



NAVIGATING NOTIFICATION

Ilse Knecht
Director, Policy and Advocacy
Joyful Heart Foundation

Dr. Courtney Ahrens
Researcher
California State University at Long Beach

May 17, 2016

VISION

The vision of the Joyful Heart Foundation is a world free of sexual assault, domestic violence, and child abuse.

MISSION

Our mission is to transform society's response to sexual assault, domestic violence and child abuse, support survivors' healing, and end this violence forever.

Rape Kit Backlog

Hundreds of thousands of untested rape kits are sitting in law enforcement facilities and crime lab storage facilities nationwide.

Each kit represents a survivor who underwent a sexual assault forensic exam and many reported the crime to police.

Every untested kit represents **a lost opportunity** to bring healing and justice to survivors, accountability to perpetrators and safety to communities.

Rape Kit Backlog

Reform is happening across the country.

47 jurisdictions received DANY and BJA funding; more this year.

17 states have a law addressing the submission of kits.

More than 20 states introduced legislation this session.

Communities across the nation are testing untested kits, some dating back to the 1980s.

As jurisdictions start the process of testing rape kits, questions surface about how to contact survivors in those cases.

JHF Research on Victim Notification

Why is it important to research?

Contacting a survivor after a significant time lapse can bring up difficult emotions and memories, and can trigger traumatic responses.

The system failed these survivors once—we have a responsibility to conduct notification in a way that avoids compounding trauma for survivors impacted by the backlog.

The when, who and how of notification have remained largely unanswered as jurisdictions struggle to develop procedures.

JHF Research on Victim Notification

Joyful Heart started research in 2011 after our work in Detroit and Los Angeles.

We brought stakeholders together: criminal justice, social services, advocacy, policy, and research professionals, as well as survivors.

We partnered with Dr. Courtney Ahrens of California State University at Long Beach.

JHF Research on Victim Notification

Goals:

Guide jurisdictions in re-engaging survivors in a way that honors their experiences and takes their needs and wishes into account.

Develop victim-centered and trauma-informed best practice recommendations for communities.

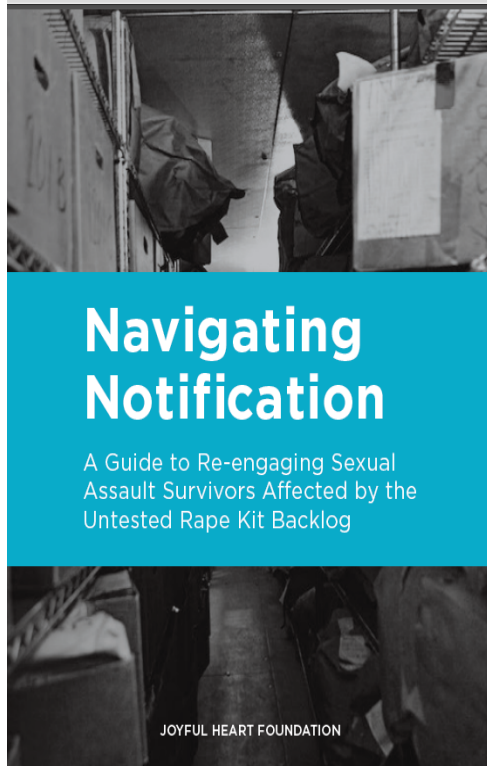
JHF Research on Victim Notification

We would like to express
our gratitude to
New York District Attorney Cy Vance
and his staff for supporting
this important research!

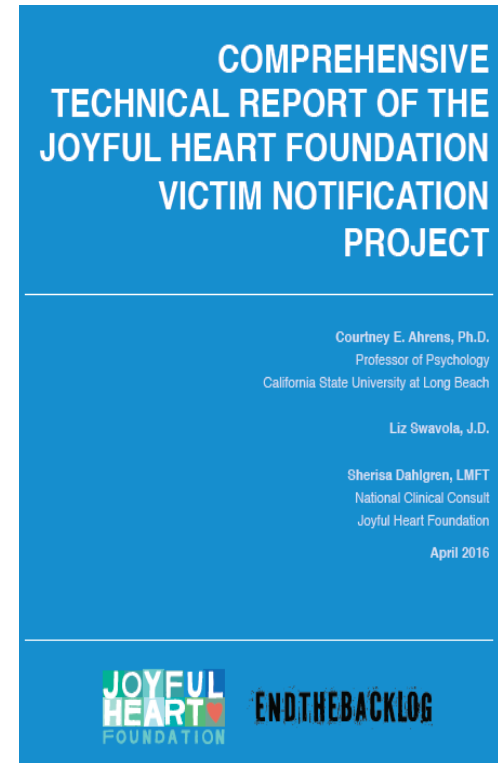
Thank you!

