

EVALUATING A VICTIM NOTIFICATION PROTOCOL FOR UNTESTED SEXUAL ASSAULT KITS (SAKs)

HOW DO SURVIVORS DEFINE JUSTICE YEARS AFTER AN ASSAULT?

Principal Investigator

Rebecca Campbell, Ph.D.
Professor of Psychology
Michigan State University
316 Physics Road
127C Psychology Building
East Lansing, MI 48824
Email: rmc@msu.edu
Phone: (517) 432-8390

Project Team

Katie Gregory, Ph.D.
Project Director

McKenzie Javorka, M.A.
Jasmine Engleton, M.A.
Rachael Goodman-Williams, Ph.D.
Kathryn Fishwick, M.A.
Research Associates

Award Recipient Organization

Michigan State University
Office of Sponsored Programs
426 Auditorium Road
East Lansing, MI 48824
Email: help@osp.msu.edu
Phone: (517) 355-5040

Project Period

November 1, 2018 – July 31, 2022

Award Amount

\$417,640

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ABSTRACT

Statement of the Problem: After a sexual assault, victims are advised to have a medical forensic exam, including the collection of a sexual assault kit (SAK) to preserve forensic evidence of the crime. The SAK samples can be analyzed for DNA, which can help prosecute assailants and prevent future assaults. However, police do not routinely submit SAKs for forensic DNA testing, and large stockpiles of untested kits have been documented in over 41 jurisdictions. To address this growing national problem, many cities are now testing all of their older rape kits, which raises complex issues for sexual assault survivors as these traumatic events in their lives are revisited. Re-contacting survivors to inform them that their SAK had not been tested and now will be/has been tested is referred to as 'victim notification.' In jurisdictions throughout the U.S., Violence Against Women Act (VAWA)-funded victim advocates are expected to help notify survivors that their SAKs have finally been tested and their legal cases might be re-opened. Advocates need empirically-based recommendations for how best to serve this vulnerable population, and this study addresses this gap by exploring how victim notifications can support survivors' well-being and promote justice.

Subjects: We conducted qualitative interviews with $N = 32$ sexual assault survivors in Detroit, MI. All participants had experienced a CODIS Hit Re-Engagement Victim Notification. Law enforcement personnel employed by the county prosecutor's office contacted survivors to inform them that their SAKs had been finally been tested and the testing yielded a suspect DNA match in the FBI's national criminal database CODIS (Combined DNA Index System). All survivors agreed to re-engage with the criminal legal system and participate in the investigation and prosecution of these cases. We also completed qualitative interviews with $N = 12$ community-based advocates about their experiences providing advocacy and support to these survivors throughout their notification and re-engagement experiences.

Partnerships: This study was conducted as part of a long-standing researcher-practitioner partnership with Avalon Healing Center (formerly Wayne County SAFE [Sexual Assault Forensic Examiners]), and the Michigan Domestic & Sexual Violence Prevention & Treatment Board (a state-level policy and training organization).

Research Design & Methods: We used a qualitative transcendental phenomenological research design that seeks to identify common features of a shared lived experience, which in this study was the experience of a CODIS Hit Re-Engagement Victim Notification. We used semi-structured interviews to document: 1) survivors' CODIS Hit Re-Engagement Victim Notification experiences (Goal 1); 2) survivors' decision-making processes regarding re-engagement with the criminal legal system (Goal 2); 3) survivors' re-engagement experiences with the criminal legal system and the extent to which their court experiences provided procedural, distributive, retributive, and/or restorative justice (Goal 3); and 4) survivors' advocacy experiences from victim notification through criminal legal system re-engagement (Goal 4).

Analysis: We used Miles, Huberman, and Saldana's (2020) analytic framework for qualitative data analysis. In the first phase of analysis—data condensation—we organized the data, developed preliminary themes, and prepared the data for more refined analyses. In the second phase—data display—we organized comparisons and contrasts of the data. In the third phase—drawing and verifying conclusions—we identified associations between themes and established the trustworthiness/validity of the results. For Goal 1, we found that survivors had varied reactions to being notified that their SAK had finally been tested and the testing yielded a CODIS hit (e.g., distress, anger, happiness). For Goal 2, we learned that survivors considered multiple factors when deciding whether to re-engage with the criminal legal system (e.g., wanting to protect public safety, seeking justice for themselves, protecting their own safety and well-being). For Goal 3, we documented survivors' case outcomes and court experiences. Of the 32 survivors we interviewed, 31 had their cases resolved by guilty plea or a trial conviction and one case ended as a trial acquittal. Survivors indicated that their court experiences did not necessarily provide procedural, distributive, retributive, and/or restorative justice. For Goal 4, we found that survivors had positive experiences with the advocates from the community-based sexual assault victim service agency.

Products, Reports, & Data Archiving: We disseminated our results at multiple national conferences and produced multiple peer-reviewed publications based on this research. We created a series of infographics that summarize our primary findings. We have developed two archived data sets (a survivor dataset and an advocate dataset).

SUMMARY OF THE PROJECT

Background and Literature Review

Sexual violence is a pervasive social problem (White House Council on Women & Girls, 2014), as national epidemiological data indicate that 17-25% of women and 1-3% of men are raped in their lifetimes (Black et al., 2011; Breiding et al., 2014).¹ When victims seek help after an assault, they are advised to have a medical forensic exam (MFE) for assessment and treatment for injuries, testing and prophylaxis for sexually transmitted infections (STIs), and evaluation for the risk of pregnancy and provision of emergency contraception (Department of Justice [DOJ], 2013). The MFE can also include the collection of a sexual assault kit (SAK; also known as a ‘rape kit’), which requires swabbing body orifices and surfaces for semen, blood, saliva, and other trace evidence that can be analyzed for DNA (DOJ, 2013). MFEs and SAK collection are often an invasive and psychologically re-traumatizing experience for victims (Campbell, 2008), but one they endure in hope that the evidence will be used by police and prosecutors to hold perpetrators accountable (Corrigan, 2013; Kaiser et al., 2017; Mulla, 2014; Patterson & Campbell, 2010). However, a growing body of research indicates that law enforcement personnel do *not* routinely submit rape kits for forensic DNA testing, and instead, they put untested SAKs in storage and close cases with minimal to no investigation (see Campbell & Feeney, 2022 for a review). Large stockpiles of untested SAKs (often termed ‘rape kit backlogs’) have been found in law enforcement property storage facilities throughout the United States (Campbell & Feeney, 2022). Current estimates suggest there are 300,000 – 400,000 untested SAKs in the U.S. (Strom et al., 2021), which represent thousands of sexual assault survivors who were neglected by the criminal legal system.²

¹ To clarify key terms used in this report, ‘rape’ refers to an act of sexual penetration committed by the use or threat of force, or when an individual is unable to provide consent (e.g., incapacitation); ‘sexual assault’ refers to a broader range of non-consensual contact and non-contact sexual offenses, up to and including rape (Fedina et al., 2016). Lifetime prevalence rates of sexual assault are 45% for women and 22% for men (Black et al., 2011). The terms ‘victim’ and ‘survivor’ will be used interchangeably to convey the both criminal nature of these assaults, and strength required to survive such violence.

² The term ‘criminal justice system’ is more commonly used in U.S.-based research on violence and victimization, but a growing number of scholars and activists have argued that this system does not provide justice for marginalized and minoritized communities, but rather enacts and reinforces oppression (Kaba, 2021). Indeed, a large body of research supports that analysis as ‘justice’ is infrequent and fraught for sexual assault survivors who report their assaults (see Spohn, 2020 for a review). As such, many scholars are adopting the term ‘criminal legal system,’ and this nomenclature will be used in this report.

