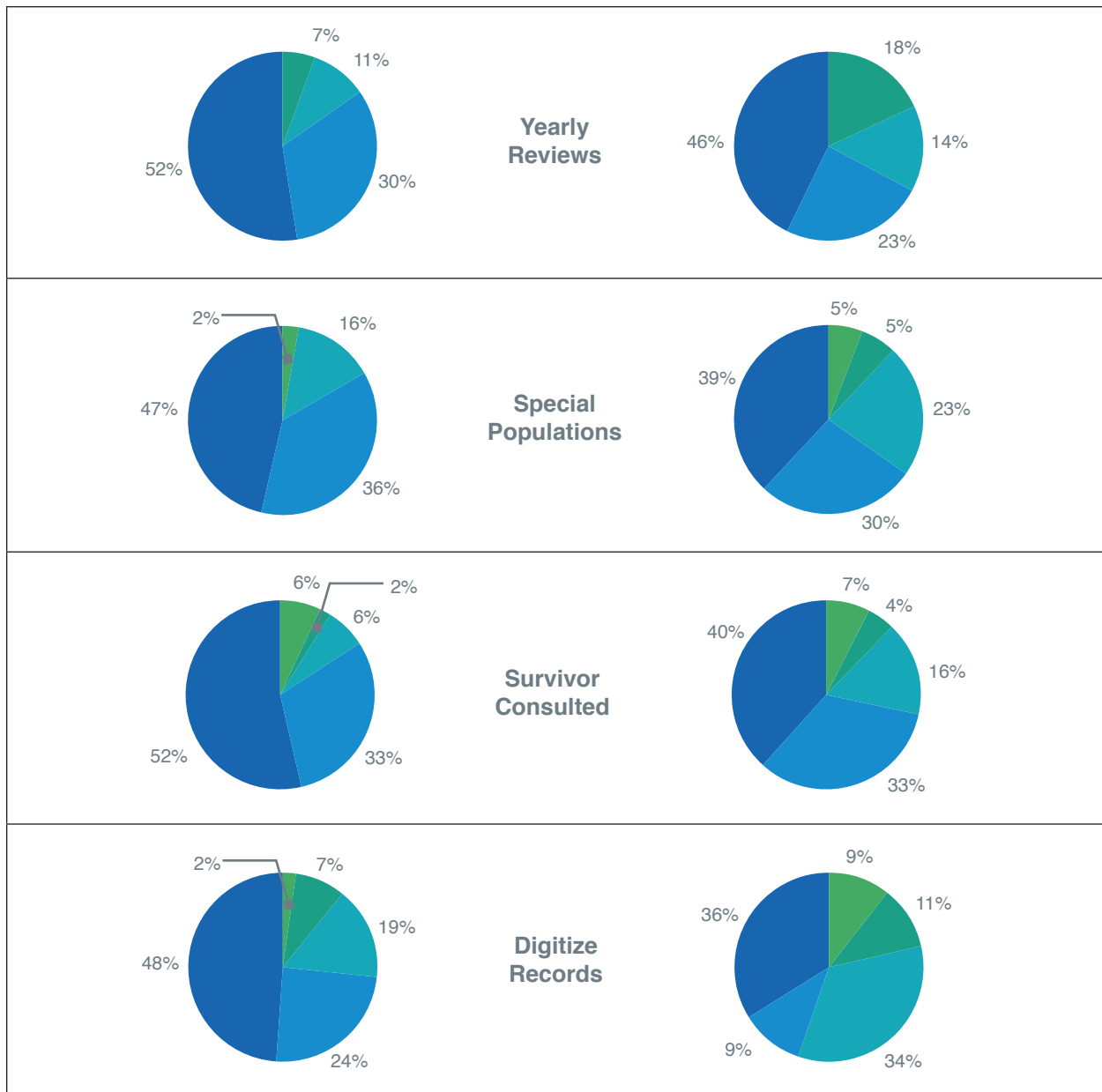




In contrast, the remaining seven suggestions received fairly high importance ratings across participants. Where participant opinions are more mixed is around the question of feasibility (see Figure 52), suggesting that participants had some concerns about their ability to actually enact some of these practices.

Figure 52. Frequency of importance and feasibility ratings for suggestions with feasibility concerns about organizational changes.





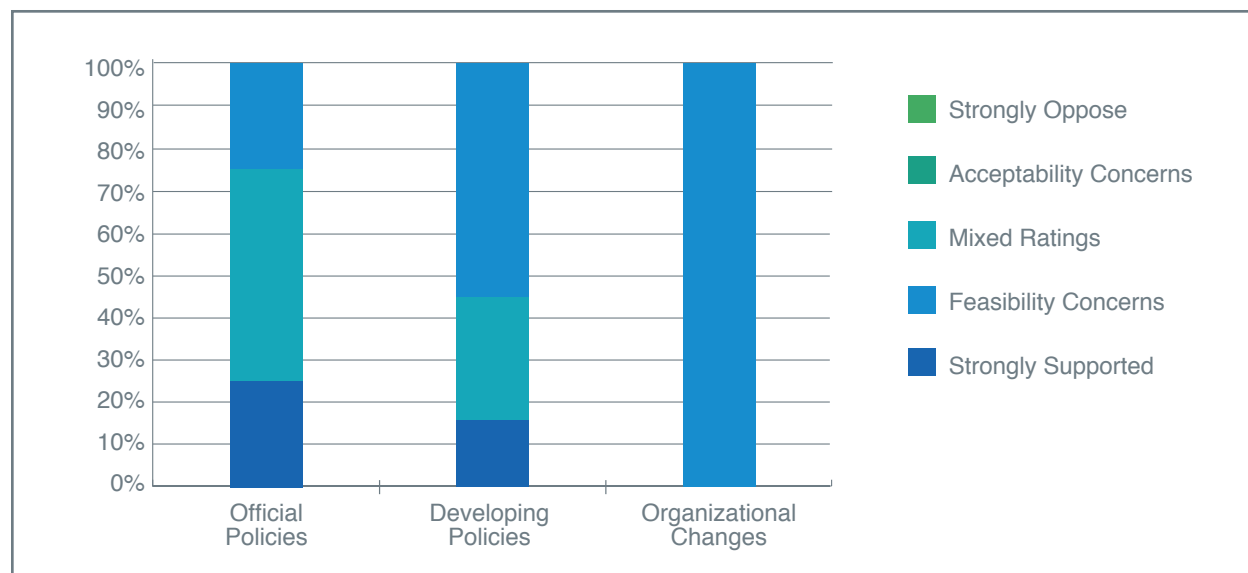
*Group Differences in Ratings About Organizational Changes*

To determine whether these differences of opinion can be accounted by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggested practices to compare the importance ratings given by four groups of participants: 1) criminal justice system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(48, 66) = 0.97$ ,  $p = .54$ , Wilks'  $\Lambda = 0.21$ , partial  $\eta^2 = .41$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

### *Differences in Philosophical Approach About Organizational Changes*

As noted in Figure 48, the 16 specific suggestions about organizational changes that can support notification efforts fell into roughly three categories: 1) suggestions about the nature of policies to guide victim notification; 2) suggestions about how to develop policies; and 3) suggestions about other organizational changes that can support notification. To facilitate a broader interpretation of the data, we were also interested in determining whether any of these three broad approaches to notification tended to receive more support or less support than others. To this end, a chi-square test of independence was used to determine whether there was a relationship between organizational change category and level of support. Results suggested that the relationship between our three support categories (strong support, mixed support, and feasibility concerns) and our four notification categories (official policies, developing policies, and organizational supports) was not significant,  $\chi^2(4, N = 16) = 3.64, p = .45$ . Although suggestions about organizational reforms were more highly represented in our feasibility concerns category, the differences that can be seen in Figure 53 did not rise to the level of statistical significance.

Figure 53. Crosstabulation of organizational changes and rating support categories.\*



\* Percentages reflect the number of suggestions about organizational supports which were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

### **Qualitative Analyses**

To better understand participants reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against establishing official policies, different methods of creating policies, and other organizational changes that can support notification.

#### *Establishing Official Policies to Guide Notification Efforts*

A number of arguments were made for and against establishing official policies to guide notification

efforts. A summary of these arguments can be found in Table 18.

Table 18. Arguments for and against establishing official policies.\*

	Arguments For Establishing Official Policies	Arguments Against Establishing Official Policies
Survivor Well-Being	27	4
Organizational Efficacy	41	6
Public Safety	5	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 18, most participants argued in favor of official policies that provide clear implementation steps. Clear policies were believed to be necessary to help avoid mistakes and ensure that best practices are followed:

*It has been by the seat of our pants. We would love to have any kind of guidance. We are in the beginning stages. – Advocate*

*Have a protocol. Clear steps so it's not just a recommendation. Clear operating procedures. – Advocate*

Clear policies also help ensure consistent implementation across staff:

*To get [notifiers] to react a certain way, you need it in policy and procedures. Do it in person and what to say. Do a checklist or forms... You can train until the cows come home and it may change some people but if their paperwork doesn't require or lead them through it, they can avoid it. Paperwork guides their work and thought process.*

*– Advocate*

*Is someone on the hook, responsible for notifying them? A standard procedure should be in place. – Advocate*

When these policies are made public, the existence of policies also helps reassure the community that the issue is being taken seriously and helps frame public expectations:

*What happens is that the general feeling of helplessness, perhaps of fear, hopelessness, starts to pervade everywhere. Important that as much as possible, public and all the players need to be aware of what the plan is. – Advocate*

But others argued that written procedures can make it difficult for jurisdictions to modify procedures in order to respond to different survivors' needs.

*Not written. Case by case. Every case is so different. – Prosecutor*

*Not in writing. Doesn't get us much benefit. People who need to know. Defense attorneys use it to say we violated the protocol. – Prosecutor*

These participants tended to argue for more informal procedures that are developed iteratively over time as jurisdictions learn what works and what doesn't work:

*[Policies are] not written down. Expectations for CODIS hits. Learning through responses received. Things that would allow us to improve upon the process. It transitioned into this and improve the response...Really just evolved as I grew in unit that this would be a best practice if we did this this way. – Police Officer*

Still others felt that different policies should be put in place for survivors in different circumstances. For these participants, specialized policies and protocols that account for survivor differences (e.g., culture, sexual orientation, homelessness, etc.) and differences in survivors' relationship to the assailant (e.g., spouse, stranger, acquaintance) are needed to ensure that survivors' unique needs are met:

*Peer and community based engagement is key for me. There is a benefit in having different protocols in different areas and being culturally competent. Engage those directly impacted because they are on the pulse. There are differences in the way needs are seen. – Advocate for Diverse Populations*

Yet, while the specific nature of the policies were a matter of some debate, there was a general consensus that a complete lack of policy would be problematic. The fear was that without formalized procedures, jurisdictions would essentially make up procedures as they went, without any real thought about what would be best for survivors or any real concern for best practices. At worst, some participants were concerned that too much flexibility in the procedures would become an excuse for not notifying survivors at all:

*Well, I think that the problem with that is when law enforcement uses that as an excuse to not notify...well, you know what, I know that there's a few people out there who are gonna be embarrassed, who don't want their partner to know, so let's just not tell them... Exactly, they use it as an excuse. – Survivor Focus Group Participant*

*In the checklist, determine whether this person is someone who wants to be notified and to confer with advocacy. If the advocate is left out, they believe Law Enforcement will take the easy way out. – Advocate*

### *The Process of Creating Official Policies*

Participants also offered recommendations about how to create and revise such policies. A summary of these arguments can be seen in Table 19.