Methodology

Two Reports: Choose Your Level of Detail



60 Page Summary
of Main Points



160 Page Detailed Report
of Full Findings

What We Did:

Details About Study Design

Goal:

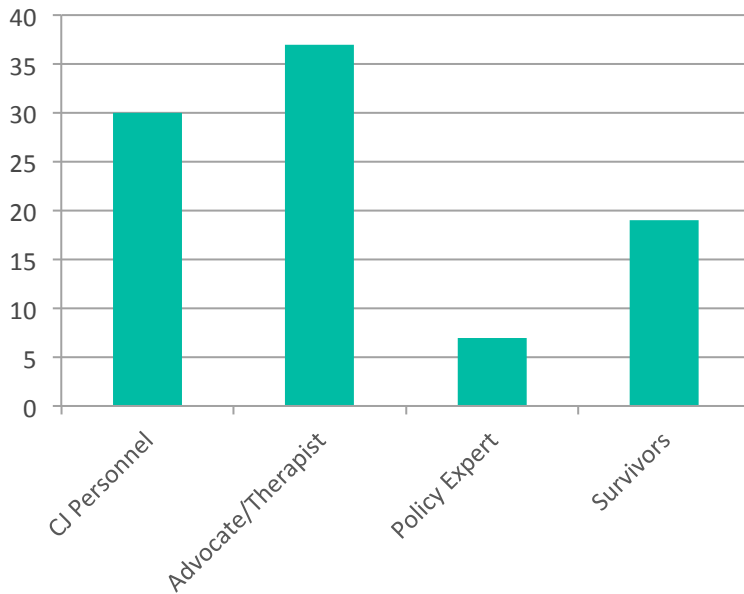
How to connect with survivors whose rape kits were not tested when reported

Three Phases:

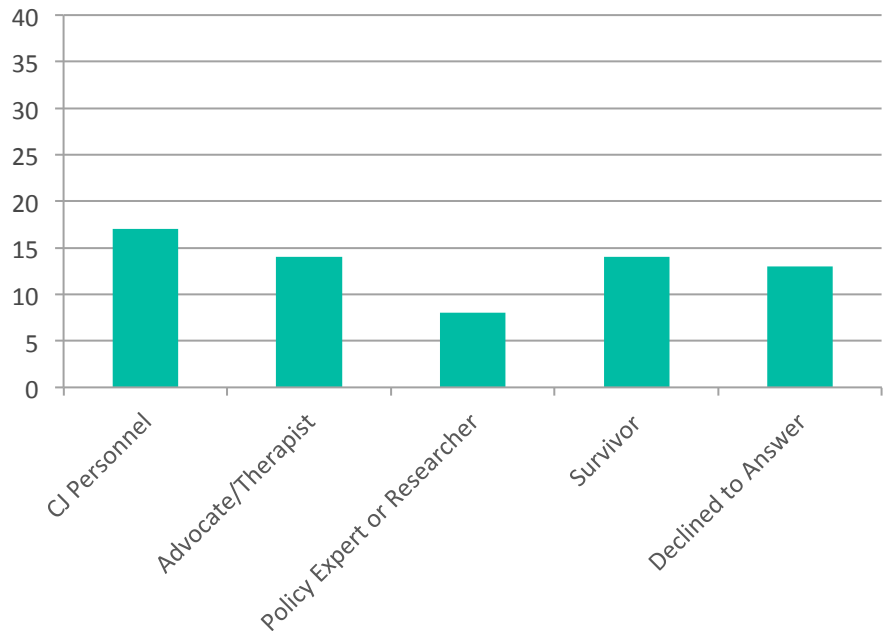
- **Phase I:** Interviews with legal, medical, clinical, and advocacy professionals
- **Phase II:** Interviews and focus group with survivors
- **Phase III:** Online survey to rate each the recommendations that emerged in the interviews