In response to this national-scale problem, the federal government has increased funding for DNA testing (e.g., the Debbie Smith Act & DNA Backlog Reduction Grants), established best practices for SAK collection and testing (e.g., the Sexual Assault Forensic Evidence Registry Act), supported training and technical assistance for communities with untested SAKs (e.g., the Bureau of Justice Assistance's Sexual Assault Kit Initiative), and supported survivors through Violence Against Women Act (VAWA)-funded advocacy services (e.g., OVW's Sexual Assault Services Program). To date, 28 states have passed rape kit testing reform legislation to mandate timely testing of SAKs. These federal and state initiatives have prompted cities throughout the U.S. to test all of their older rape kits and clear their backlogs. However, testing previously-unsubmitted SAKs can raise complex issues for sexual assault survivors. Emotionally, this is a painful reminder of the assault, and victims may be devastated when they learn that their kits were never tested. Legally, victims could be expected to cooperate with police and prosecutors if forensic DNA testing produces new investigative leads and the case is re-opened.

The process of re-contacting sexual assault survivors to inform them that a SAK had not been tested and now will be/has been tested is referred to as 'victim notification' (Ahrens et al., 2020; Campbell et al., 2015; Sulley et al., 2021). To date, there has been minimal research and evaluation to guide front-line practices for victim notification, which is problematic given the widespread scope of untested SAKs in the U.S. BJA's Sexual Assault Kit Initiative has already identified 76 sites with large numbers of untested rape kits, 28 of which are *entire states*. In jurisdictions throughout the United States, VAWA-funded victim advocates are expected to help notify survivors that their SAKs have finally been tested and that their legal cases might be re-opened. Advocates need empirically-based recommendations for how to serve this population of survivors, and to that end, the purpose of this project was to partner with a community-based sexual assault victim service agency that participates in their county's victim notification task force to evaluate how these notifications impacted survivors, how survivors decided whether to re-engage with the legal system, and if so, how their investigation, prosecution, and advocacy experiences unfolded.

To set the stage for this research project, we will begin with a brief review of the process of forensic DNA testing and how the results of that testing can affect victim notifications. When a SAK is submitted for forensic testing and the samples therein are analyzed, there are three possible outcomes (Table 1, next page, first column). First, there may not be sufficient biological material on the sample

swabs to develop a DNA profile of the offender (*No DNA Present*). Second, the samples in the kit may yield a DNA profile eligible for upload into CODIS (Combined DNA Index System), the FBI’s national criminal DNA database. When a DNA profile is entered into CODIS, it is compared to DNA reference profiles collected from arrestees, convicted offenders, and/or crime scenes. Sometimes testing yields a

TABLE 1 — SAK Forensic Testing Outcomes		
	Statute of Limitations Expired	Statute of Limitations Unexpired
No DNA Present	FYI Victim Notifications	
DNA Present CODIS Upload No CODIS Hit	VICTIM NOTIFICATIONS TYPICALLY NOT CONDUCTED	
DNA Present CODIS Upload CODIS Hit	404(b) Participation Victim Notifications	CODIS Hit Re-Engagement Victim Notifications

DNA profile, but there is no match to an existing reference profile (*DNA Present, CODIS Upload, no CODIS Hit*). Third, SAK forensic testing could yield a DNA profile eligible for CODIS and that sample matches an existing reference profile, termed a ‘CODIS hit’ (*DNA Present, CODIS Upload, CODIS Hit*). CODIS hits provide promising investigational leads by revealing the possible identify of a suspect(s).

Furthermore, CODIS hits may link to other sexual assaults via DNA matches across cases (i.e., the same DNA is found in multiple SAKs), thereby identifying a suspected serial sexual offender.

The DNA forensic testing results often affect what legal actions may be possible in a sexual assault case (Table 1, second and third columns). Most states have statutes of limitations (SOL) laws that impose time limits on prosecution, so depending on how long the SAK went untested, a case may no longer be eligible for prosecution (SOL-Expired). However, some states do not have SOL laws and others have DNA exemption laws to toll a statute, essentially pausing or restarting time limits if relevant DNA evidence is later found (SOL-Unexpired) (National Center for Victims of Crime, 2013). Even if the statute of limitations has expired in a case, if the DNA evidence matches to another crime that is still within SOL, prosecutors may be able to present evidence of the prior crime (i.e., the SOL-expired sexual assault case) in a current case, per 404(b) Federal Rules of Evidence (Federal Evidence Review, 2005). As such, forensic DNA testing results need to be considered in conjunction with statutes of limitations to determine whether future legal action is possible.

The cells in Table 1 reflect three main types of victim notifications, depending on the forensic DNA testing results and possible legal action for the case.³ When there is no DNA present, regardless of the statute of limitations, prosecutors may be unable to pursue the case. If there will be active outreach notifications in these situations, these 'FYI Victim Notifications' let survivors know that the kit was finally tested but no legal action is likely. When DNA is present and a profile has been uploaded to CODIS, but there is no hit (yet), it is unclear what legal action can be taken, so many communities do not conduct active outreach notifications (SAKI, 2018). When a DNA profile has been uploaded to CODIS, and there is a hit, but the case is beyond the statute of limitations, prosecutors may check whether the CODIS hit links to another case still within the statute of limitations; if so, prosecutors may want to present the CODIS hit as evidence, per 404(b) Federal Rules of Evidence. In these situations, survivors may be notified to inform them that no action can be taken in their case and to ask them if they are willing to testify in the trial, sentencing, or parole hearing for another survivor who was assaulted by the same perpetrator ('404(b) Participation Victim Notifications'). Finally, when a DNA profile produces a CODIS hit and the case is still within the statute of limitations, survivors may be asked to participate in the re-investigation and prosecution of their cases. These 'CODIS Hit Re-Engagement Victim Notifications' are the most common type of active outreach victim notifications. Police and prosecutors tend to prioritize these notifications because the cases are still within the statute of limitations and the DNA testing provided information that may advance the investigation and prosecution of the case.

Given the priority of CODIS Hit Re-Engagement Victim Notifications for legal professionals, this type of notification has been the focus in research on active outreach protocols. Only a handful of studies have evaluated victim notification protocols as part of city-specific SAK testing initiatives, such as the NIJ-funded SAK Action Research Projects in Detroit, MI and Houston, TX, and the BJA-funded Sexual Assault Kit Initiative (SAKI) efforts in Cleveland, OH. No national-scale studies have been conducted, though Ahrens et al. (2016), in collaboration with the Joyful Heart Foundation, interviewed survivors from multiple cities that used different notification protocols. From this small literature, what do we know and what do we still need to know about CODIS Hit Re-Engagement Victim Notifications?

³ In this project we focused exclusively on 'active outreach' victim notifications, whereby outreach is initiated by practitioners (e.g., police) to survivors with the express intent of providing information about a previously-untested SAK. Some communities also have 'opt in' protocols, whereby survivors can initiate contact (usually to a special hotline) for information (see Campbell et al., 2017).

In Detroit's SAK Action Research Project (Campbell et al., 2015), CODIS Hit Re-Engagement Victim Notifications were conducted in-person by detectives affiliated with the prosecutor's office, not the focal police department, given that most victims had negative experiences with the police during their initial reporting process years ago. Confidential community-based advocates were on-call (but not physically present) during the notification, and survivors were asked if they would like to talk more about the testing results and possible legal action; if so, the advocate could come immediately to the survivor's home, the survivor and law enforcement staff could go to the victim service agency, or a follow-up appointment could be scheduled for a later time. Campbell et al. (2018) were not permitted to conduct post-notification interviews with survivors because these were potentially open legal cases, which was a concern to the prosecutor's office and the IRB of record. Therefore, Campbell et al. (2018) analyzed case notes kept by the investigators and advocates about what happened in each notification. These proxy data revealed that survivors had varied emotional reactions, including shock, anger, disbelief, and happiness. Most survivors (89%) decided to have a follow-up conversation with the detectives and a community-based advocate to learn more about the testing results and discuss possible next steps.