Table 19. Arguments for and against training notifiers to interact effectively with survivors.\*

	<b>Arguments For an Informed Process for Creating and Revising Policies</b>	<b>Arguments Against an Informed Process for Creating and Revising Policies</b>
Survivor Well-Being	56	0
Organizational Efficacy	36	0
Public Safety	3	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 19, many participants argued in favor of involving a variety of different people in the creation of notification policies. The belief was that a diversity of perspectives helps ensure that policies can meet the needs of both the system and survivors:

*For victim protocol, we talked to PD, DA, rape crisis deputy director, and research team. We proposed a single point of contact and to analyze it and see if it works... It's a very functional group. We do a lot of behind the scenes and relationship building. We are going to do a case autopsy where the victim didn't want to cooperate or was not considered a credible witness. We will pull apart a very hard case and see how the decisions were made with an eye toward learning something and to change the protocol. We built relationships for months and months. We did focus groups with victims and advocates and SANES. We asked them how would you notify and pulled together the data. – Academic Expert*

*We came from different disciplines, so we came to things from different vantage points. After we floundered in the first few meetings, we did a retreat type thing to think about shared principles. We came up with 4 guiding principles. So when we floundered, we would pull those out. Which of the bad choices gets us the closest. – Advocate*

Participants also argued for learning from other jurisdictions and incorporating best practices so that individual jurisdictions were not recreating the wheel:

*Would be interesting to look at military notifications and the response. MIA or killed in action notifications are really difficult to do. Research the how and why—may have a different approach based on the situation. Who is included? Why do they do that? What responses are and the best way to approach it. Also, police notification with accidents. – Forensic Nurse*

*Call to field for policies and protocols along these lines. Asking for all policies related to issues that might concern victim in relation to backlog, e.g., compensation...we are looking at a comparison chart for notifications; general notifications, not just backlog-related. We don't know if it's working because the issue is so new. Looking at statutes. Either in context of backlog or cold case notification statutes. – Policy Expert*

Soliciting feedback from survivors and advocates about how to best address survivors' needs was also seen as critical. By including survivors and advocates in both the initial development of protocols and in the revision of protocols over time, there is a better chance of developing protocols that minimize trauma and enhance survivor well-being:

*I talked to victims and leaders in the field—user friendly, victim sensitive. Tested some of the more common ones to get feedback. You have to get feedback from victims themselves. – Advocate*



*Piloting a system and getting feedback from victims is important because you're not going to get it right the first time around. – Survivor*

#### *Other Organizational Changes That Can Support Notification*

Participants also argued for other organizational changes that can support notification efforts. These recommendations included developing specialized units, enhancing record keeping efforts, and ensuring that notifiers are updated about cases. Arguments for and against these various approaches are summarized in Table 20.

Table 20. Arguments for and against other organizational changes that can support notification.\*

	<b>Arguments For Other Organizational Changes</b>	<b>Arguments Against Other Organizational Changes</b>
Survivor Well-Being	49	0
Organizational Efficacy	72	1
Public Safety	3	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 20, organizational changes were perceived to be of benefit to both survivors and the system. One example is the suggestion to maintain updated contact information for all survivors so that updates can occur consistently and in real time:

*Do the computer work to see if you can find them. It's like looking for a suspect who doesn't want to be found. Look at work records, home address. – Advocate*

*Make sure to keep this information up to date, and up to date with DMV...It's our job to figure out if your contact info is current. – Police Officer*

Recognizing that locating survivors after such a long period of time can be difficult and time consuming, many participants recommended enhanced record keeping strategies at the point of first contact to reduce communication problems down the road:

*Numbers change frequently. They don't stay the same for long. Low-income tenants also have tenuous situations. We encourage giving people information upfront and telling them to check back with us. We ask about the best way to contact them and use a form with as much information up front as possible. We even ask for a street corner if they are homeless, like with voter registration. A few more contact forms is really, really helpful. When we are really looking for people, if there is a legal issue, for example, there are drop-in centers where people can use mailboxes. We also use the Dept of Public Social Services as an address. They have to check there to keep their benefits. We ask for 4 to 5 places where we can regularly send mail. Half of them will have an address there. – Advocate for Diverse Populations*

*What I eventually did with the people I followed – and I followed for about 3-4 years. I would send them a letter, once a year about the same time every year, to the same address that I had. If it was returned to me, knowing the address was no good. If not returned, I knew I had a good address, most likely. My letter was always educational and informational. For example, told them about CODIS. One of the things that became very clear which will have a big impact: 1. Victims believe that after they don't hear anything more from the police department that nothing is happening. They think no one is working on the case and that they have been forgotten and that no one cares. Part of it is, neither legal system – defense or police departments – explain what the whole cold hit process is about. It is put into the system every two weeks. So even though there is not a whole "active" investigation, there is still a semi-investigation going on. But victims don't know that, they think they have been forgotten. – Advocate*

Participants also argued for the importance of reviewing case files prior to notification. Ensuring that notifiers are up to date on the current status of cases helps ensure that appropriate precautions are taken, helps notifiers anticipate survivors' reactions and needs, and helps prepare notifiers to answer questions that specific survivors may have about their case:

*There should be a full review of the file first. Don't put your foot in your mouth. Understand the alleged relationships. – Prosecutor*

*It's important to review all available law enforcement reports to gain insight about the victim. Try to reach a determination about what trauma may be involved in a notification. – Prosecutor*

Other participants felt many of the current problems with notification could be solved by creating specialized units. By bringing key stakeholders from different disciplines together, providing specialized training to the entire team, and utilizing notifiers whose primary responsibility is to interface with survivors, the likelihood of creating comprehensive and responsive procedures are enhanced:

*SVU is centralized. All sexual assault cases go to that unit. Our cases are always open. They just finished a grant to work on cold cases. In SVU, they have a special investigation unit—6 or 7 officers. They worked overtime in identifying stranger cases via CODIS. We supplied a former prosecutor to assist them. Those detectives were responsible for notification. – Prosecutor*

*The SART started before I even got here...It was about team building, sharing information and tracking victims. We wanted to look at what we could do better, working all the details. We needed to get better at that. A lot of team members are passionate and don't like not being able to give victims answers. Our approach is really case-by-case so no victim falls through the cracks. The team approach is the best thing our area has done. All investigative agencies are involved. We can all communicate together. We have monthly meetings. We discuss everything that happened that month. It depends on the caseload when we meet for each county. As we run calls, we're all there. At the meetings, we ask whether we did everything for the family. We have a network for resources.*

*Especially when disabilities are involved, we involve specialists. It's case by case.*

*– Advocate*

Whether these specially trained individuals should be housed in the police department, the prosecutor's office, or an advocacy unit was a matter of some debate. But there was qualitative support for using a single person who was fully informed about the case and whose sole job was to interface with the survivor from the point of the first police report to the final disposition of the case:

*We proposed a single point of contact and to analyze it and see if it works. Juvenile people were on board really quickly because they already have various advocates in their process. DA was on board because they know victims are not well served in their office. Victims get left out of the legal process. Their advocates are overwhelmed.*

*– Academic Researcher*

The only resistance to such organizational changes came from concerns about resources and workload:

*Any reluctance came from resources and concern about that. Workload concerns.*

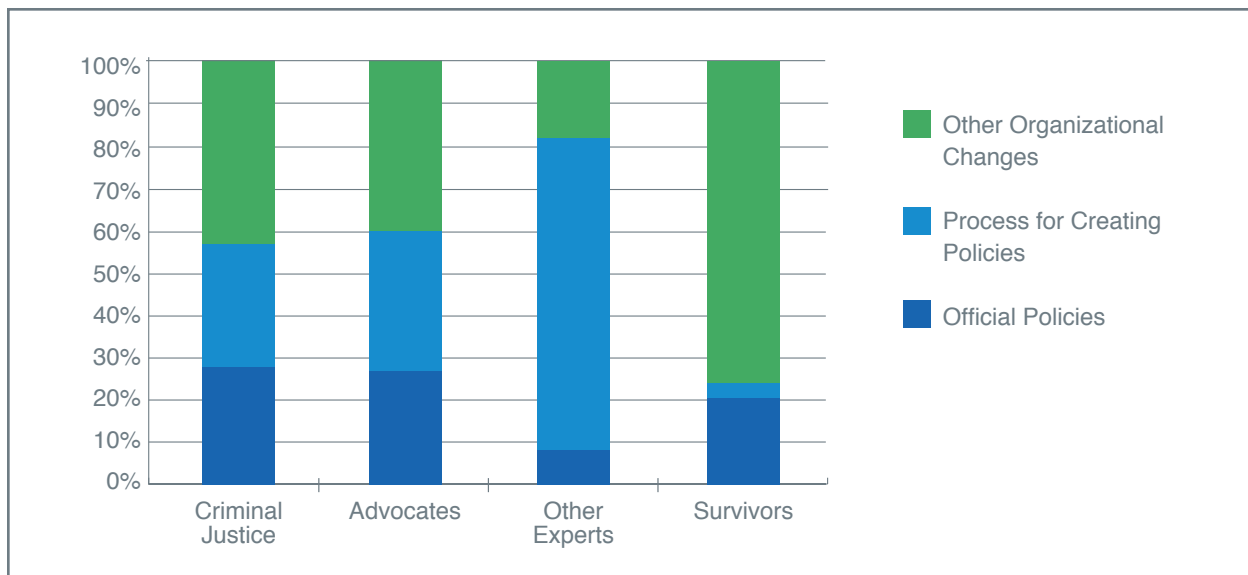
*– Academic Researcher*

*There would be some grumbling. They would have two questions: 1) What is the liability?... 2) How much paperwork is this? – Nurse Examiner*

#### *Survivors' Perspectives About Organizational Changes*

In an effort to highlight survivors' voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 54, survivors argued for official policies at roughly the same rate as advocates and criminal justice personnel. Conversely, they were substantially less likely to discuss the process of creating policies and substantially more likely to discuss other organizational changes that would improve the notification process.

Figure 54. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about supporting organizational changes among each group of participants.

As can be seen in Table 54, survivors were particularly interested in enhancing the accessibility of the criminal justice system. For many survivors, the lack of a single contact person made reaching out to the criminal justice system nearly impossible:

*I called a few months later, and already they were not in that office anymore. I left several voice mails. Later, he retired and they transferred. I didn't have a contact person anymore, and it got really hard to talk to someone about the case. They would treat me like I was a criminal. They would ask all these things to identify myself, asking if I had the report number and be really abrasive and drop me in a voice mail box, if I got that at all. I gave up. It was really humiliating every time I called and had to tell it to some operator.*  
 – Survivor

*When I wanted an update on my case, I had to call the front desk at the police station. They wanna know, "Why are you calling?" "Well, cuz I was raped."...Here's the story again... Yeah, you have to say it over and over...Every time you call it's like a harrowing experience...Having a unique, dedicated resource to this process where you're like, "I know who to call, I know they're not gonna be jerks on the phone, or ask me questions that make me break down before I even talk to whoever."... That would be awesome.*  
 – Survivor Focus Group Participant

To fix this problem, many survivors argued strongly for specialized units and a single point of contact throughout the life of the case.