Who We Talked To: Details About Participants

Interview Participants



Survey Participants



Drawing Conclusions: The First Phase of Data Analysis

Interviews with
Professionals

Interviews & Focus
Group with Survivors

93 Recommendations

**When To
Notify**

- Regular Basis
- Select
Circumstance
- Survivors
Determine

**How To
Notify**

- Safety/
Confidentiality
- Survivor Needs
- Impersonal
Methods
- Personal
Methods

**Who
Notifies**

- Advocates
Involved
- CJ Involved
- Other
Considerations

**Info to
Convey**

- Level of
detail
- CJ Info
- Services

**How to
Train**

- Survivors'
Perspective
- Interacting w/
survivors
- Information for
survivors
- Training Logistics

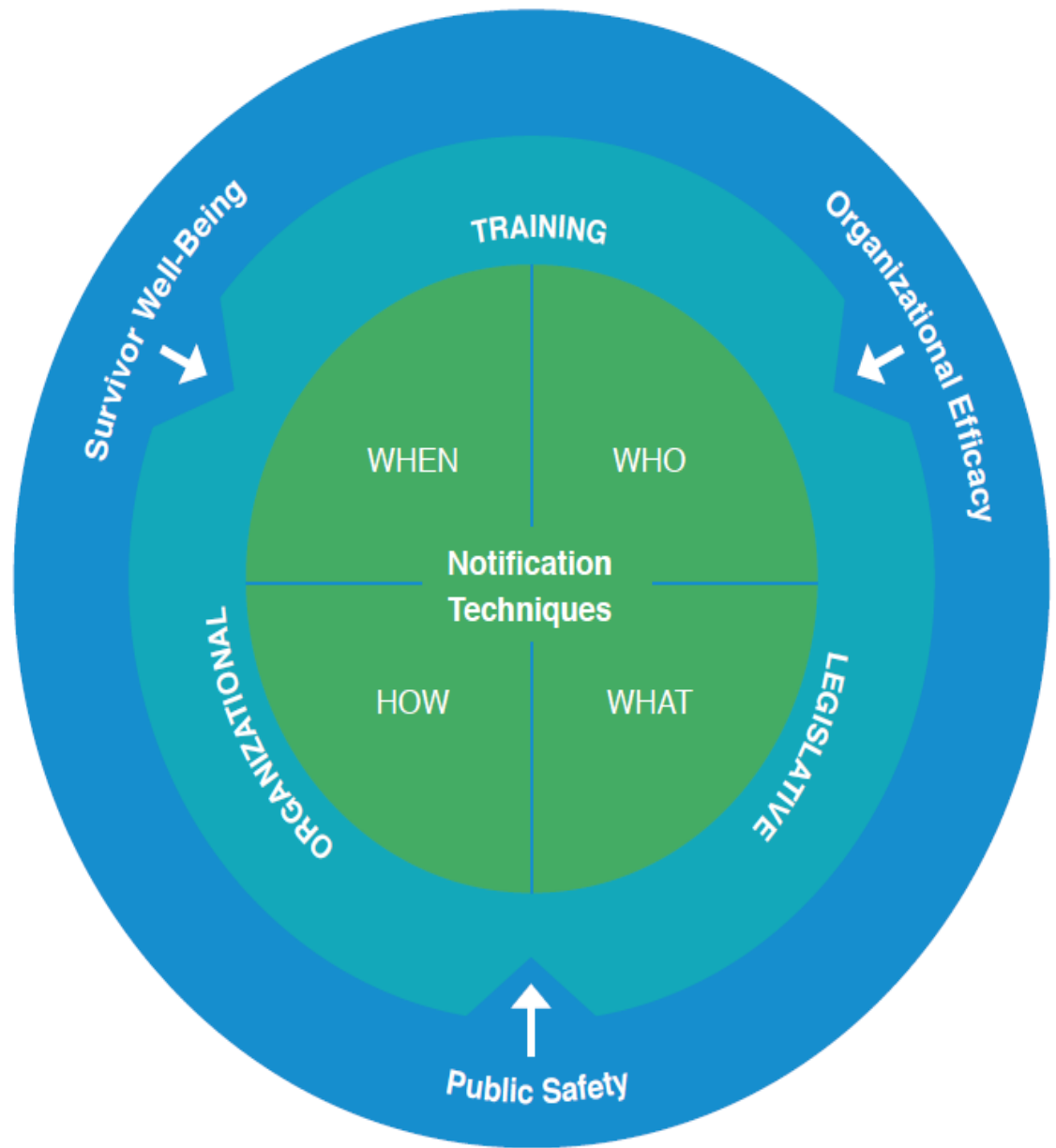
**Org.
Supports**

- Need for Policies
- Creating Policies
- Organizational
Changes

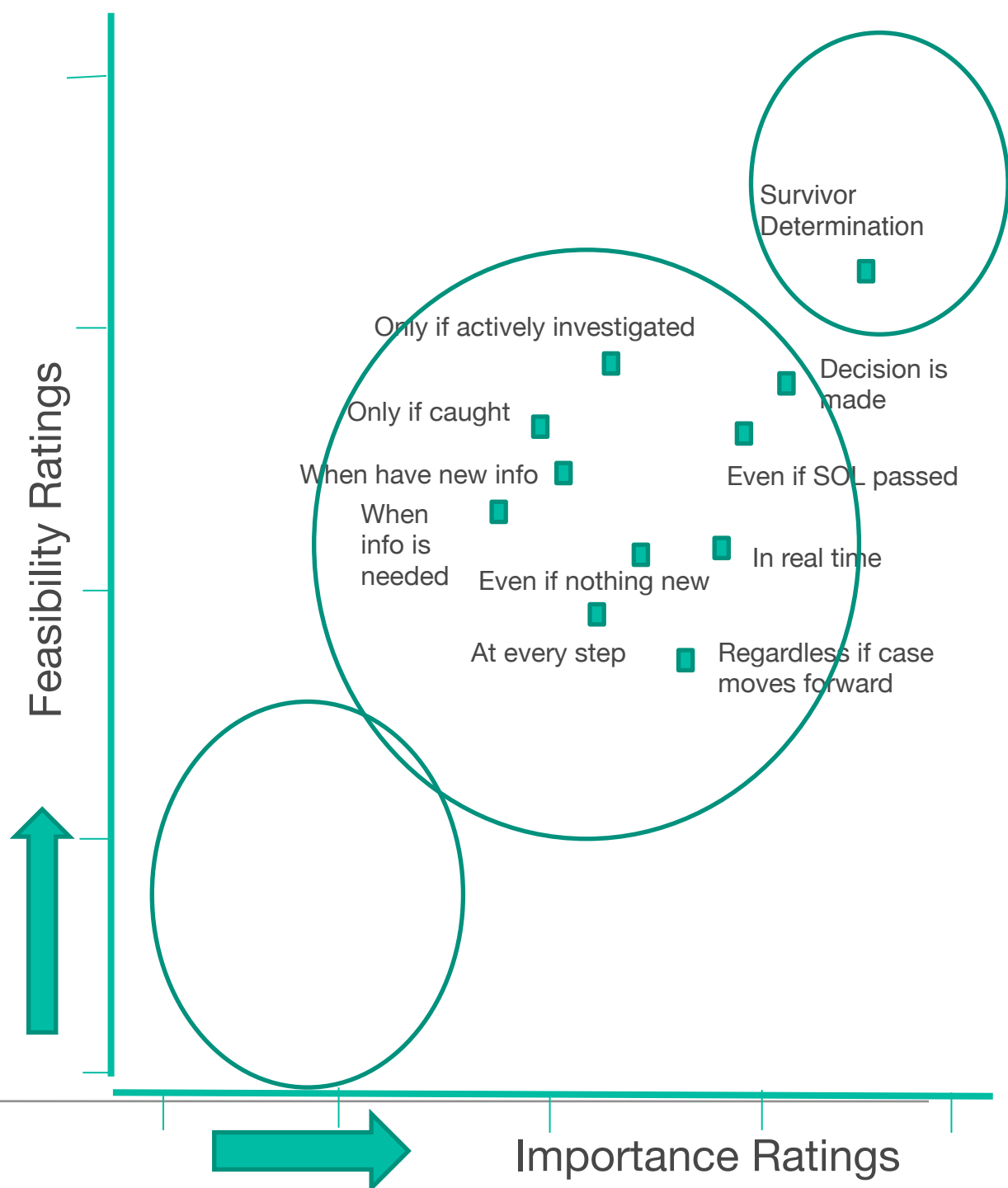
**Legislative
Supports**

- Legislative