In Houston's SAK Action Research Project, practitioners also focused exclusively on CODIS Hit Re-Engagement Victim Notifications, but their protocol differed from Detroit's approach in two ways: first, in-person notifications were conducted by law enforcement associated with the focal police department, and second, advocacy services were provided by a Justice Advocate, a specialized systems-based advocate (not a confidential community-based advocate). To evaluate the protocol, Busch-Armendariz et al. (2015) interviewed a small sample of survivors ($N = 7$) about their emotional reactions to the notification and decision-making process regarding re-engagement. Survivors struggled with the "moral dilemma" of whether to re-engage, as they were unsure how to balance their own needs with the desire to hold perpetrators accountable and protect public safety (p. 4). The uncertainty of the case outcome and the risks that re-engagement might pose to their physical and emotional safety weighed heavily upon them. The more time that had elapsed since the assault, the more difficult this decision was for survivors.

In Cleveland's SAKI project, CODIS Hit Re-Engagement Victim Notifications were typically conducted by phone by legal personnel (police or prosecutors), and Regoeczi and Wright's (2016) evaluation of this protocol indicated that survivors were not immediately connected to either a community-

based or a systems-based advocate. Regoeczi and Wright (2016) interviewed $N = 8$ survivors whose cases had pending indictments, which provided some insight into the latter stages of survivors' re-engagement with the criminal legal system. Survivors struggled with the decision to re-engage and many felt pressured to participate in the prosecution of their cases. Further, many did not feel that legal personnel attended to their safety and well-being. Indeed, when Regoeczi and Wright talked with systems personnel as part of their evaluation, they noted that some survivors experienced significant mental health distress, including substance abuse relapse and suicidality. Most survivors (5 of 8) were satisfied with the legal outcome of their case, but the convictions and pleas came at steep costs to them, as they felt their safety, well-being, and health were compromised.

The evaluations in Detroit, Houston, and Cleveland highlighted the risks survivors face if they re-engage with the criminal legal system and the vital role advocates play in supporting survivors. Victim notifications and re-engagement can be an empowering experience for survivors, but when not conducted in a trauma-informed way, they may be distressing and dangerous. The survivors interviewed by Ahrens and colleagues (2016) across multiple jurisdictions emphasized that notification protocols must respect victims' choice, agency, and safety, and that survivors need advocacy throughout the re-investigation and prosecution process. Taken together, these studies underscore a key theme: victim notification is the *beginning* of a long process of reopening the trauma of the assault and the trauma of engaging with the criminal legal system. Therefore, we need a holistic view of this full process over time. Each of these stages—victim notification experiences, decisions to re-engage, and re-engagement experiences—has been studied in separate projects in different jurisdictions, so a key next step is to bring all these elements together to evaluate the notification and re-engagement process from beginning to end. In so doing, we can explore the extent to which survivors experience *procedural justice* (the perceived fairness of the process and the manner in which victims are treated by criminal legal personnel), *distributive justice* (the perceived fairness of the case outcome), *retributive justice* (the perceived fairness of the offenders' punishment), and *restorative justice* (the extent to which court experiences contribute to survivors' healing and closure) (Tyler, 1988). Traditionally, the criminal legal system has centered distributive and retributive justice, but researchers addressing gender-based violence have called for more survivor-centered conceptualizations of justice that include procedural and restorative dimensions (Calton &

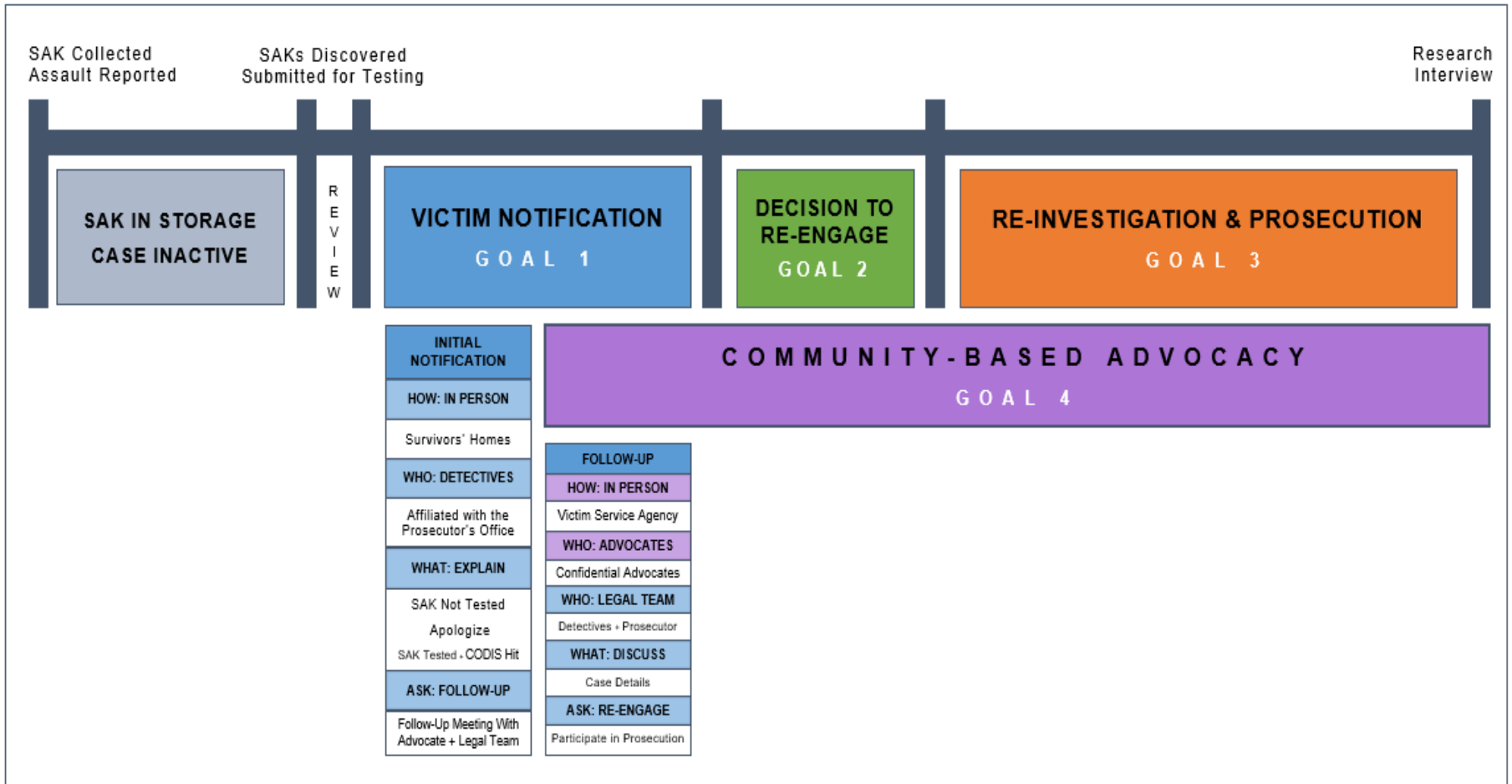
Cattaneo, 2014; Cattaneo & Goodman, 2010; Koss, White, & Lopez, 2017). In addition, because prior evaluations have demonstrated the importance of advocacy services for survivors, advocates should be included in research studies on SAK victim notifications. Interviewing *both* survivors and advocates about the notification and re-engagement process could offer critical insights for practitioners and policy makers on the needs of this client population and how victim service agencies should prepare their staff for assisting these survivors.