*There should be somebody assigned, not just an advocate, but a professional who knows the legal system, and knows what is going on in cases. Can call up cases on a computer,*

*and say what's going on, and do the community outreach.*

*– Survivor Focus Group Participant*

*A department in the DA's office. Police departments, we know that the lead detective might change every six months when they get reassigned. I never talked to the same person after six months at a time. The guy who ended up having my DNA tested was the only case he ever did on the sex desk, and he said it was the only case he would ever do on a sex desk ever again. He's in gang warfare now, which he says is easier than what my case put him through. Those sex desks have to change often, because the guys and the gals that work them, don't often stay. They ask for transfers. Or they are transferred ... The DA's office is the only one that can give permission to prosecute. The DA's office should then be responsible, especially for the rape cases, if we do nothing else. My opinion, we should establish community outreach and personal contact with all the sexual assault and rape cases. In all the municipalities have it be on the prosecution side, not the police side. – Survivor Focus Group Participant*

This single point of contact could then establish set procedures for contacting survivors, so survivors know what to expect and when to expect it over time:

*Sometimes, it was letters. Sometimes, it was a call. Sometimes, the sheriff was just tellin' me I had a subpoena that they needed to serve on me, and wantin' to know can they come to my work and serve me. I just never knew how they were gonna contact me. I never felt confident that I was being apprised of all the court dates. I don't feel like I was given enough notice to get off work for a lot of the court dates. I mean there just should have been some consistency across the board in it so that I knew what to expect. Because as you already have issues as a victim, and then, I want predictability, I guess. It was frustrating. It added to my frustration to never know when I was gonna have to go, were they gonna tell me I had to be there the next day? Were they gonna have a sheriff show up at my work? Were they mail me a letter, and what if I didn't get it? – Survivor*

Survivors also voiced frustration with comments they had heard about how difficult it is to locate survivors after so many years. For survivors, locating current contact information is simply a matter of effort. If jurisdictions truly wanted to notify them, they would:

*You gotta get together and make sure you got our addresses and our right phone numbers. Because you came to me over 20 some years later. I'm married now, I got a new last name. A lot of different things. First, you gotta—they have to have that in order. Make sure you're contacting us properly. – Survivor*

*Sometimes it's like well we might not be able to find her...If I get a parking ticket, they find me, and it comes in a red envelope...Right, there's no doubt about it. They never have a problem finding me. They're never like, "Oh, I hope we can get her. She moved."...Yeah, my bill collectors be finding me. – Survivor Focus Group Participant*

## **Conclusions About Organizational Supports**

Taken together, the results from the current study suggest that official, written policies for testing all remaining kits are needed. These policies should be developed in conjunction with a multidisciplinary team and be based on best practices, wherever possible:

*A committee was formed looking at a number of issues, including those that relate to backlog elimination. Within the last year, it formalized to a task force. It evolved out of a working group with some of the same entities, around VAWA reauthorization and looking at creating for our department on unreported sexual assaults... We've been looking around the state and taking a look at different jurisdictions and for different reasons, what that looks like... We know its likely legislation will come down that identifies what a backlog is, and puts requirements on testing and processing. We want to get ahead of that to be prepared to put a process in place, prior to legislation. – Advocate*

A formalized process for creating such policies may help enhance organizational commitment and investment, ensuring that multiple viewpoints are considered and disparate organizational needs are met: Soliciting feedback from advocates and survivors can also help ensure that resulting policies are culturally competent, victim-centered, and trauma-informed:

*For the formerly incarcerated, it can't be top-heavy law enforcement. You must engage community-based partners and trained peers in keys ways—both in setting the protocol and as a liaison. That should be significant. The HIV side gives good examples. A person living with HIV making the policy and educating others makes a difference for people. Make sure you have survivors involved in every aspect. It can be really informed. Make sure it's culturally competent—racially, ethnically, economically varied. LGBTQ, incarcerated. That makes it trickier, but you have to push for that because there are differences with groups to which you want to be sensitive. You have to have their representatives there. Think about the prostitute who was raped. Have scenarios to make sure she gets the same treatment as a housewife raped by a stranger. It is critical to be culturally competent. – Advocate*

## **Legislative Supports**

Six specific suggestions about legislative and larger systemic changes were identified from the qualitative data. These suggestions included legislative and public policy changes, changes to criminal justice procedures, and community education techniques (see Figure 55 for a list of specific suggested practices).

Figure 55. Specific suggestions about legislative supports for notification.

Legislative & Policy Changes	Criminal Justice Procedures	Community Education
<p>Additional funding should be allocated to addressing the rape kit backlog and re-engaging survivors in the criminal justice process</p> <p>National standards should be developed to ensure equitable and timely testing of all rape kits</p> <p>All rape kits should be tested regardless of victim background or assault characteristics</p>	<p>Statute of limitations should be extended for cases that were in the backlog</p> <p>The DA's office should prosecute all cases regardless of the likelihood of winning</p>	<p>Survivors stories should be used to educate the public about the backlog through posters, billboards, public service announcements, or media coverage</p>

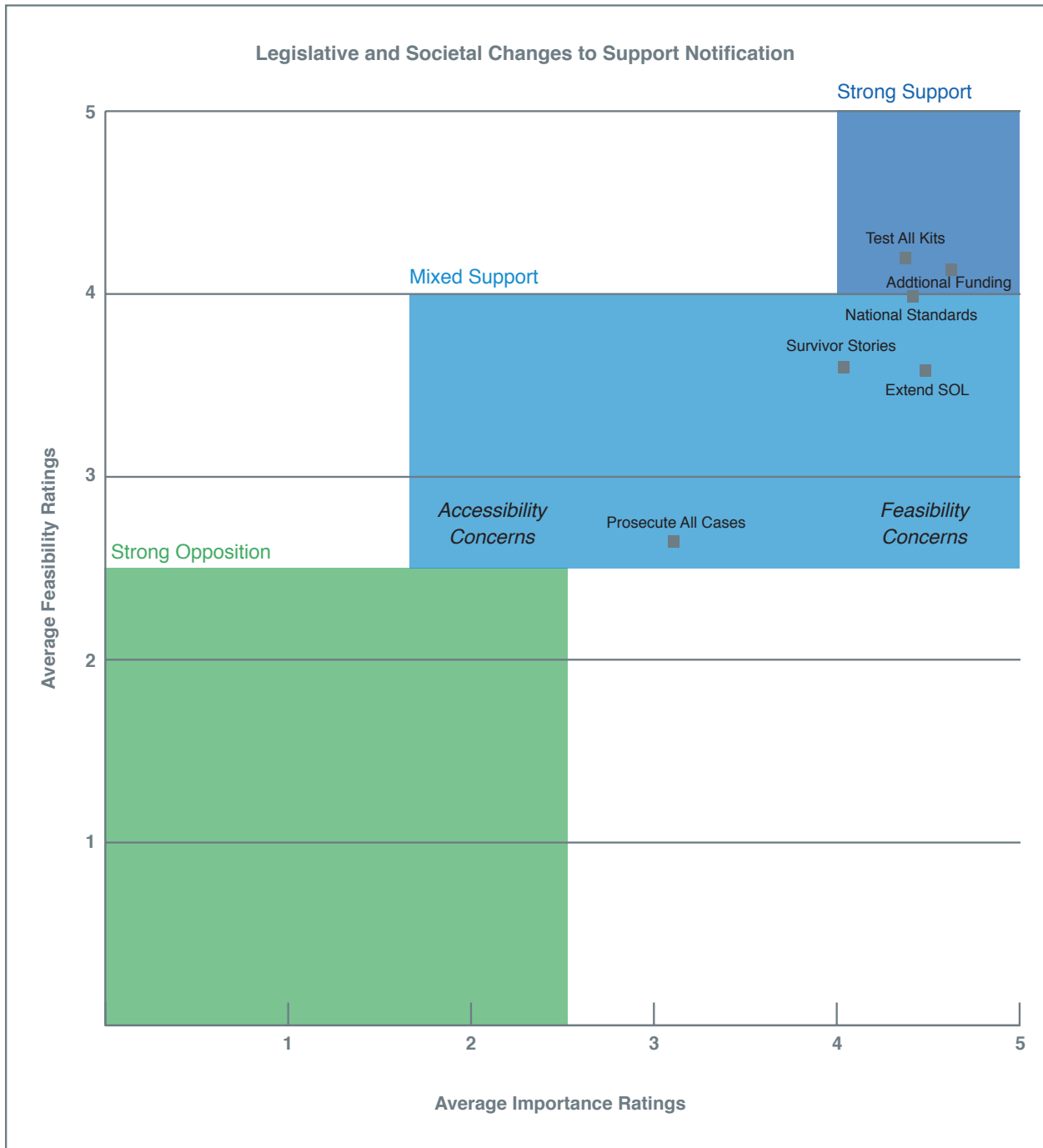
### Statistical Analyses

To determine the relative level of support for each suggested practice, we first calculated means and standard deviations for each practice (see Appendix A for a complete list). These means gave us a good idea of which suggested practices were deemed important and which were deemed feasible, but we wanted to be able to compare suggestions on both dimensions simultaneously. To do so, we plotted each suggested practice along two axes: 1) average importance ratings were plotted along the horizontal axis from left (low importance) to right (high importance); and 2) average feasibility ratings were plotted along the vertical axis from bottom (low feasibility) to top (high feasibility) (see Figure 56). We then used the resulting scatterplot to draw conclusions about the relative ratings given to each suggested practice. Specifically:

- Suggested practices that were rated as highly important (i.e., 4.0 or higher on a 5-point scale) and highly feasible (i.e., 4.0 or higher on a 5-point scale) are demarcated in the upper right hand section of the graph. These are the practices that are most strongly supported by participant ratings.
- Suggested practices that were rated as low in importance (i.e., 2.5 or less on a 5-point scale) and low in feasibility (i.e., 2.5 or less on a 5-point scale) are demarcated in the lower left hand section of the graph. These are the practices that participants are most strongly opposed to.
- Suggested practices that are neither strongly supported nor strongly opposed are then demarcated in the middle of the graph. These are practices where participants' opinions are more mixed. In some cases, the mixed ratings were primarily in the area of feasibility; these practices can be found in the middle right of the graph. In other cases, the mixed ratings were primarily in the area of importance; these practices can be found in the middle left of the graph. In still other cases, ratings were mixed across both domains; these practices can be found in the center of the graph.

As can be seen in Figure 56, 2 of the 6 suggestions about legislative supports were consistently rated as both highly important and highly feasible, and none of the suggestions were rated as low in both importance and feasibility. The remaining practices all yielded mixed ratings. To further understand the nature of these ratings, the following sections examine each set of suggested practices in more detail.

Figure 56. Scatterplot of importance and feasibility ratings for suggestions about legislative supports.

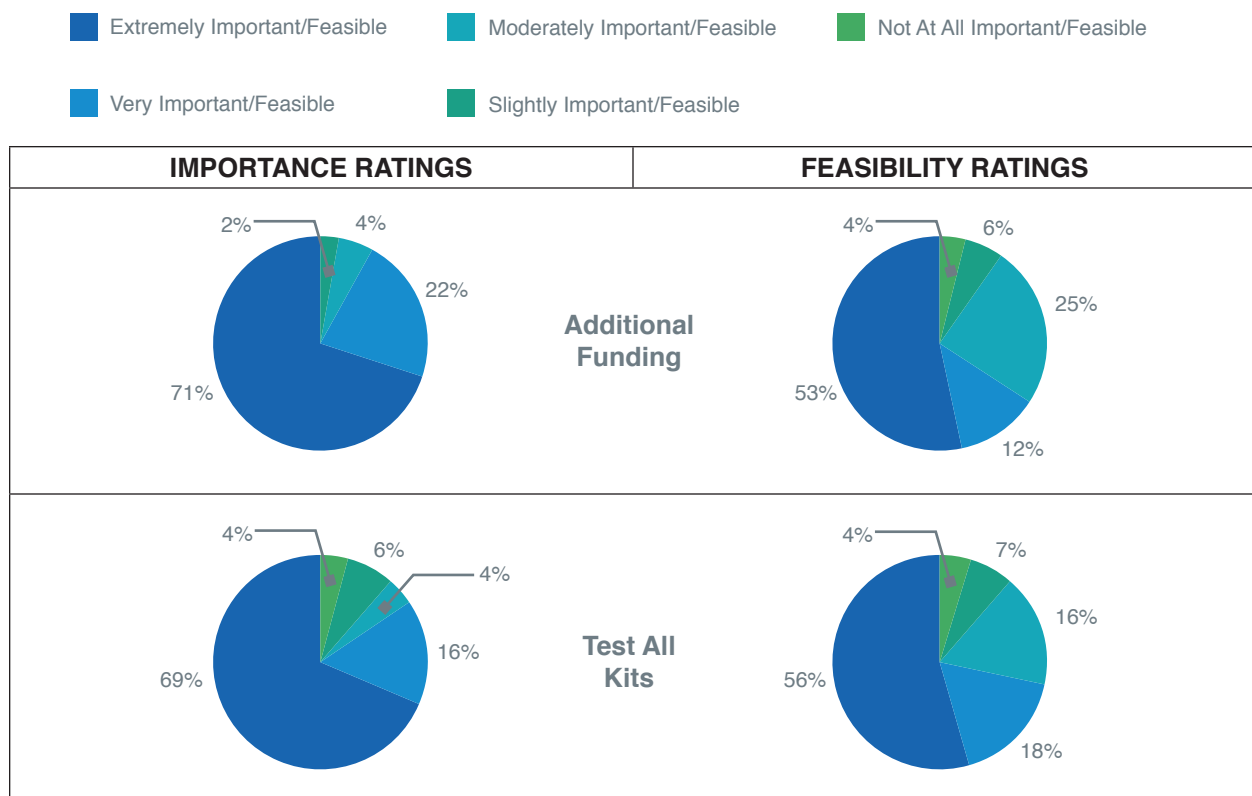




*Strongly Supported Suggestions About Legislative Changes*

Two of the suggestions were consistently rated as both extremely important and extremely feasible. As can be seen in Figure 57, suggestions to test all kits and provide the resources to do so were both strongly supported in the data.