Changes
- Criminal Justice
Reform
- Community
Education

Drawing Conclusions: The Second Phase of Data Analysis

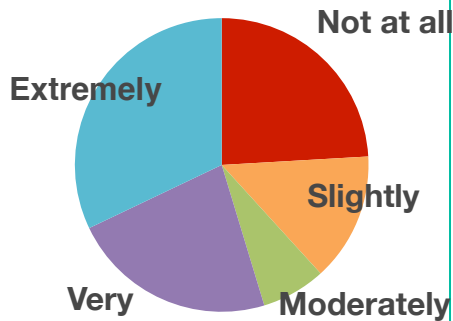


Drawing Conclusions: The Third Phase of Data Analysis



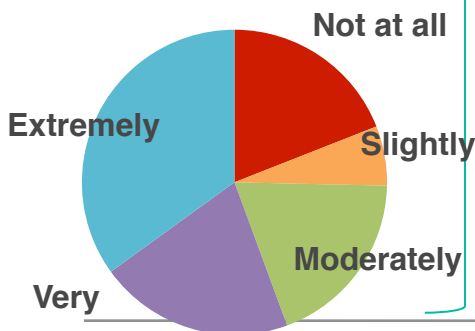
Drawing Conclusions: The Fourth Phase

Only if Actively Investigated



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

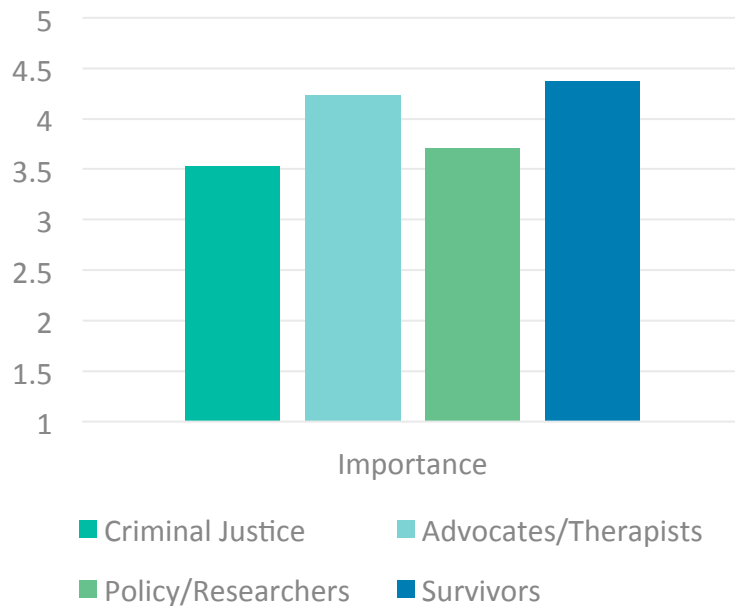
Whether Case Will Move Forward or Not



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

Drawing Conclusions: The Fifth Phase of Data Analysis

Whether Case Will Move Forward or Not



Qualitative Recommendations About When to Notify



Finding Consensus: Our Primary Results

Training

Victim-Centered
Rape Trauma
Varied Reactions
Backlog Info_
Community Services
Reciprocal Training
Training Manuals
Communication
Kits as People
Public Safety
Sensitivity
Survivor Stories
Forensic Info

When
Survivor
Determination

Who
Advocates Notify
Advocates Support
Advocates Follow-Up
Training Over Gender

Notification Techniques

How
Protect Safety
Ensure Identity
Empathy
Establish Rapport
Respond
Sensitively
Survivor Choice
PSAs

What
Referrals
Info on CJ
System
Info on SOL

Legislative
Test all kits
Additional
funding

Organizational
Official policies
Updated Case
Info
Meet Annually

Bringing It All Together: Take Home Messages

- 1) Convene a multidisciplinary team
- 2) Ensure survivor determination
- 3) Employ kindness and respect
- 4) Protect privacy and confidentiality
- 5) Provide information
- 6) Train notifiers
- 7) Offer support and resources
- 8) Prioritize safety

Notification Choice Points

- **Whether and When** to notify?
- **Who** should notify?
- **How** to notify?
- **What** information should be included during notification?