To these ends, in this project we continued our collaborative partnership with the city of Detroit and its community-based sexual assault victim service agency, Avalon Healing Center (formerly Wayne County SAFE [Sexual Assault Forensic Examiners]). Our research team has been a collaborative partner with this community since 2009 when approximately 11,000 untested SAKs were discovered in an off-site police storage facility (see Campbell et al., 2015 for a review). With the support of federal funding from OVW, NIJ, and BJA, as well as state, county, municipal, and foundation funding, all of these kits have been submitted for forensic DNA testing. Testing results are reviewed on an on-going basis by the Wayne County SAK Task Force, which is a multidisciplinary team of detectives, prosecutors, forensic scientists, sexual assault forensic examiners, and community-based victim advocates. In 2019, at the ten-year anniversary of the discovery of these kits, the Task Force reported that testing had yielded 4,512 CODIS hits thus far.⁴ Each of these cases was reviewed for statute of limitations restrictions, and all cases eligible for possible re-investigation and prosecution were examined by the Task Force's Victim Notification Review Team to evaluate whether there should be active outreach notification to the survivor (i.e., a CODIS Hit Re-Engagement Victim Notification).⁵ After survivors were notified and cases were adjudicated, our research team was permitted to conduct in-depth interviews with survivors and advocates. Figure 1 (next page) summarizes the CODIS Hit Re-Engagement Victim Notification protocol used in this jurisdiction, and how that process led to survivors' decisions to re-engage and their criminal legal system re-engagement experiences. The goals of the project are aligned with these processes and are also depicted in Figure 1.

⁴ The review of testing results is ongoing and the final number of CODIS hits emanating from this testing is expected to change.

⁵ The Wayne County Sexual Assault Kit Task Force intends to evaluate the efficacy of 404(b) Participation Victim Notifications and FYI Victim Notifications; however, the number of CODIS Hit Re-Engagement Victim Notifications was so high that these pilot projects did not occur within the period of performance of this grant (see Changes in Approach from Original Design).

FIGURE 1 — Overview of Study Goals and the CODIS Hit Re-Engagement Notification Process



Major Goals and Objectives

- GOAL 1:** To document survivors' CODIS Hit Re-Engagement Victim Notification experiences.
- Objective 1a:** To describe victims' notification experiences and their recommendations for improving CODIS Hit Re-Engagement Victim Notification protocols.
- Objective 1b:** To describe the impact of CODIS Hit Re-Engagement Victim Notifications on survivors' emotional well-being.
- GOAL 2:** To document survivors' decision-making processes regarding re-engagement with the criminal legal system.
- Objective 2a:** To describe survivors' reasons for re-engaging with the criminal legal system.
- Objective 2b:** To describe survivors' concerns about re-engaging with the criminal legal system.
- GOAL 3:** To document survivors' re-engagement experiences with the criminal legal system and the extent to which their court experiences provided procedural, distributive, retributive, and restorative justice.
- Objective 3a:** To describe the re-engagement experiences of survivors who participated in plea agreements.
- Objective 3b:** To describe the re-engagement experiences of survivors who participated in trials.
- GOAL 4:** To document survivors' advocacy experiences from victim notification through criminal legal system re-engagement
- Objective 4:** To describe advocacy services received/provided and how advocates tailored services to address the unique needs of this client population

In addition to these four primary goals, we had two emergent goals that were not part of the proposed study. In Appendix A, we present Goal 5: To explore ethical and practical issues in archiving data on sensitive topics. DOJ research and evaluation grants require grantees to archive data in Inter-University Consortium for Political and Social Research's (ICPSR) National Archive of Criminal Justice Data (NACJD) for use by other researchers. There are no established research protocols for explaining data sharing mandates in trauma studies, so we developed a provisional protocol informed by the growing literature on trauma-informed research methods, which emphasizes empowering participants, recognizing their strengths and autonomy, giving them control in all aspects of the study, and creating a safe environment of mutual trust and collaboration (Becker-Blease & Freyd, 2006; Campbell et al., 2019; Clark & Walker, 2011; DePrince & Freyd, 2006; Newman et al., 2006). We evaluated this protocol by asking survivors at the end of their interview to discuss their views on data sharing (see Appendix A).

In Appendix B, we present Goal 6: To understand how COVID-19 impacted victim services agency services. We had completed our research interviews with sexual assault survivors before the COVID-19 pandemic began, and we were beginning the advocate interviews when our state's governor instituted a state-wide shelter-in-place order to curb the spread of the virus. During this shut-down, Detroit's sexual assault victim service agency remained open to serve survivors, and we studied how this agency adapted services during the COVID-19 pandemic (see Appendix B)

Research Questions

- QUESTION 1:** How were CODIS Hit Re-Engagement Victim Notifications conducted in this jurisdiction and how did they impact survivors' emotional well-being?
- QUESTION 2:** How did survivors decide whether to re-engage with the criminal legal system after a CODIS Hit Re-Engagement Victim Notification?
- QUESTION 3:** How did survivors' re-engagement experiences with the criminal legal system unfold and to what extent did they experience procedural, distributive, retributive, and restorative justice?
- QUESTION 4:** How did advocates support survivors from victim notification through criminal legal system re-engagement?

Research Design, Methods, Analytical Techniques

Research Design

We used a qualitative transcendental phenomenological research design, which seeks to describe “the common meaning for several individuals of their lived experiences of a concept or a phenomenon” (Creswell & Poth, 2018, p. 75). This is an appropriate design when research participants have a common experience—in this study, CODIS Hit Re-Engagement Victim Notifications—and the goal is to identify commonalities across cases as well as uniqueness that highlights the range and variability of participants’ encounters. In this design, qualitative unstructured or semi-structured interviews are conducted with participants who have experienced the phenomenon of interest, and then the researchers analyze and reduce data to “significant statements or quotes and combine these statements into themes” to produce a textural description of these experiences (Creswell & Poth, 2018. p. 78).

Methods: Survivor Interviews

Survivor Recruitment Methods. Sexual assault survivors were eligible to participate in this study if: 1) they were currently aged 18 or older; 2) they had been sexually assaulted in Detroit, MI, had a SAK collected and reported to police, but police did not initially submit their kit for DNA testing; 3) their previously-unsubmitted SAK was discovered in this city’s backlog and was finally submitted for testing, and based on the testing results, they had been selected for a CODIS Hit Re-Engagement Victim Notification; 4) their legal case had been re-opened and prosecuted; and 5) their case had been adjudicated and closed (by guilty plea bargain or trial). Over 20 months of recruitment, 112 survivors met the study’s eligibility criteria.

The community-based sexual assault victim service agency that participated in these CODIS Hit Re-Engagement Victim Notifications could not share the names and contact information of eligible survivors with the research team, per their agency’s confidentiality policies and the policies of their funders (VAWA/VOCA). Therefore, we developed a recruitment protocol so that agency advocates could contact eligible survivors and ask whether they would be interested in participating in a research interview. The protocol specified: 1) how advocates could reach out to survivors, based on their preferred modality during their court case; 2) how often advocates would attempt to contact a survivor, which was

typically up to four times over the course of two weeks, followed by a two week break, then two final contacts; 3) what advocates should say in voice mail messages (if survivors had given permission for messages to be left); 4) how advocates should explain the purpose of the project, the expected time commitment, and compensation; and 5) how to schedule the interviews. The research team and advocates conducted mock recruitment calls to practice the scripts, and we had weekly check-in meetings with the agency to ensure fidelity to the protocol.

Advocates were candid that it may be challenging to reconnect with eligible survivors, as many had been hard to find during their court cases (e.g., inconsistent phone access, disconnected phones, repeated address changes, voice mail messages not returned) and some had had negative experiences in their court cases (e.g., not guilty trial verdicts). Indeed, of the 112 eligible survivors, the advocates were unable to reach 68 survivors (61% of eligible survivors) and were able to connect with 44 survivors (39% of eligible survivors). There was a significant difference between the survivors who were and were not reachable based on their court case outcome (guilty plea bargain, trial acquit, trial convict), such that the cases that ended in trial acquittal (i.e., not guilty verdict) were significantly more likely to be unreachable ($\chi^2 [2, N = 112] = 7.85, p < .05$). Of the 44 survivors who could be reached by an advocate, $N = 32$ agreed to participate (73% of eligible and reachable participants; 29% of all eligible cases). There was no significant difference in study participation as a function of case outcome ($\chi^2 [2, N = 44] = 1.86, ns$).