Figure 57. Frequency of importance and feasibility ratings for strongly supported suggestions about legislative changes.



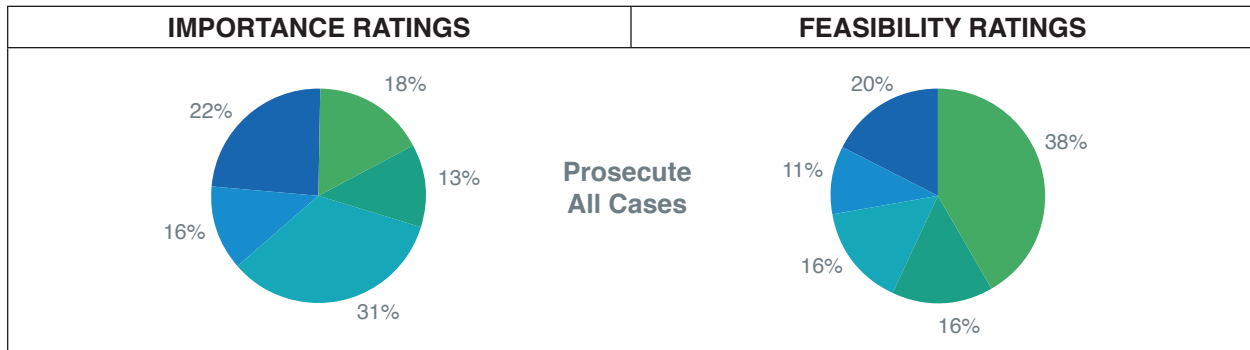
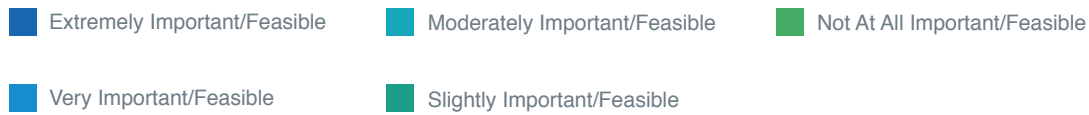
*Strongly Opposed Suggestions About Legislative Changes*

None of the suggestions about legislative supports were consistently rated as both unimportant and infeasible. As can be seen in Figure 56, all of the suggestions in this set were considered at least somewhat important and somewhat feasible.

*Suggestions Receiving Mixed Ratings About Legislative Changes*

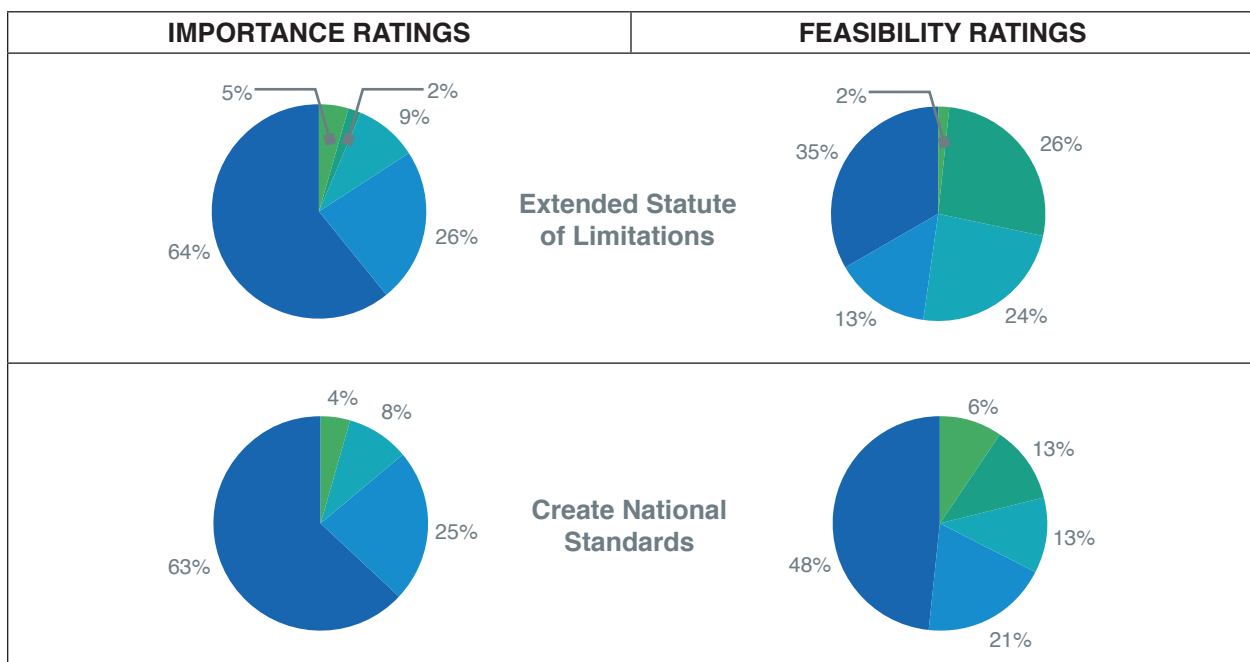
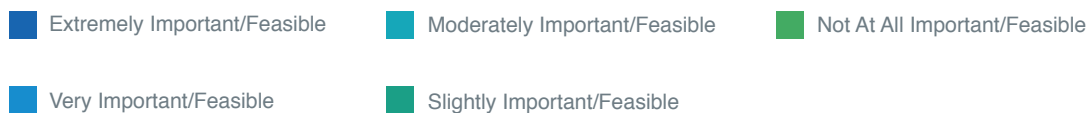
The remaining four suggestions yielded a wider range of ratings across participants. The suggestion to prosecute all cases regardless of the chance of winning received mixed ratings on both importance and feasibility, suggesting a fairly wide range of opinions about whether this practice should be pursued.

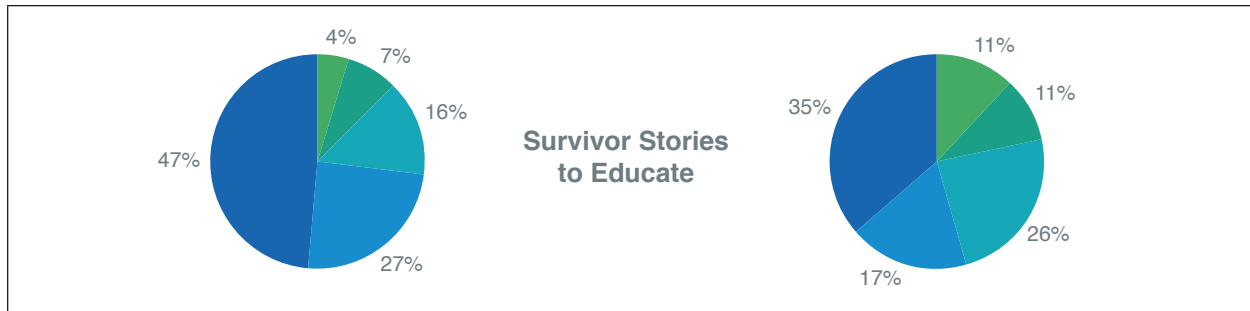
Figure 58. Frequency of importance and feasibility ratings for suggestions with mixed ratings about legislative changes.



In contrast, the remaining three recommendations received fairly high importance ratings across participants. Where participant opinions are more mixed is around the question of feasibility (see Figure 59), suggesting that participants had some concerns about their ability to actually enact some of these practices.

Figure 59. Frequency of importance and feasibility ratings for suggestions with feasibility concerns about legislative changes.





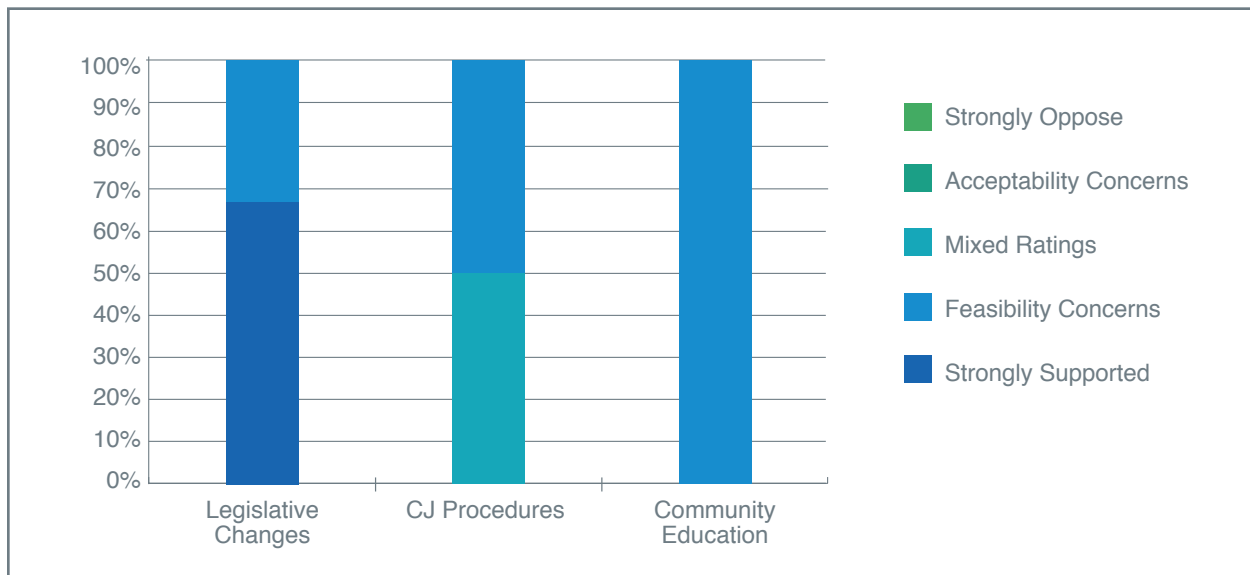
### *Group Differences in Ratings About Legislative Changes*

To determine whether these differences of opinion can be accounted for by occupational differences among participants, we also conducted a multivariate analysis of variance (MANOVA) on this set of suggestions to compare the importance ratings given by four groups of participants: 1) criminal justice system personnel; 2) advocates and counselors; 3) policy experts and researchers; and 4) survivors. Results indicated that importance ratings did not differ significantly by participant group,  $F(18, 90) = 1.09$ ,  $p = .37$ , Wilks'  $\Lambda = 0.57$ , partial  $\eta^2 = .17$ , suggesting that the ratings provided by one group of participants did not differ significantly from the ratings provided by other groups of participants. The variation that is seen in the frequency distributions above thus occurs within profession as much as it does between professions, meaning that participants in the same profession were as likely to disagree with each other as they were to disagree with participants in different professions.