Whether and When to Notify

One of the first questions communities must ask is do we notify all survivors or a subset, for example, only those whose cases will proceed?

Whether and When to Notify

Participants had varying opinions based largely on their philosophies about notification. Some viewed it through a victims' rights lens and supported notifying all survivors.

Others expressed concern about the potential harmful impact of notification and supported notification only in cases that are progressing.

Survivors tended to support widespread contact and the right to make choices about whether and when to receive further communication.

Participants agreed that crafting a single approach is virtually impossible.

Some survivors will want and need information to heal; others will not.

Whether and When to Notify

The majority of participants widely supported offering survivors a voice in the process and provide them with choices. The only way to know what they want is to ask.

Offering choices counters the loss of self-determination and control that is at the heart of sexual assault.

Many survivors said the need for information should also extend to cases where there may be no case progress.

Survivors and many of the professionals in our sample agreed that the goal of communities is to develop procedures that are empowering, healing and safe for all survivors.

**A key question
communities face is:**

“How do we notify survivors?”

How to Notify

The majority of participants stressed the importance of creating a survivor-centered approach to notification that ensures safety, confidentiality and agency.

Notifiers should offer choices and control over decisions to survivors. This includes opting-in or out of notification.

Notification methods should take into account a survivor's current life circumstances and culture.

How to Notify

Participants' opinions varied on the best method (in-person, phone, mail).

Many supported a personal approach because it:

- Conveys the seriousness of the crime;
- Shows concern for well-being;
- Allows notifiers to assess survivors' reactions and needs in real time and make timely referrals; and,
- Enables notifiers to respond to questions immediately.

Some favored more impersonal techniques (letters) because survivors could choose when and how to respond.

How to Notify

Many participants supported a multi-stage approach that starts with an initial alert and builds to a more detailed interaction.

It is less about HOW than about the tone of the interaction itself.

Notification should be done in an empathetic, sensitive and kind manner.

Survivors voiced that receiving an apology is important; they wanted the CJS to be accountable.

Remember: offering choices is key.

When creating a victim notification plan, you must answer:

“Who is the best person(s) to notify a survivor?”

Who Should Notify?

Participants expressed a wide range of opinions about who should notify.

Participants strongly supported the involvement of victim advocates because they are:

- Trained in crisis management, and,
- Likely to respond in a supportive way.

Participants strongly favored the inclusion of community-based advocates – they may be better positioned to offer ongoing support, more connected to the community, and not bound by CJS.

Who Should Notify?

To ensure a culturally-competent response to all survivors, community members should work with advocacy groups for communities of color, tribal communities, immigrants, LGTBQ, the homeless, and more, depending on the needs of your community members.

Creating a multi-disciplinary team was viewed as a promising approach – most survivors supported the idea of a law enforcement and advocate pairing.

Who Should Notify?

The training the notifier received and the tone of the interaction was more important than the gender or profession of the notifier, especially to survivors.

The most capable notifiers should understand the effect of trauma on survivors and the range of survivor responses.

Notifiers should be trained on the people behind the kits, their history with the system and how they might feel about the backlog.

Notifiers should be trained on the potential for and the impact of vicarious trauma.

Jurisdictions creating a notification plan must answer the question:

“What information should be included during notification?”

What Should Be Included During Notification?

Survivors expressed that receiving comprehensive information about their cases, the CJS, and the backlog is key to making informed choices and to promote healing.

Participants varied widely in their recommendations about the amount of detail to include but generally agreed that notification is not just about conveying test results, but equipping survivors with the tools they need to cope.

Some favored detailed information, citing survivor well-being and information belonging to the survivor. Some argued against full information for privacy concerns and case integrity.

What Should Be Included During Notification?

Follow survivors' lead; they must be in charge of the notification experience.

Giving information about the criminal justice process was widely seen as in the best interest of survivors, and key to decision-making and engagement.

There was widespread agreement about providing resources and support to survivors.

Notifiers should conduct advance planning to provide information in a form that is accessible.

Victim Notification Process



Best Practices and Guiding Principles

- 1) Convene a multidisciplinary team
- 2) Ensure survivor determination
- 3) Employ kindness and respect
- 4) Protect privacy and confidentiality
- 5) Provide complete information
- 6) Train notifiers
- 7) Offer support and resources
- 8) Prioritize safety

Take Home Messages

Place survivors needs at the heart of every decision.