Survivor Interview Procedures. The interviews were conducted by advanced Ph.D. students who completed our university's IRB training plus additional training on trauma-informed interviewing and topics relevant for this study's population (e.g., history of the city's rape kit backlog, the police department's history of systemic racism). During training, the interviewers conducted mock interviews with each other, the project's principal investigator, and the agency advocates for developmental feedback.

The survivor interviews were conducted either in-person at the community-based sexual assault victim service agency or by phone, based on each participant's preference. During the informed consent process, the interviewers described common provisions (e.g., the right to terminate the interview, the right to decline to answer questions) and our funder's mandate that we share de-identified transcripts in a national data archive so other researchers could have access to the data (see Appendix A). Participants were asked if they had any questions about the consent process or archiving requirement and their

concerns were addressed before they provided consent. Per the recommendations of our partner agency, participants received payment (\$50) prior to the start of the interview to affirm our commitment that they would receive financial compensation for their time and to avoid what could feel like a cold, transactional exchange at the end of the interview after so much sensitive information had been shared. For phone interviews, we explained that money would be sent via Western Union immediately and that the research team would cover the fees associated with that method of payment so that all participants received the same compensation. All participants were offered a copy of our partner agency's community resources brochure. Advocates from our partner agency were available to support survivors if they were distressed during or after an interview, but this resource was not needed by any of the participants.

Survivors were asked if they would consent to audio recording, and all agreed. The interviews lasted on average 80 minutes ($SD = 29$ minutes), with a range of 36 to 171 minutes. The audio files were transcribed verbatim and each interviewer was responsible for reviewing the transcript for accuracy. Transcripts were reviewed weekly by the research team for interviewing feedback and discussion of emerging themes. All procedures were approved by the IRB of Michigan State University.

Survivor Interview Measures. We developed a semi-structured qualitative interview protocol to explore survivors' experiences with CODIS Hit Re-Engagement Victim Notifications and their subsequent court cases. Table 2 summarizes the 10 primary topics in this interview.

TABLE 2 — Survivor Interview Topics and Sample Questions	
TOPICS	SAMPLE QUESTIONS
(1) Introduction to the interview and participants' reasons for participating in the study	"How did you hear about the study?" "Why did you decide to participate?"
(2) Background about the assault	"I understand that you have had to tell this story many times and these questions are just to get background and context of the assault. You can share as much as you feel comfortable with. Will you tell me about what happened in the assault?"
(3) Immediate post-assault disclosure experiences	"Who did you tell about the assault?" "How did they react? What did they say or do that was supportive? Not supportive?"
(4) Victim notification experiences	"Can you take me through what happened when you were first contacted about your kit being tested?" "How did you feel when they explained your sexual assault kit had not previously been tested?"

TABLE 2 (continued)	
TOPICS	SAMPLE QUESTIONS
(5) Decision making process of whether to re-engage with the criminal legal system after victim notification	<p>“What factors helped you to decide to re-engage in the investigation and prosecution?”</p> <p>“What were your concerns about participating? How were those concerns addressed?”</p>
(6) Criminal legal system re-engagement experiences	<p>“What happened during the re-investigation of your case?”</p> <p>“What was it like for you to participate in the prosecution?”</p> <p>“How do you feel about the outcome of your case?”</p> <p>“What has helped you to heal?”</p>
(7) Advocacy experiences	<p>“How were you treated by your advocate?”</p> <p>“What did they say or do that was supportive? Not supportive?”</p> <p>“Was there anything you needed from your advocate that you didn’t get? If so, what was it?”</p>
(8) Recommendations for improving victim notifications and advocacy services	<p>“How would you improve the notification process for other survivors whose cases are being re-investigated because their kit was finally tested?”</p>
(9) Demographics	<p>[Open-ended demographic questions inquiring about participants’ gender, race, age, and educational background]</p>
(10) Closing the interview and data archiving	<p>“What has it been like to talk about this experience with me?”</p> <p>“How can we improve the interview?”</p> <p>“What do you think about the requirement that researchers share copies of their anonymous transcript with their funder and with other researchers?”</p>

Methods: Advocate Interviews

Advocate Recruitment Methods. Advocates were eligible to participate in this study if: 1) they were currently employed by our partner sexual assault victim service agency; and 2) they had participated in at least one CODIS Hit Re-Engagement Victim Notification with this county’s SAK task force and had provided advocacy services to at least one notified survivor. The research team worked with the Executive Director and Advocacy Director to obtain a list of advocates who met these eligibility criteria: $N = 14$, which at the time of data collection was the agency’s full population of advocacy staff. The research team sent an email to all eligible advocates to explain the study and invite them to participate. Of the 14 eligible advocates, $N = 12$ agreed to participate and completed an interview.

Advocate Interview Procedures. The interviews were conducted by advanced Ph.D. students who completed our university's IRB training plus additional training on trauma-informed interviewing and topics relevant for this study's population (see above). Interviews were conducted via Zoom, and participants could choose whether to have their video on or off during the interview. No video recording was captured during the interviews, but with permission of the participants, audio was recorded using Camtasia. Interviewers obtained informed consent at the beginning of each interview; no incentive was provided to participants, but the agency allowed advocates to complete the interviews during their regular working hours. Interviews lasted between 23 and 114 minutes ($M = 67$, $SD = 23$). The audio files were transcribed verbatim, and each interviewer was responsible for reviewing the transcript for accuracy. Transcripts were reviewed weekly by the research team for interviewing feedback and discussion of emerging themes. All procedures were approved by the IRB of Michigan State University.

Advocate Interview Measures. We developed a semi-structured qualitative interview protocol to explore advocates' experiences conducting CODIS Hit Re-Engagement Victim Notifications and providing advocacy services to notified survivors. Table 3 summarizes the five primary topics in this interview.

TABLE 3 — Advocate Interview Topics and Sample Questions	
TOPICS	SAMPLE QUESTIONS
(1) Experiences participating in victim notifications and providing advocacy services	<p>"What role did you have in the notification process?"</p> <p>"Can you tell me about the services that you would provide when working with a survivor who had an untested SAK?"</p>
(2) Perceptions of survivors' experiences with victim notification and re-engagement	"What are your perceptions of what it has been like for survivors to go through the notification/reinvestigation/prosecution process?"
(3) Reflections on how advocacy services may differ for backlogged cases relative to current cases	"What emotional, physical, logistical, or economic needs, if any, have been unique to survivors going through notification, investigation, and prosecution related to a previously untested SAK?"
(4) Preparation for participating in victim notifications and providing advocacy services	"What helped you prepare to provide advocacy services to survivors with previously untested SAKs?"
(5) Recommendations for preparing for victim notifications and providing advocacy services	<p>"Based on your experience providing this type of advocacy, what advice would you give to an organization that is just starting to work with survivors who had previously untested SAKs?"</p> <p>"What training, support, or professional development do you think it is important for advocacy organizations to provide to advocates who work with survivors whose SAKs were untested?"</p>

Data Analysis Techniques

We used Miles et al.'s (2020) analytic framework, which is a rigorous, pragmatic approach for the analysis of qualitative narrative data. This framework outlines a three-phase process for identifying and verifying patterns within and across cases. The **first phase—data condensation**—is a “process of selecting, focusing, simplifying, abstracting, and/or transforming the data” (Miles et al., 2020, p. 8). This phase includes coding, writing summaries, generating categories and themes, and writing analytic memos. We used Atlas.ti (version 8) to complete these tasks. We began by grouping all text pertaining to each of our four focal topics. Next, we created descriptive codes, which are inductive codes that briefly summarize the basic content of a data passage (e.g., “concerned about retaliation from offender”), and pattern codes, which are “inferential or explanatory codes . . . that identify a ‘bigger picture’ configuration” (Miles et al., 2020, p. 79). In other words, descriptive codes summarize the data itself, whereas pattern codes are one level removed from the data and are created by categorizing and summarizing the descriptive codes (e.g., pattern code “concerns about re-engaging due to emotional and physical safety risks” summarized the following descriptive codes: “concerned about retaliation from offender,” “concerned about retaliation from offender’s family or other people in the court,” and “concerned about PTSD symptoms returning”). One-third of the transcripts were double coded until the coders reached consistent coding processes. Thereafter, coders worked independently, met to review and resolve coding differences, and wrote theme summaries and memos documenting coding processes.