### *Differences in Philosophical Approach Toward Legislative Changes*

As noted in Figure 55, the six specific suggestions about legislative changes that can support notification efforts fell into roughly three categories: 1) suggestions about legislative and public policy changes to help address the rape kit backlog; 2) suggestions about changes to the criminal justice process to support prosecution of these cases; and 3) suggestions about community education to change public opinion. To facilitate a broader interpretation of the data, we were also interested in determining whether any of these three broad approaches to notification tended to receive more support or less support than others. To this end, a chi-square test of independence was used to determine whether there was a relationship between legislative change category and level of support. Results suggested that the relationship between our three support categories (strong support, mixed support, and feasibility concerns) and our three notification categories (legislative changes, criminal justice changes, and community education) was not significant,  $\chi^2(4, N = 6) = 4.67$ ,  $p = .32$ . Thus, the differences that can be seen in Figure 60 did not rise to the level of statistical significance.

Figure 60. Crosstabulation of legislative change approach and rating support categories.



\* Percentages reflect the number of suggestions about legislative changes that were categorized as strongly supported, strongly opposed, or having mixed ratings relative to the total number of suggestions within each approach.

### **Qualitative Analyses**

To better understand participants' reasons for supporting or not supporting these various approaches, qualitative analysis was then used to identify key arguments offered in favor or against establishing legislative and public policy changes, changes to criminal justice procedures, and community education efforts.

#### *Legislative and Public Policy Changes*

A number of arguments were made for and against specific legislative and public policy changes to help resolve the backlog. A summary of these arguments can be found in Table 21.

Table 21. Arguments for and against legislative and policy changes.\*

	<b>Arguments For Legislative &amp; Policy Changes</b>	<b>Arguments Against Legislative &amp; Policy Changes</b>
Survivor Well-Being	18	0
Organizational Efficacy	13	0
Public Safety	10	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 21, the most commonly supported recommendation was to increase funding for

testing and prosecution of these cases. Enhancing resources was considered an essential step by most participants:

*Everyone is winging it. They all say, "We have no idea what we're doing. We have no resources." – Researcher*

*We have to fund the investigation. You can't go to court with just a DNA hit. You have to do a full investigation, not just send kits to the lab. You can't just fund the lab. 12,000 kits represent 12,000 investigations. – Police Officer*

Having the resources necessary to test all kits was then seen as having benefits for survivors, the system, and the public alike:

*What does it mean if some kits are tested and some kits aren't? What we're finding is that if you test all the kits, there's information that would allow people to know that, had they been tested earlier, they might've prevented ten cases. It seems important to public safety for this not to happen again, for there to be just a full testing, so that we can really understand the impact. – Survivor*

*Seems to me they should be tested, even if past the statute, and evidence we believe to be a crime. We might see similarities, may help us in crimes that have already occurred to give us a link. – Prosecutor*

Participants also described other changes that would need to be made at the legislative level. The most commonly discussed changes involved expanding services and protections for cold case survivors. This was particularly important for cold cases where victims were no longer eligible for services because of the length of time that had transpired since the assault:

*There is potential to look at policy changes. Many are not eligible for victim compensation services. They identified the actual perpetrator, but the statute of limitations passed. They identified him but decided not to pursue him because he is in prison for life. In some cases, the victim is only eligible for what she was eligible at the time of the crime, which 30 years ago was probably nothing because there were no victim services. The focus must be on the needs of victims. The challenge is not being able to prosecute the actual perpetrator. There are shifts toward changing policies and legislation so that when there is DNA, there aren't SOL issues. As long as there's DNA, you can process the crime. – Academic Expert*

*We also passed a law to add to our victim comp statute. Some cases were before the victim comp system was started—amendment that allows victim in cold cases and those with DNA in sexual assault cases to be eligible for services with the reopening of the case, Mental Health counseling and other supports, so we're not just calling out of the blue. We would refer them to trauma-informed therapists and comp would pay for that. We were one of the first jurisdictions in the country to do that. When we created our cold case unit. They weren't eligible for services, so what good was notification? This is something to highlight for jurisdictions to do because they need more than*

*just a notification. Many don't have insurance. It's important to help them not to suffer financially. – Victim Witness Advocate*

Policy changes to expand confidentiality protections were also seen as important:

*Cold case victims are not protected in the same way as in current cases, particularly when it's a wrongful conviction. Their names appear in the newspaper. – Policy Expert*

*What expectations of confidentiality are there if the survivor has criminal justice involvement or is about to lose her kids? Those who were involved in mutual arrests couldn't access services at the family justice center. Can there be informed decisions without revealing certain information? You have to be really clear about what can remain confidential. At Legal Aid, our social workers were covered under the attorney client privilege, and that trumped mandatory reporting. I wouldn't tell others certain things to avoid triggering mandatory reporting. People are thinking more about conflicts and confidentiality. With undocumented survivors, you need a clear statement about protections. – Advocate*

### *Changes to the Criminal Justice System*

Participants also offered arguments for and against changes to the way the criminal justice system operates. A summary of these arguments can be seen in Table 22.

Table 22. Arguments for and against changes to criminal justice procedures.\*

	<b>Arguments For Changes to Criminal Justice Procedures</b>	<b>Arguments Against Changes to Criminal Justice Procedures</b>
Survivor Well-Being	15	0
Organizational Efficacy	3	0
Public Safety	26	1

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

As can be seen in Table 22, arguments for changes to the criminal justice system centered around both survivor well-being and public safety. Changes to the statute of limitations was the most common change discussed. The statute of limitations was considered particularly problematic to survivors who felt that they were being denied justice through no fault of their own:

*I couldn't prosecute. The statute of limitations had ran out. That was another bomb to drop on me, but I had to deal with it. They said, "What you can do is write letters and keep him in prison," which is what I've done. – Survivor*

While changes to the statute of limitations were clearly the preferred route, several participants described innovative solutions to the problem that are being enacted in some jurisdictions. For example, some prosecutors in the sample described the use of John Doe indictments as a method for extending the

statute of limitations in cases where DNA evidence was found but a perpetrator has not yet been identified:

*They would be doing something called a John Doe indictment in order to stop the clock on the statute of limitations. My case had been reopened, and they were gonna do the John Doe indictment...I went and testified before the grand jury in 2003. They indicted the DNA in my rape kit, essentially stopping the clock on the statute of limitations at that time. I was told by the prosecutor, who was very kind and very nice, that we didn't know if we would be able to find him, but at least now he was in the system. His profile was up into CODIS and that, eventually, perhaps we'd find a match and be able to prosecute him. – Survivor*

*Texas passed a law that if you can't prosecute, if you determined that he did the crime by DNA, his involvement is put on his criminal history. If he is out on parole or out in the street and he commits a new crime, the new investigators would see this on his history and the DA will see it. If he gets convicted, during sentencing it can be brought up...We try to contact them if they're just on the streets to let them know we know they did this crime. – Police Detective*

Other prosecutors described using DNA evidence from cases exceeding the statute of limitations as character evidence in other trials or to prevent parole:

*I can use the victim whose case can't be filed for 404 evidence to show the perpetrator's sexual propensity. You have to speak carefully with them because they don't have victims' rights. They can be interviewed by the defense attorney. – Prosecutor*

*You might want to investigate the case because you can use an uncharged and unconvicted rape for purposes of civil commitment to show he's too dangerous for release. You can use cases for other purposes. – Prosecutor*

The final suggestion in this set was to require the DA's office to prosecute all cases regardless of the likelihood of winning. As can be seen in Figure 36, the response to this suggestion was quite mixed with almost equal numbers of participants endorsing each rating category. Qualitatively, it was not uncommon for participants to express frustration at the low levels of prosecution:

*The fact that they still think this is about whether they can prosecute. If you're a young victim, if you're a blindfolded victim, if you are a victim of a race or of a socio-economic class where there is bias amongst the police department, which we know there is, you're not listened to. You're a woman... You're a lesbian, gay, transgender person, your case doesn't get prosecuted. And it's really for them about whether the case is winnable. Almost no cases are winnable. – Survivor Focus Group Participant*

Many participants also expressed frustration at the low numbers of rape kits that are actually being tested:

*They say, "We can't prosecute this case," and this man goes off and keeps raping other people. Then what? They allow him to go free and victimize more people. I think that*

*they should have a database, and they should test it through all the databases, no matter whether it's a felony database, or whatever. However they do it, they need to do a database, and they need to start testing. – Survivor Focus Group Participant*

Participants were also frustrated by the low number of prosecutions:

*DA refuses to take a lot of cases. It frustrates police to feel like their work is pointless. The conviction rate is tied to re-election. DA will take child rape cases and cases with perfect victims...it's hard to get a conviction. – Advocate*

*The DA has some kind of unspoken rule, if you look at the statistics, they are only pushing forward with child rape cases. They don't wanna deal with adults, because somehow adults are messier. They're less sympathetic to a jury. They're not something that you win. I had the DAs office call me and for an hour and a half talking about "it's really hard, I feel really sorry for you, I'm so compassionate about your case, I understand if you don't want to push through with this because it's so difficult. Most people don't want to, and we understand. We don't want you to feel victimized, and you will be re-victimized on that stand." Then I broke down, I said "It doesn't matter. Because if I don't go through with it, then I can't guarantee anyone's going to go through with it. I don't care." Then she clammed up and she said "Well, fine. Well, I'm not pushing it through." This whole time she wasn't going to let me do it anyway, but she wanted it to be my decision so on the record book it would show that I decided to drop- the victim decided to give up. – Survivor*

As a result of these frustrations, several participants expressed a desire for more extensive prosecutions, even when the chance of winning might be lower:

*Of 9,000 cases in the docket that prosecutors referred for charges, only 9% proceeded to some form of prosecution. Either a plea or a drop. Prosecutors are elected officials. Sex crimes are hard to prosecute and win. They have to look at that. We wish they would look at it from trying to prosecute. Not winning doesn't mean not trying. – Policy Expert*

Yet, while there was no qualitative data to explain opposition to this suggestion, the variation in ratings that can be seen in Figure 36 points to substantial disagreement. How to best remedy the low rates of prosecution and testing thus remains an open question.

#### *Community Education Efforts*

Participants also argued for community education efforts to help educate the public about the systemic failure to investigate and prosecute rape cases. A summary of these arguments can be found in Table 23.

Table 23. Arguments for and against community education efforts.\*

	<b>Arguments For Community Education</b>	<b>Arguments Against Community Education</b>
Survivor Well-Being	8	0



Organizational Efficacy	2	0
Public Safety	1	0

\* Counts reflect the number of times an argument was made, not the number of people making the argument.