Honor survivors' diverse and unique experiences and needs by providing choices about if, when and how they wish to receive information.

Ensure survivors are provided support and resources.

Make sure notifiers are trained to understand and address survivors' needs.

Incorporate the principles of empathy, understanding and support.

Coordinate and collaborate.

All this may mend the connection that was broken when the system failed.

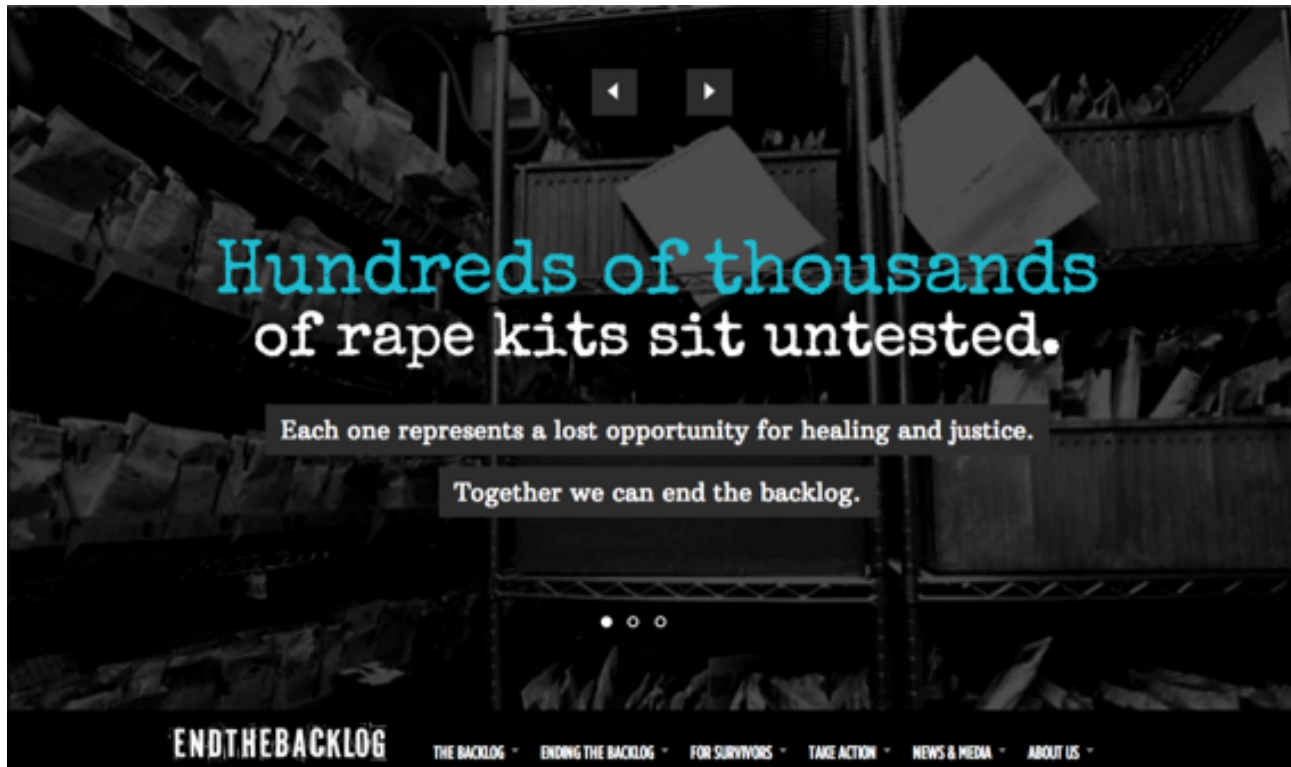
Take Home Messages

Convene stakeholders to develop a written policy and choose your community's approach.

Include survivors in designing your notification plan.

Take care of yourself and your team. Develop self-care plans.

ENDTHEBACKLOG.org is the premier online hub for public research, information and news on ending the rape kit backlog in the United States.



Thank you!

Ilse Knecht

Director, Policy and Advocacy

i.knecht@joyfulheartfoundation.org

Dr. Courtney Ahrens

California State University at Long Beach

Courtney.ahrens@csulb.edu