In the **second phase—data display**—data are organized and compared in different displays that “allows for analytic reflection and action” (Miles et al., 2020, p. 9). In this stage, we began to partition the data, which helps analysts “see differences that might otherwise be blurred or buried” by separating and comparing text as a function of key contextual variables, such as legal case outcome (plea bargain vs. trial) and assailant characteristics (suspected serial sexual offender; Miles et al., 2020, p. 281). For example, we examined survivors’ reasons for re-engaging with the criminal legal system separately based on whether they had been told that their offender was a suspected serial sex offender. We created matrices, graphics, and case summaries (for the overall sample and within partitions) to identify underlying patterns in the data. The analysts met regularly to compare their work and reconcile differences.

The **third phase—drawing and verifying conclusions**—involves “generating meaning from the data [and] testing or confirming findings (Miles et al., 2020, p. 273). The primary analysts worked together to identify themes in the data, and then we engaged in a group process to review preliminary conclusions for their evidentiary adequacy (e.g., sufficient quantity of evidence, sufficient clarity of evidence, presence of disconfirming cases). Themes were revised or eliminated based on their evidentiary adequacy until a set of well-warranted themes remained, similar to Glaser’s constant comparison process (Glaser, 2007; Glaser & Strauss, 1967). To verify our findings and conclusions, we drew upon the standards outlined by Lincoln and Guba (1985) for establishing the validity of qualitative research:

<i>Credibility</i> =	Confidence in the truth of the findings
<i>Transferability</i> =	The findings have applicability in other contexts
<i>Dependability</i> =	The findings are consistent and could be repeated
<i>Confirmability</i> =	The findings are shaped by the participants and not the researcher’s bias

In Table 4 (following pages), we define each of these standards (and sub-criteria, as appropriate) and describe how we met these standards in this project.

TABLE 4 — Validity (Trustworthiness) Assessments, Using Lincoln & Guba’s (1985) Standards		
STANDARD: <i>CREDIBILITY</i>		
Sub-Criteria	Definition	How Standard Was Met In This Project
Prolonged Engagement	Spending sufficient time in the field to learn the culture, setting, and phenomenon of interest. Spending considerable time observing various aspects of the setting, talking with people at all levels of each organizations, and developing relationships and rapport with setting members.	This study is a continuation of a 12-year collaboration between the project PI, the Wayne County SAK Task Force, and Avalon Healing Center. The PI has spent considerable time working with multidisciplinary professionals in this community to understand the root causes of their rape kit backlog and to identify empirically-based solutions for SAK testing, victim notification, and professional training.
Persistent Observation	Spending sufficient time observing the specific characteristics and elements that are most relevant to the problem being studied.	Throughout this study, the project PI attended the Wayne County SAK Task Force Victim Notification Review Meetings, which is a standing meeting whereby the county’s multidisciplinary practitioners review SAK testing results, decide which cases will be selected for notification, and debrief on recent completed victim notifications.
Triangulation	Collecting multiple data sources to ensure the research is detailed, comprehensive, and well-developed. Triangulation of sources refers to checking consistency of data sources within same method. Analyst triangulation refers to using multiple observers, coders, and analysts to check on selective perception, “blind spots,” and bias.	Analyses compared and contrasted the extent to which our two primary sources—survivors and advocates—provided converging perspectives (source triangulation). Analyses were performed by multiple coders who compared and contrasted their coding and analysis decisions. The analyses were reviewed multiple times by the full research team (analysis triangulation).
Peer Debriefing	Working with disinterested peers to test/defend the emergent hypotheses and to help illuminate implicit assumptions.	Protecting the privacy and confidentiality of the survivors who participated in this study was a paramount concern, so discussing work in progress with a truly disinterested party would have been inadvisable. The full research team discussed work in progress and reviewed coding and analysis notes on a regular basis.
Negative Case Analysis	Searching for evidence within the data that do not support emerging patterns or interpretations. Helps revise, confirm, broaden patterns/findings in the data.	The analysts assessed the evidentiary adequacy/inadequacy of the content themes, which includes searching for disconfirming evidence (and then revising the content themes accordingly).
Member Checks	Sharing preliminary findings with participants to explore the extent to which the researchers’ interpretations resonate with their understanding of the issues.	A draft final report was shared with the staff of the Avalon Healing Center. Advocates indicated that the findings reflected their lived experiences and the experiences of their survivor clients. None of the findings were contested. Staff had no substantive edits or corrections to the report.

TABLE 4 (continued)	
STANDARD: TRANSFERABILITY	
Definition	How Standard Was Met In This Project
The researcher needs to provide the readers/audience with sufficient detail about what happened in the setting/context of interest so that they can make informed assessment as to whether conclusions that can be drawn are transferable to other settings, situations, etc.	The PI kept field notes throughout the project, including thick descriptions of the observed Wayne County SAK Task Force Victim Notification Review Meetings. The details of the notification protocol are included in this report and previous publications (Campbell et al., 2017).
STANDARD: DEPENDABILITY	
Definition	How Standard Was Met In This Project
The researcher needs to articulate the methods in sufficient detail so that the process by which findings were created is clear, transparent, and reproducible. To that end, the researcher must keep an audit trail, which includes: data collection procedures, coding procedures, analyses, revisions, member checks, etc.	The research team maintained an audit trail throughout the project, tracking all data collection methods, coding processes, coding decisions, analysis drafts, analysis revisions, and member check feedback.
STANDARD: CONFIRMABILITY	
Definition	How Standard Was Met In This Project
The researcher needs to examine how his/her own identity, life experiences, social location, biases, and perspectives may have shaped the process of the research and the resulting findings. Other strategies for assuring confirmability include: keeping an audit trail (see above) and conducting triangulation assessments (see above).	The PI kept field notes throughout the project, which included reflexive memoing. In peer debriefing with other members of the research team, we regularly questioned/challenged each other's perspectives. We also kept an audit trail (see above) and conducted extensive triangulation assessments (see above) to ensure that the findings did not reflect the biases of the research team.

Expected Applicability of the Research

This project is the most comprehensive study to date on CODIS Hit Re-Engagement Victim Notifications, which are the most common type of active outreach notifications. Jurisdictions with large numbers of untested SAKs often prioritize these cases because the forensic DNA testing results provided potentially actionable information for police and prosecutors (i.e., a CODIS hit). These cases may be at risk for expiring statute of limitations, so there is urgency to notify victims and assess their willingness to re-engage with the criminal legal system. This study provides guidance for notification teams and advocacy professionals regarding the needs and concerns of sexual assault survivors who may be asked to participate in the re-opening and prosecution of their cases. The notification protocol used in this community includes common features typical across many jurisdictions (e.g., in person notifications, partnerships with community-based victim service agencies), which enhances the generalizability of this study's findings. The scope of this study was limited to CODIS Hit Re-Engagement Victim Notifications, and it is unknown if the recommendations stemming from this project would apply in FYI Victim Notifications and 404(b) Participation Victim Notifications.

PARTICIPANTS & COLLABORATING ORGANIZATIONS

Sexual Assault Survivor Participants

We interviewed $N = 32$ sexual assault survivors who had CODIS Hit Re-Engagement Victim Notifications. All participants identified as women, and their current ages ranged from 25 years old to 60 years old, with a median age of 41 years old. Most participants identified as African American/Black ($n = 28$; 87.5%), with the remaining four participants identifying as white ($n = 3$; 9.4%) or Multiracial ($n = 1$; 3.1%). The survivors in this study had been sexually assaulted on average 18.4 years ago (range 6 years to 28 years). Most survivors were sexually assaulted by a stranger ($n = 23$, 72%; $n = 9$, 28% were assaulted by someone known to them, such as a friend, partner, or ex-partner). Seven survivors (22%) were raped by multiple assailants and $n = 25$ (78%) were assaulted by one perpetrator. Eleven survivors (34%) were abducted by the assailant and $n = 18$ (56%) were threatened or harmed with a weapon.