Survivors, in particular, felt that it was important to educate the public about the systemic failure of the criminal justice system to investigate their cases in order to facilitate some of the legislative and public policy changes noted above:

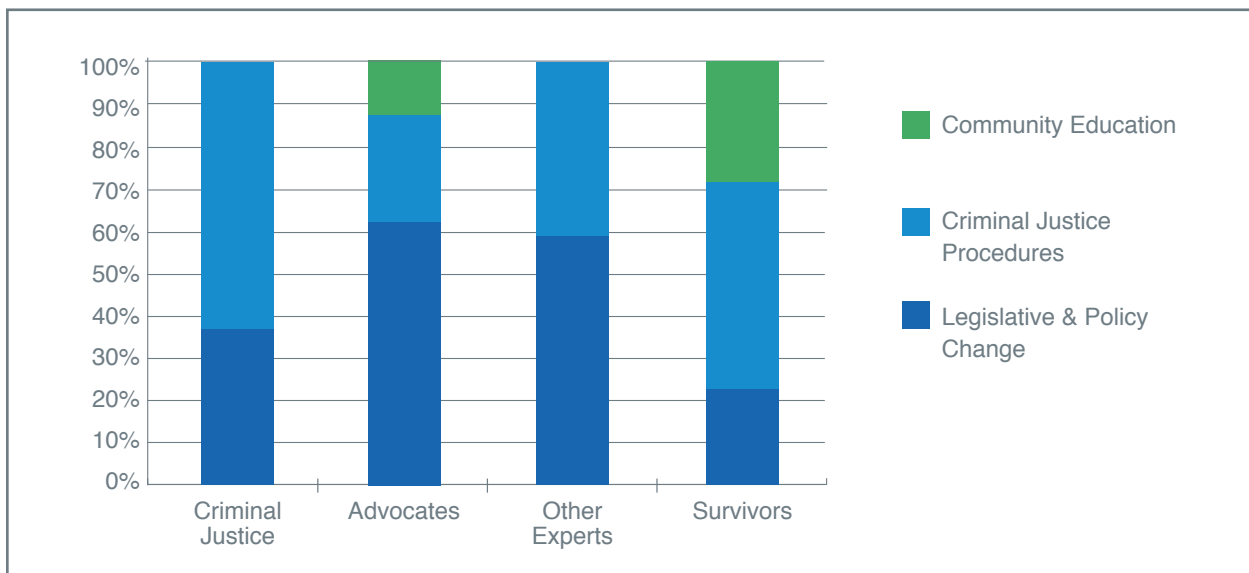
*I'm always stunned by, when I try to explain to people...they're like, what is that?... It seems important for public safety for this not to happen again, for there to be just full testing, so that we can really understand the impact. – Survivor Focus Group*

*Putting together a video or some type of document...really expertly edited that might have information that would allow somebody looking at it to say 'whoa, so there are actually people out there who heard 20 years later.'...Here's how people think about it. Here's how you might want to talk to people who haven't... You're really trying to make a national change. Think about what can be put together that can be transferred, city to city, that might be helpful. – Survivor Focus Group*

#### Survivors' Perspective on Legislative Changes

In an effort to highlight survivors' voices, we also looked at the arguments that were offered by survivors, in particular. As can be seen in Figure 61, survivors and criminal justice personnel were somewhat more likely to argue for changes to criminal justice procedures (such as extending the statute of limitations) than other participants. Survivors were also substantially more likely to argue for the importance of community education.

Figure 61. Proportion of arguments for each approach within participant group.\*



\* Percentages reflect the number of specific arguments relative to the number of overall arguments about supporting legislative changes among each group of participants.

As can be seen in Figure 61, survivors were particularly concerned about problems with the criminal justice system. A closer examination of the qualitative data suggests that most of this concern centered around the statute of limitations. Many survivors simply didn't understand why the statute of limitations would apply at all in these cases:

*If somebody is the victim of a violent felony, in many of people's cases, their lives were in jeopardy, there were weapons involved. The police put it in a shelf, and then didn't test it, and then 18 years later does, and finds that they could've known this person's identity 9 years ago. Why should the victim suffer for that? I don't understand why the statute of limitations is allowed. Could we make recommendations that it should be suspended in cities where we didn't make the statute of limitations? It wasn't our fault, and yet our cases can't be—I don't get it. – Survivor Focus Group*

For some of the survivors in this sample, the frustration over the statute of limitations led them to get involved in advocating for new legislation. These efforts were successful in California where legislation was passed to extend the statute of limitations for backlogged cases:

*There are now laws on the books in California that are extending the statute of limitations for rape kits that were in the backlog. That's something that could be done in different states. We did that in California in 2001. Also, but just not extending any cases with DNA under with certain caveats. We married—for use of—for exoneration. We married that with the use of DNA. It can be 20 years from now you get a match. With some caveats you have no statute. – Survivor Focus Group Participant*

A more limited policy was also passed in Texas where DNA evidence can now be entered as part of a defendant's record to be considered at the parole or sentencing phases of other crimes:

*When we can't prosecute, once there is a DNA hit, it goes on his record. If he gets out and commits another crime, the judge can look at that and use it in the punishing phase. His slate may seem clear because he was never caught, but now it's there. I had to rally around this because when he was released, he broke into a home and raped an elderly woman. There was no rehabilitation. If he isn't known as a sex offender, whose fault is that? I felt a lot of responsibility. He is now known to sexually offend. He didn't discriminate, his victims were children, elderly and middle-aged women. It was important to be known. He is now tagged as a sex offender. If he is released, my DNA evidence is on his record. That was enough justice for me even though he couldn't be punished. – Survivor*

But even when nothing can be done with the information through the justice system, many survivors appreciated knowing who the rapist was:

*It's really case by case. If the SOL runs out, they sometimes go above and beyond to*

*provide closure. In one case, they identified the actual perpetrator and went to him in prison and got him to confess, and he provided such detail that it was clear he did it. They played it for her, and it provided a lot of closure. If they have identified the guy, that confession can mean so much to the victim. And when they can't get it, the victim says she will wonder forever whether she got it right the first time. They didn't have to do that. They just did it to provide closure. They work with her and the perpetrator to get the confession. Every law enforcement agency has pursued it differently. It's someone's life. If they've made mistakes in terms of helping the victim, they've done it with the best of intentions. – Academic Expert*

*It doesn't matter to me that the statute of limitations is over. If I could know who they were, and if I could know what happened to them, I feel like my right to that doesn't disappear with the statute of limitations. I will live with this for the rest of my life in a significant way. There are times that it feels very old, and there are times when it feels like it happened yesterday. If I could know that the kit was available and the kit could be tested even 25 years later and the DNA could be identified as belonging to a certain person or persons, I would be able to have that information for the rest of my life. – Survivor*

Survivors were also particularly concerned about testing all rape kits. Instead of making decisions about whether to test kits individually, survivors felt that all kits should be tested in the name of public safety:

*The rape kit issue is that police officers approach it like, it's our evidence, and we're only gonna use it if we plan to prosecute, which they almost never do. They don't approach it like, if we tested all the kits, we might actually find serial rapists, and we might actually identify people who were put in jail on some petty crime, and this is a matter of public safety and public health. They think of it as their own individual case. – Survivor*

Survivors also felt that testing all kits was important for survivors' well-being. Even if the results cannot be used to prosecute a particular assailant, just knowing that the kit was tested and that the results can be used in the future can be an important part of survivors' healing process:

*Although I felt that I was healed, I wasn't whole until that piece was put back in my life. It has done a world of difference. I want others to feel the joy and peace I feel knowing that DNA is there to help me. The evidence is there. If it's not solved this time, it's comforting to know that if anything else happens, we have that technology. – Survivor*

Increasing funding to enable the testing of all kits was particularly salient for survivors who were told that there are not enough resources to test their kit:

*You allowed a dollar to determine my sanity. It didn't matter to you because you didn't have the money. You couldn't figure out some other way to give me back my life. – Survivor*

Some survivors also expressed concerns about policies that seemed to exclude cold case victims from services such as Victim Compensation:

*At the time, I was unemployed, and gas was constantly—I was told that I could get a crime victim compensation. That wasn't true. Just the expenses that I incurred, throughout the whole process, they didn't offer me any sort of help with that. I just felt it was a little unfair because, after 14 years, I actually, literally, have to pay, out of my pocket, to go through all this. There was no compensation anywhere, and it was stressful cuz I had to make a way. That's just how it went. – Survivor*

Many survivors also argued for changes to the criminal justice system that would enhance prosecution rates:

*We're not gonna put up with this bull crap, playing down on what happened to me or the crime committed. In no way, shape, or form, or fashion should the state not automatically take up a rape that happens, and just disregard it.*

*– Survivor Focus Group*

*You didn't sleep over somebody's house and accidentally rape them. How you get to plead to a lesser charge? That's not fair. You raped her. Why do they get that choice?*

*– Survivor*

### **Conclusions About Legislative Supports**

Taken together, these results suggest broad support for testing all kits and providing the resources needed to do so. There was also broad support for changing the statute of limitations to increase both survivor well-being and public safety:

*The challenge is not being able to prosecute the actual perpetrator. There are shifts toward changing policies and legislation so that when there is DNA, there aren't SOL issues. As long as there's DNA, you can prosecute the crime. – Policy Expert*

*For the women behind the SOL statute, it meant a lot to the victims because they could find out who the person was and whether the guy was in jail already, which a lot of them were – that's how they got the DNA hit, and wouldn't be getting out. They could write to parole. He raped me and he was never prosecuted. It has affected parole decisions.*

*– Advocate*

Survivors, in particular, were frustrated by the low rates of testing and prosecution of these crimes. Not trusting jurisdictions to effectively address these failures on their own, survivors were particularly supportive of national standards that mandate increased testing and prosecution:

*The funding that they claim they're waiting on...If it continued to go on where we're just following up, following up, nothing is happening, then it's other lawmakers and so forth that need to push. – Survivor*

*Law now is every kit has to be tested. Changes dynamic in taking away discretion from law enforcement to decide to test kits. – Academic Researcher*

But not all participants agreed with the mandate to increase the prosecution rate, suggesting that further debate about how to most effectively achieve this goal is needed.

## CONCLUSIONS

The goal of the current study was to identify a set of potential practices for notifying victims whose rape kits had not been originally submitted for testing. As more and more jurisdictions begin to tackle their own backlog of unsubmitted rape kits, questions about how to best re-engage survivors years, and sometimes decades, after the assault are becoming increasingly important. To date, jurisdictions have been left to figure out best practices on their own with little to no guidance about the issues and potential solutions. The resulting trial and error process has been demanding on jurisdictions, and the resulting procedures have not always been well received by survivors. In conducting this study, we hoped to offer guidance to jurisdictions struggling with these issues.

But the results of the study are far less clear than we had hoped. Through a process of qualitative and statistical analysis, we identified a set of 93 suggested practices about specific notification techniques and contextual factors that help support such efforts. But participant ratings of these recommendations were often quite mixed, revealing fairly wide divergences of opinion about precisely when and how notification should occur. Of the 51 suggestions about when notification should occur, how notification should occur, who should conduct the notification, and what notification should include, only 15 of these suggested practices were consistently rated as both highly important and highly feasible. As can be seen in Figure 61, the suggestions that received the most support tend to be broader in nature, outlining a general approach to notification that emphasizes choices, safety, support, and information for survivors. Suggestions about broader contextual changes also received fairly strong support, particularly suggestions for training. Taken together, these results suggest fairly strong consensus among participants for a generally survivor-centric, trauma-informed approach to notification.

Where disagreement occurred was around the specific techniques that should be used to notify survivors. Questions about whether survivors should be notified by letter or in person, how much case detail should be provided, whether and when criminal justice personnel should be involved in notifying survivors, and at what stage of testing notification should occur all yielded extremely mixed ratings. For nearly every logistical question about when and how notification should occur, there were almost equal numbers of participants who advocated strongly for and strongly against the exact same approach. Interestingly, these differences of opinion did not seem to line up with differences in participants' professions. Across all seven sets of suggestions, there were no significant group differences between participants, suggesting that participants within a single profession disagreed with each other as much as they disagreed with participants in other professions or with survivors.

While the survivors in our study brought a distinctly human voice to the problem of untested rape kits, their overall suggestions tended to coincide with many of the strongly supported practices noted above. For survivors in our sample, precise methods of notification were far less important than the overall tone and approach. What survivors were most concerned about was that they were not forgotten and their cases were not ignored, that the people they interacted with treated them with kindness and respect, that they were given choices and a voice in the process, that their questions were answered and they were given the information needed to make informed choices, that they felt cared for and safe and supported

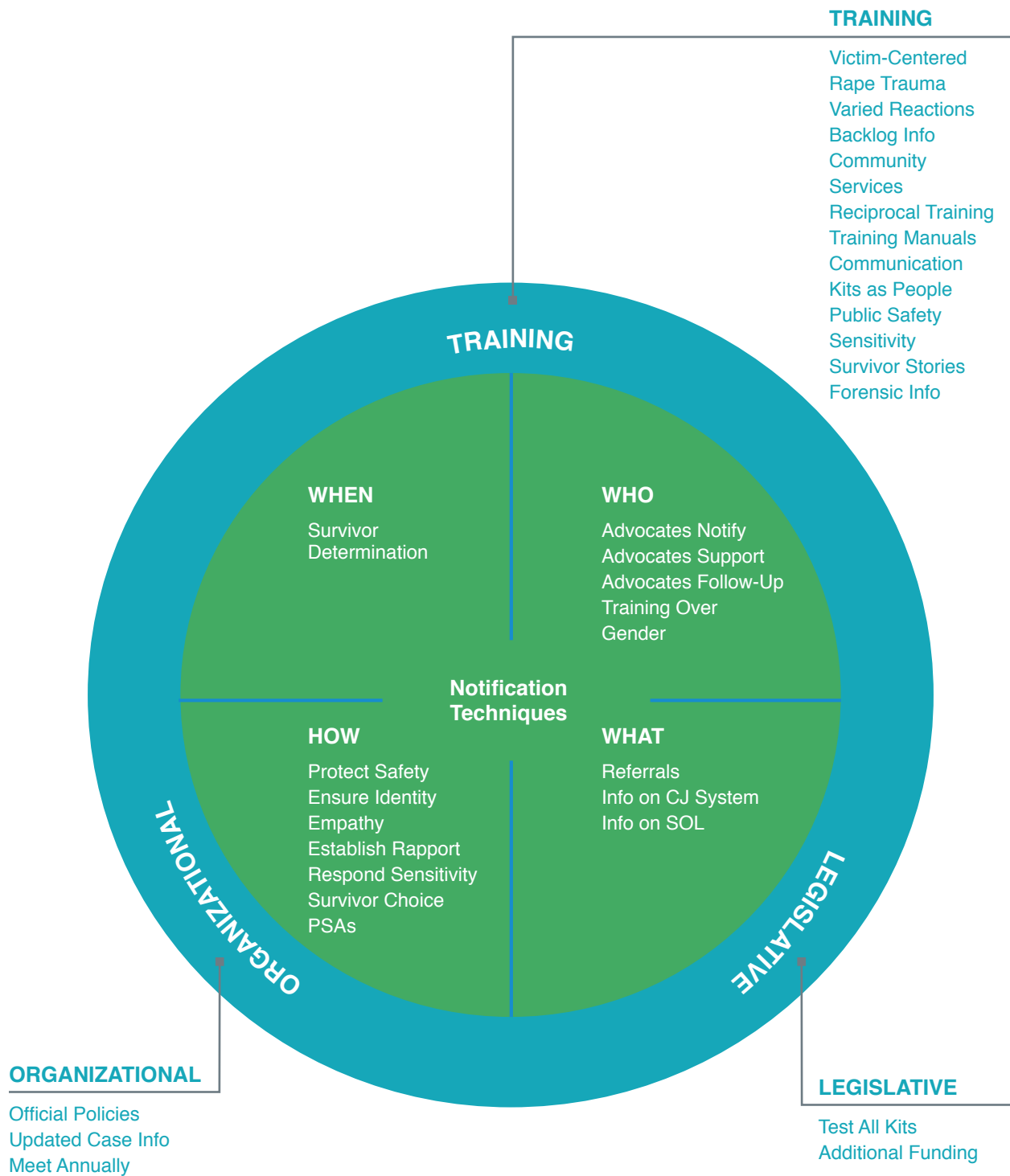
throughout the process. What survivors wanted was to be treated as people, not as cases – for their full humanity to be recognized and respected, not reduced down to a kit on a shelf. What survivors asked for was dignity and the right to self-determination – to be able to make their own choices about what is best for their healing process, not to be patronized or to have others use concerns about their safety as an excuse to withhold information. While the survivors in this sample recognized that they cannot possibly speak for all survivors, they also argued that no-one really can. One-size-fits-all solutions are not likely to address the varied needs of diverse survivors. Rather than trying to establish a single set of recommended notification techniques, perhaps it is more important to establish general approaches that place survivor empowerment and well-being at the heart of the process.

Such an approach may not be so far off from what some jurisdictions are already doing. Jurisdictions such as Dallas and Detroit have been working with large groups of stakeholders in multidisciplinary teams to identify testing and notification procedures that work for survivors and jurisdictions alike. While the results of these efforts are just now coming to light, their findings are similar, highlighting the value of multidisciplinary teams, the need for victim-centered policies, the importance of training notification team members, and the value of providing follow-up services for survivors (Busch-Armendariz & Sulley, 2015; Campbell et al., 2015).

Yet caution is also in order. Throughout our study, we saw how concerns about survivor well-being were used to justify nearly every suggestion offered by participants in this study. Participants who argued in favor of widespread notification were as likely to cite survivor well-being as participants who argued for limited notification; participants who argued for personal contact were just as likely to cite survivor well-being as participants who argued for impersonal contact. Both sets of participants were concerned about survivors; they just didn't define survivor well-being in the same way. This finding suggests that further conversations about what constitutes survivor well-being and how survivor well-being can best be enhanced are needed. Placing survivors at the center of these conversations will be key. In practice, this means that survivors should be at the table when jurisdictions set out to create and revise procedures, survivors' voices and stories should be included in all training efforts, and notifiers should learn to listen and respond to what individual survivors are saying about their own needs and well-being. Rather than making assumptions about what survivors want and need, professionals can reach out and actually invite survivors into the process.

Doing so is not only likely to enhance survivor well-being, it is also likely to enhance the criminal justice process. Throughout our study, we heard participants argue that the way notification unfolds is likely to have a profound impact on survivors' willingness to re-engage with the criminal justice system. When survivors feel listened to, respected, and supported, they are more likely to cooperate with the investigation and remain involved through the life of the case. But when survivors feel judged, ignored, or belittled, they are much more likely to walk away. Prioritizing survivor well-being thus has implications for the system, and by extension, wider public safety. How we re-engage with survivors matters – for survivors, for the system, and for society as a whole.

Figure 62. Strongly supported suggestions.



## APPENDIX A

### MEANS AND STANDARD DEVIATIONS

<b>WHEN SURVIVORS NOTIFIED - Theme 1: System Decides – Limited Notification</b>	<b>Importance Ratings M (SD)</b>	<b>Feasibility Ratings M (SD)</b>
Survivors should only be contacted about their backlogged rape kit if the case is being actively investigated	3.09 (1.59)	3.92 (1.17)
Survivors should only be contacted when new information is obtained	2.83 (1.36)	3.54 (1.21)
Survivors should only be contacted if the perpetrator has been caught	2.56 (1.63)	3.76 (1.47)
Survivors should only be contacted when information is needed from them	2.34 (1.41)	3.35 (1.48)
<b>WHEN SURVIVORS NOTIFIED - Theme 2: System Decides – Full Notification</b>		
Survivors should be contacted whenever a decision is made about the case, including decisions to not test kits or investigate further	4.14 (1.27)	3.72 (1.33)
Survivors should be notified about the status of their rape kit even if the statute of limitations has passed	3.89 (1.21)	3.66 (1.34)
Survivors should receive updates about their case in real time, as soon as information becomes available	3.81 (1.07)	3.10 (1.30)
Efforts should be made to re-engage all survivors whose kit had been part of the backlog, regardless of whether the case will now move forward or not	3.46 (1.50)	2.80 (1.36)
Survivors should receive regular updates about their backlogged case, even if there is nothing new to tell	3.25 (1.31)	3.23 (1.35)
Survivors should be contacted at every step in the process, including when kits are sent out to be tested	3.16 (1.53)	3.03 (1.47)
<b>WHEN SURVIVORS NOTIFIED - Theme 3: Survivor Decides Who is Notified</b>		
Survivors should determine how often they want to receive notifications, if at all	4.51 (0.89)	4.11 (1.17)
Survivors should be asked whether they want their backlogged rape kit to be tested or not	3.46 (1.49)	3.38 (1.46)
<b>WHO CONDUCTS NOTIFICATION - Theme 1: Advocate Involvement</b>		
Advocates should be available to support survivors following notification	4.75 (0.58)	4.41 (0.75)
Rape victim advocates should be involved in contacting survivors about their backlogged rape kit	4.43 (0.79)	4.16 (0.93)
Advocates involved in the notification process should follow-up with survivors soon after the initial notification	4.40 (.81)	4.25 (0.85)
A multidisciplinary team should work collaboratively to contact survivors about their backlogged rape kit	3.96 (1.22)	3.59 (1.35)
<b>WHO CONDUCTS NOTIFICATION - Theme 2: Criminal Justice System/ SANE Involvement</b>		
Police should be involved in contacting survivors about their backlogged rape kit	3.75 (1.27)	4.08 (1.09)
The prosecutors' office should be involved in contacting survivors about their backlogged rape kit	3.15 (1.23)	3.45 (1.32)



The forensic nurse examiner who originally conducted the rape kit should be involved in contacting survivors about their backlogged rape kit	1.88 (.99)	2.08 (1.22)
Crime lab personnel should be involved in contacting survivors about their backlogged rape kit	1.62 (0.99)	2.09 (1.38)
<b>WHO CONDUCTS NOTIFICATION - Theme 4: Other Characteristics to Consider</b>		
Adequate training is more important than gender in determining who should conduct the notifications	4.59 (0.60)	4.57 (0.74)
The original detectives assigned to the case should not be in charge of notification because they may be perceived as having mishandled the case to begin with	3.00 (1.24)	3.13 (1.28)
Female officers should be used to handle survivor notification when available	2.61 (1.27)	2.65 (1.10)
Advocates who are themselves survivors should be present during notification	2.22 (1.38)	2.41 (1.31)

<b>HOW TO NOTIFY: Theme 1: Survivor Safety &amp; Limits of Confidentiality</b>		
Survivors' safety should always be considered, even if no obvious threat exists	4.79 (0.49)	4.33 (1.09)
Procedures should be created to ensure the identity of the survivor before any confidential information is revealed	4.76 (0.51)	4.34 (1.00)
The decision about how to contact a survivor should be based on considerations such as the survivor's current life circumstances	4.14 (1.08)	3.38 (1.54)
Concerns about confidentiality should not be used as an excuse to avoid notification	3.77 (1.52)	3.85 (1.47)
Police should not try to hide their identity in letters or phone messages to survivors	3.29 (1.57)	3.80 (1.34)
<b>HOW TO NOTIFY: Theme 2: Notification Procedures Should Incorporate Survivors' Needs &amp; Agency</b>		
Criminal justice personnel should respond empathetically and with sensitivity to survivors	4.82 (0.47)	4.47 (0.88)
Survivors should be given the choice to decide when, how, by whom, and how often they would like to be contacted	4.73 (0.56)	4.19 (1.20)
Law enforcement should build rapport with survivors	4.61 (0.80)	4.17 (1.04)
Notification letters should be written in a user friendly, victim sensitive manner	4.36 (1.19)	4.17 (1.25)
Police and/or crime lab personnel should apologize for not testing the rape kit sooner	3.53 (1.51)	3.48 (1.55)
Multiple attempts should be made to contact survivors who do not respond to initial notification attempts	3.81 (1.04)	3.70 (1.14)
<b>HOW TO NOTIFY: Theme 3: Impersonal Methods</b>		
Public Service Announcements/commercials should be used to notify the public that old rape kits are being tested and interested survivors can call-in for more information.	4.16 (1.00)	4.00 (1.00)