Community-Based Advocate Participants

We interviewed $N = 12$ sexual assault advocates, all of whom had provided advocacy services to at least one sexual assault survivor who had a CODIS Hit Re-Engagement Victim Notification. The advocate sample was comprised of nearly all women (92%), and almost half (46%) identified as Black/African American. Participants ranged in age, with a large proportion (38%) being between 25 and 34 years old, and were highly educated, as most (62%) held a master's degree.

Collaborating Organization

Our collaborative partner in this project was Avalon Healing Center (formerly Wayne County SAFE [Sexual Assault Forensic Examiners]). Avalon Healing Center provides sexual assault advocacy, crisis intervention, medical forensic healthcare, individual and group counseling, expert witness testimony, and training, education, and outreach services. The Center is funded by private donations and multiple grants, including VOCA/VAWA, so all services are confidential. The organization employs 19 staff members and in 2020, they served approximately 1,400 clients.

Avalon Healing Center has been a core partner in Detroit's effort to resolve their untested SAKs since 2009 when approximately 11,000 rape kits were discovered in a remote police property storage facility. Avalon Healing Center was a partner in The 400 Project, a pilot study funded by OVW to test 400 SAKs and created initial victim notification protocols.⁶ The 400 Project highlighted the need for developing empirically-based testing and victim notification protocols, which were developed in the NIJ-funded Detroit SAK Action Research Project. Avalon Healing Center was a partner in that project as well. At the conclusion of that project in 2015, the county prosecutor established the Wayne County Sexual Assault Kit Task Force with funding from BJA's Sexual Assault Kit Initiative to support testing, investigation, prosecution, and victim advocacy. Avalon Healing Center is a member of the Wayne County Sexual Assault Kit Task Force, and their advocates are members of the Victim Notification Review Team, which reviews DNA forensic testing results, decides which victims should be notified, and conducts active outreach notifications.

The PI of this current study (Campbell) has worked with the Detroit community and the Avalon Healing Center since the discovery of the untested kits in 2009. We have established a strong track-record of collaborative practice, including co-dissemination of our findings and our research-practitioner partnership model (see Campbell, Abdelnor, Cain, Hurst, & Kanitra, 2014; Campbell & Cain, 2014; Campbell & Hurst, 2016; Campbell, Shaw, Feeney, & Cain, 2021; Feeney, Campbell, & Cain, 2018; Shaw, Campbell & Cain, 2016; Shaw, Campbell, Cain, & Feeney, 2017).

⁶ The 400 Project was supported by OVW grants 2009-EF-S6-0053 and 2010-KF-AX-003.

CHANGES IN APPROACH FROM ORIGINAL DESIGN

Types of Victims Notifications Studied

We originally proposed to interview survivors who had CODIS Hit Re-Engagement Victim Notifications as well as survivors who had FYI Victim Notifications and 404(b) Participation Victim Notifications (i.e., a three-group design). As Detroit SAKs were submitted for forensic DNA testing, the number of CODIS eligible profiles and CODIS hits emanating from that testing was substantial. The Wayne County SAK Task Force decided to prioritize cases with CODIS hits, as many of the identified offenders were suspected serial sexual offenders and many cases were at risk for expiring statute of limitations. During the period of performance for this grant, the Wayne County SAK Task Force focused on CODIS Hit Re-Engagement Notifications.

The research team asked the Wayne County SAK Task Force to consider whether some FYI Victim Notifications could be conducted during this project's period of performance. The Task Force agreed to review a sample of "No DNA" lab reports, which could become FYI Victim Notifications. However, when the Victim Notification Review Team examined these reports, the investigators and advocates noticed that not all of the possible forensic evidence had been tested by the vendor labs. The Wayne County SAK Task Force examined the master contract for the testing with the external labs and noted that the contract specified that only a limited number of forensic samples (or a single most probative forensic sample) would be tested. In all "No DNA" cases reviewed by the Victim Notification Review Team, investigators and advocates identified additional forensic evidence that merited testing, based on the documentation in the case files. The Victim Notification Review Team noted that in all cases they reviewed, it was premature to declare that these were in fact no-DNA cases. These kits were resubmitted to labs for additional testing, and the Wayne County SAK Task Force decided to review other no-DNA reports to determine if those kits also merited re-testing. This work was not completed within the period of performance for this grant. Therefore, we were not able to interview any survivors who had FYI Victim Notifications.

The Task Force conducted a limited number of 404(b) Participation Victim Notifications near the end of this project's period of performance. As noted previously, the research team was not permitted to interview survivors until after their cases were adjudicated. Advocates indicated that these cases had been extremely difficult for survivors, but it was unclear whether these had been unusually challenging cases or whether the problems encountered might in fact become typical experiences in 404(b) cases. Advocates reached out to eligible survivors to explain the study and all three victims they were able to contact declined to participate in an interview. Therefore, we were not able to interview survivors who had 404(b) Participation Notifications.

Addition of Advocate Interviews

We had completed $N = 32$ survivor interviews when the COVID-19 pandemic began. The Governor of Michigan issued a shelter-in-place order to curb the spread of the virus, and Michigan State University suspended all human subjects data collection. During the COVID-19 research shut-down, our team switched focus to begin analysis of $N = 32$ completed survivor interviews. The preliminary findings suggested that survivors had positive experiences with their advocates during notification and throughout their criminal legal system re-engagement. We had asked survivors to provide specific examples of what the advocates did that they found helpful, as such information would be vital to developing training materials, but few participants provided concrete examples. Upon reviewing those narratives, we realized that interviewing Avalon Healing Center advocates would provide the "other side of the story" regarding advocacy services for victim notification. Interviewing advocates would provide insight into the training needs for sexual assault victim service agencies conducting SAK victim notifications. We requested a modification to the design of this study to suspend survivor interviewing (final $N = 32$) and to shift our resources to interview approximately $N = 12-15$ advocates. Michigan State University permitted remote data collection, and it was feasible to interview advocates via Zoom. This change in scope enhanced the overall design of the project and its utility to practitioners and policy makers as the advocate interviews shed more light on the advocacy needs of survivors who re-engage with the criminal legal system after SAK victim notifications.

OUTCOMES

Activities/Accomplishments

We successfully recruited and interviewed $N = 32$ sexual assault survivors and $N = 12$ sexual assault advocates. These qualitative data were analyzed to prepare this report, and de-identified transcripts were archived in the National Archive of Criminal Justice Data.

Results and Findings

GOAL 1: To document survivors' CODIS Hit Re-Engagement Victim Notification experiences.

Objective 1a: To describe victims' notification experiences and their recommendations for improving CODIS Hit Re-Engagement Victim Notification protocols.

When jurisdictions are developing a victim notification protocol, practitioners often have many questions about how to conduct active outreach to survivors: Who should reach out? How should we reach out? What do we say? What information should be shared and when? What are the next steps after notification and how can we communicate those effectively? Each case is unique, so practitioners need case-by-case flexibility, but they also need empirical guidance on what approaches are most helpful for survivors. In this study, we asked survivors what went well—or not so well—in these notifications and sought to understand how different protocol features (e.g., in person vs. phone outreach methods) impact victims. We also asked survivors and advocates to share their recommendations for creating more trauma-informed victim notification protocols.