Survivors should be notified about the status of their rape kit through personal letters	2.58 (1.34)	3.33 (1.41)
Survivors should be notified about the status of their rape kit through an automated information line	2.52 (1.51)	3.19 (1.52)
Survivors should be notified about the status of their rape kit through email	2.46 (1.36)	2.96 (1.51)
<b>HOW TO NOTIFY: Theme 3: Personal Methods</b>		
An interactive website should be developed so survivors can check on the status of their case and ask questions in real-time	3.93 (0.87)	3.41 (1.20)
An 800 phone system should be developed so that survivors can talk to a live person for status updates relating to their rape kit status	3.81 (1.03)	3.36 (1.35)
Survivors should be notified about the status of their rape kit through in-person visits	3.38 (1.44)	3.02 (1.46)
Survivors should be notified about the status of their rape kit through phone calls	3.37 (1.26)	3.50 (1.26)
<b>WHAT NOTIFICATION SHOULD INCLUDE - Theme 1: Level of Detail During Notification</b>		
Initial notifications should not include any specific details about the crime or the case in order to protect victim confidentiality	3.75 (1.38)	4.21 (1.20)
Initial notifications should not include any specific details about the crime or the case in order to protect victim confidentiality	3.65 (1.49)	3.96 (1.28)
<b>Theme 2: Information About Criminal Justice System</b>		
The survivor should be given information about the criminal justice process, the use of DNA to solve cold cases, and what may be expected of him or her during the process.	4.47 (0.88)	4.49 (0.72)
Survivors should be given a tentative timeline about how long testing will take and other steps in the criminal justice process	4.13 (1.12)	3.75 (1.34)
Information about the statute of limitations and specific options for each survivor should be provided during notification	4.09 (1.08)	4.12 (1.00)
Survivors should receive updates about the rape kit backlog in general, in addition to information about their specific case	3.80 (1.33)	3.94 (1.22)
<b>Theme 3: Follow-Up Assistance</b>		
Initial notifications should include referrals for services	4.44 (0.95)	4.44 (0.90)
Group counseling should be set up for survivors whose kits had been in the backlog	3.16 (1.29)	3.23 (1.15)
<b>TRAINING APPROACH - Theme 1: Survivor Perspectives</b>		
Training should emphasize that sexual assault is a serious criminal offense that should be responded to accordingly	4.76 (0.51)	4.66 (0.75)
Survivors' perception of the criminal justice system is affected more by the nature of communication with criminal justice personnel than the outcome of the trial	4.38 (0.71)	4.31 (0.73)
Police should make it clear that the decision to not test a rape kit is not due to the validity of the story	4.32 (1.16)	4.21 (1.22)
Training should help criminal justice personnel view rape kits as people not just as evidence	4.31 (0.88)	4.32 (0.98)
Training should emphasize the impact of untested kits and unidentified perpetrators on public safety	4.13 (1.01)	4.27 (1.02)

Training should emphasize the importance of victim satisfaction for the criminal justice process	3.78 (1.14)	3.79 (1.28)
Training should include survivors' stories in the form of in-person presentations or pre-recorded training videos	4.02 (1.05)	4.14 (1.08)
<b>TRAINING APPROACH - Theme 2: Interacting with Survivors</b>		
Training programs for law enforcement personnel should take a victim centered approach focused on survivors needs	4.72 (0.53)	4.40 (0.99)
Law enforcement personnel should be required to undergo rape trauma training	4.59 (0.73)	4.46 (0.87)
Law enforcement personnel should be trained to handle potential varied reactions (anger, joy, anguish) survivors might exhibit during the notification process	4.55 (0.71)	4.25 (1.06)
Law enforcement personnel should be required to take sensitivity training	4.18 (1.03)	4.23 (1.09)
<b>TRAINING APPROACH - Theme 2: Specific Content of Training/ Knowledge to Be Imparted</b>		
Training should include awareness of community services for survivors	4.57 (0.66)	4.58 (0.64)
Notifiers should be trained to answer questions about why the backlog exists and why kits weren't tested in a timely manner	4.50 (0.76)	4.33 (0.96)
Law enforcement personnel should be required to attend a basic training course in forensics and DNA testing to help better explain the process to survivors	4.07 (0.96)	4.10 (1.06)
<b>TRAINING APPROACH - Theme 3: Training Logistics</b>		
Victim-centered training manuals and brochures should be developed for us during training nationwide	4.43 (0.82)	4.39 (0.84)
Law enforcement personnel should engage in reciprocal training with rape crisis centers	4.24 (0.89)	4.10 (1.13)
Sexual assault advocacy training should include testing prior to certification to ensure adequate sensitivity and knowledge	4.11 (0.99)	3.98 (1.21)
<b>ORGANIZATIONAL FACTORS - Theme 1: Nature of Polices/ Procedures</b>		
Police should create official policies related to re-engaging survivors whose kits were part of the backlog	4.33 (0.91)	4.26 (1.01)
Develop policies to deal specially with survivors from low-income, homeless, or mental illness backgrounds	4.24 (0.88)	3.93 (1.11)
Specialized protocols should be developed for each type of survivor (e.g., spouse abuse, acquaintance rape)	3.82 (1.12)	3.69 (1.32)
Procedures for re-engaging survivors whose rape kits had been part of the backlog should be developed on a case by case basis	3.46 (1.37)	3.26 (1.34)
<b>ORGANIZATIONAL FACTORS - Theme 2: Process of Creating Policies/Procedures</b>		
Advocates should be consulted when developing police procedures for re-engaging survivors whose kits were part of the backlog	4.55 (0.78)	4.45 (0.92)
Jurisdictions who have developed model programs should send consultants to other jurisdictions to help them develop effective procedures for addressing the backlog	4.40 (0.75)	3.89 (1.29)
Survivors should be consulted when developing police procedures for re-engaging survivors whose kits were part of the backlog	4.23 (1.10)	3.96 (1.17)

Survivors should be regularly surveyed about how their cases could have been better handled	3.54 (1.15)	3.09 (1.25)
Police jurisdictions should hold annual community meetings where survivors can share their experience with law enforcement	3.48 (1.25)	3.23 (1.22)
Local law enforcement officials, district attorneys, and advocates should meet annually to update and improve upon best practices for notification	4.37 (0.83)	4.11 (1.04)
Departments should perform a yearly review of all policies and make necessary updates	4.27 (0.92)	3.95 (1.16)
<b>ORGANIZATIONAL FACTORS - Theme 3: Organizational Systems/ Changes to Support Notification</b>		
Criminal justice personnel should maintain updated contact information for all open cases	4.49 (0.55)	3.67 (1.16)
Notifiers should be fully updated about the case prior to contacting survivors	4.48 (0.87)	4.30 (1.09)
Sex crimes divisions should be established in all counties to ensure expert handling of rape cases	4.41 (0.98)	3.71 (1.33)
Digitize all records and create an on-line database to facilitate collection, maintenance, and communication of pertinent information about each case	4.09 (1.07)	3.51 (1.34)
A specialized unit with legally- trained sexual assault advocates should be housed within the DA's office to serve as a consistent point of contact for survivors	3.98 (1.34)	3.84 (1.21)
<b>LEGISLATIVE FACTORS - Theme 1: Legislative &amp; Policy Changes</b>		
Additional funding should be allocated to addressing the rape kit backlog and re-engaging survivors in the criminal justice process	4.63 (0.67)	4.04 (1.19)
National standards should be developed to ensure equitable and timely testing of all rape kits	4.42 (0.96)	3.92 (1.30)
All rape kits should be tested regardless of victim background or assault characteristics	4.38 (1.13)	4.13 (1.18)
<b>LEGISLATIVE FACTORS - Theme 2: Criminal Justice Procedures</b>		
Statute of limitations should be extended for cases that were in the backlog	4.49 (0.83)	3.52 (1.28)
The DA's office should prosecute all cases regardless of the likelihood of winning	3.11 (1.39)	2.60 (1.57)
<b>LEGISLATIVE FACTORS - Theme 3: Community Education</b>		
Survivors stories should be used to educate the public about the backlog through posters, billboards, public service announcements, or media coverage	4.04 (1.15)	3.54 (1.36)

## APPENDIX B

### METHODOLOGICAL LIMITATIONS

There are several limitations of the current study that should be carefully considered before basing any policy decisions on the findings in this report. First, despite great efforts to recruit a diverse sample of survivors and experts with varying experiences with victim notification, there is no guarantee that the current sample is representative of all survivors and experts in the field. While we believe that the current study did, in fact, uncover a wide range of suggestions about when and how to conduct victim notifications, it is nonetheless possible that key considerations were omitted by participants or that the opinions and preferences of the current sample do not represent the opinions and preferences of other survivors or experts. Future research with a larger sample is therefore needed to confirm the findings from the current study.

Second, while a response rate of 64% is actually quite respectable for on-line surveys (Baruch, 1999), it is quite possible that the importance, feasibility, and priority ratings do not accurately reflect the opinions of the sample who first generated the list of suggested practices. While similar proportions of advocates, survivors, and criminal justice personnel participated in both phases of the study, nearly 20% of the survey sample declined to note their professional affiliation. Furthermore, it is possible that participants who did not agree with some of the recommendations listed in the survey may have opted not to participate at all, thereby skewing our findings through omission.

Qualitative analysis of the interview data also suggested some disagreement among participants about what constitutes a backlog or what is meant by victim notification. For example, some participants defined victim notification quite widely, commenting on any effort to engage survivors with the system regardless of the time since the assault. Other participants were focused more specifically on victim notification in the context of untested rape kits. We ultimately made the decision to incorporate suggestions from related victim notification efforts such as exoneration notifications, death notifications, and case progression notifications but did not include suggestions for contacting survivors in the days and weeks immediately following a police report. We believe that this analysis decision helped to focus the recommendations more closely on the context of victim notification that occurs years and even decades after the assault, but it is possible that other analysts would have made different choices about which data to include in the analysis.

It is also possible that different researchers might have reached different conclusions. In the current study, we attempted to protect against potential subjectivity in two ways. First, all recommendations identified in the qualitative interviews were converted into an on-line survey and resent to participants for standardized ratings and rankings. This technique enabled us to obtain standardized data from all participants, allowing us to compare participant opinions from all participants and not just those who spontaneously offered opinions during the qualitative interviews. Second, a great deal of effort was put into creating a comprehensive codebook that was used to code the transcripts. The use of clearly defined variables and definitions helps reduce subjectivity and enhance comparability across transcripts. Despite these efforts, we acknowledge the potentially subjective nature of qualitative analysis and have used the qualitative data in a primarily descriptive way. For each guiding principle outlined in this report, it was the standardized ratings and rankings that drove the conclusions. The qualitative data was then

used primarily to elucidate or expand upon these conclusions. This type of mixed method approach to research allows us to capitalize on the strengths of both approaches and is increasingly considered a best practice in policy-based research (Brannen & Moss, 2012). Nonetheless, future research is needed to confirm the current conclusions.

Despite these limitations, we believe that the current study fills an important gap in the field by identifying a set of suggested practices that received wide support from participants across the professional spectrum. We believe the opinions and experiences of those involved in victim notification have been adequately captured by the current study, and the results offer much needed guidance to jurisdictions seeking to establish their own victim notification procedures.

## APPENDIX C

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