How Survivors Were Notified and Who Conducted the Notifications. In this community, all active outreach notifications were CODIS Hit Re-Engagement Victim Notifications, and thus all were considered open cases that were under consideration for re-investigation and prosecution. As such, the Wayne County SAK Task Force decided that legal personnel should conduct the notification, and because survivors had negative experiences with the city's police department at the time of their original report, detectives affiliated with the prosecutor's office would instead make the outreach. Practitioners

debated at length whether initial outreach should be in person, by phone, or by mail. Given the complexity of the information that needed to be conveyed, the team decided that a face-to-face conversation might be best, so when feasible, in person notifications should be the first-choice option. Half (50%, $n = 16$) of the survivors in this study were notified in in this way—by a prosecutor’s detective, in person, at their homes. Some appreciated the personal connection and opportunity to talk, as this survivor described:

When they notified me they did [it] in a right way. They asked me, did I want to sit down. They had some bad news, good news and after they told me, they made me feel comfortable, they comfort me, they let me know everything was going to be all right. (Participant S27)

However, most survivors ($n = 12$ of 16, 75%) were upset and concerned as to why law enforcement personnel were contacting them at their homes. The fact that the detectives were not affiliated with the city’s police department and thus were not from the organization that had mishandled their kit and initial report was not immediately recognized or appreciated. Many survivors assumed that the unannounced presence of law enforcement personnel at their homes meant that they or their family members were in trouble. For example, these two survivors described how frightening their notification experiences were:

They show you their badge and ask can they come inside... You think I'm in trouble or somebody in my family in trouble. But they're reaching out to you to help you. I don't think they can do it no different. I don't think there's a different process that they would take, but it is scary.

(Participant S31)

They didn't have to scare the crap out of me, and didn't have to be that many police up there on my porch making me feel like I'm feeling to go to jail for something that I didn't do ... I was glad my [child] wasn't at home either. I was so glad, because [my child] would have been crying. [My child] would have been crying, 'Mama, what you going to jail for?' I be like, 'I'm not going to jail baby.' 'Why so many people here?' Because it was so many of them. They could have did that different. They could have had at least two of them come up on the porch and knock, and speak. They actually made my house look like they [were going] to raid it. (Participant S20)

Survivors also noted that if they had family or friends in their homes at the time of the notification, they were placed in a difficult position to explain why police personnel were there. Some survivors had not told people in their current lives about this past assault, as one survivor noted: “*My husband, he was there*

when all that happened and it wasn't something I had told him about" (Participant S28). In these situations, in-person notifications prompted survivors to disclose to others, as this survivor explained:

Participant: I was [age]. Now, I'm grown, got my own family, I have a husband. The hardest thing was to let my husband find out I had been raped. Because I haven't told him that part yet. And he just looked at me. And he didn't look at me like he was mad. He just looked at me because he didn't understand why I held that in and not let him know that part.

Interviewer: Of course. So he didn't know until they came?

Participant: Yes.

Interviewer: Did he find out when they walked in?

Participant: Yes...So it was like, he knew something was wrong with me, he knew something happened to me, but I wouldn't talk about it. And that was the hardest thing for him. Because he felt like he couldn't comfort me when I need my comfort. And he felt like I was pushing him away. And I can't say I was pushing him away, but it's hard when you got a whole husband and you got kids. It's hard to deal with being raped by a person. It's hard to tell your loved ones, especially your husband. That I was raped at [AGE] by a man that I don't even know. I didn't [want that to happen], but certain people feel a certain way when a person tells them, 'Oh, I've been raped.'
(Participant S27)

Thus, for some survivors, in-person notifications were extraordinarily emotional because not only were they managing their own reactions to being re-contacted years later about an assault, but because they were also navigating the de facto disclosure of that assault to people currently in their lives.

Phone notifications were conducted if survivors had moved out of the region or otherwise couldn't be contacted in person. Overall, 44% ($n = 14$) of the survivors we interviewed were notified by the prosecutor's detectives over the phone. Many ($n = 9$ of 14, 64%) were bewildered and caught off guard as to why law enforcement personnel were trying to reach them, as this survivor recounted:

So my boss was like, 'Your phone is going off, really going off.' And I didn't know who it was, so he was like, go ahead and take the call. He's like, because they called a few times. It's just vibrating, keep going off. So I picked up the phone, and his name was [detective name] and he was telling me who he was, and who he was with. And I'm like, okay. You know, I'm kind of

confused. Because I'm like, I haven't been in no trouble or nothing. I'm like, I'm confused as to why he calling me. (Participant S6)

However, survivors noted it was somewhat easier to disguise the purpose of the call and protect their privacy if there were other people around when they received their phone notifications. Even so, there were still some unwanted de facto disclosures made to other people who were present at the time of phone notifications, as one survivor described:

They could have asked me in the initial notification phone call if I had time, or was in the position to talk. Knowing that the sensitivity of what they were calling about, they should have taken that responsibility to say, 'Hello are you available to talk? Is this a good time for you?' Any of those avenues. But none of that was done, and if you're around somebody who doesn't know when you get this phone call and then they overhear the conversation, now that's a problem between you and that person. And that's what happened to me in my situation. I was actually engaged to be married when I got my notification phone call, my then fiancé was sitting right next to me ... So for him to find out almost eight years after the fact because I'm having a conversation with the police. It caused a rift in our relationship that we're no longer even together. (Participant S1)

The notification review team had strong concerns about conducting mail notifications, as they feared the letter could be read by others and pose a safety risk to the survivor. Thus, in the event in person or phone notifications were not possible, detectives affiliated with the prosecutor's office might send a brief letter, with no case details included, requesting that the survivor contact them. Two survivors (6%) we interviewed were notified by mail, and both appreciated this approach because it gave them privacy and time to decide whether they wanted to return the outreach made by the legal team.

When we asked survivors and advocates how notification protocols could be improved, they provided clear and consistent feedback that in-person notifications conducted by law enforcement personnel were frightening, so advocates should make first contact with survivors, either solely or together with detectives. For example, as these two survivors noted:

I would have the advocate there then because I needed somebody. (Participant S1)

I think it would be nice to meet the advocate before you do that ... it changes what you feel comfortable saying, or you're ugly crying, and all this other stuff, so sometimes just totally having a person that you don't know there that's like, 'I'm here for you.' (Participant S25)

Likewise, this advocate captured the recommendations of many of her colleagues when she said:

I'd want to change the initial contact with the client. I would like to see that not be a badge... the issue has been brought up, like why can't an advocate go out with an investigator and liability and safety concerns have always come up. So I never really completely understood that. I would, I would want it to be an advocate to do it. And even work more on locating them by phone, instead of showing up at their door, which is what's happening now... I've heard from countless survivors who say that it's a jarring experience when they see a police officer, even if they're plain cloth, but there's a kind of stature to them and you can see the badge too. So just the initial contact shouldn't be one of fear. (Participant A8)

As noted by this advocate, initial phone contact may be less upsetting, and survivors concurred that this method is preferable and in-person notifications should be used sparingly.

Recommendation: Active outreach victim notifications should be conducted by advocates, either in collaboration with law enforcement personnel or solely by advocates so that survivors' first contact experience focuses on their emotional well-being.

Recommendation: Active outreach victim notifications should be conducted by advocates by phone in order to protect survivors' privacy and prevent accidental and incidental disclosures to others.

What Was Communicated to Survivors in the Notification. This community's protocol stipulated that notifying personnel should explain to survivors that the reason why they were contacting them was to inform them that their rape kit had not been tested when it was originally collected years ago. Most survivors (75%, $n = 24$) indicated that the detectives did share that information, but 22% ($n = 7$)

were not explicitly told this during their notification. However, survivors were not told *why* their kits had not been tested. A few were told that their kits had been found in a police storage warehouse, but again, the detectives did not explain why the kit was in storage in the first place, as one survivor noted:

They really didn't discuss that too much. They said my kit was found at the warehouse because I read about it in the ... newspaper. I read about [the prosecutor] and [their] assistant found it in the warehouse but they really didn't specifically state in the paper or other why. What led them to that warehouse to get the rape kit so they didn't specifically say why. (Participant S26)

This community's protocol also stipulated that notifying personnel should apologize for the fact that the kit had not been tested, but only 13% ($n = 4$) of the survivors stated that they received an apology. Most (87%, $n = 28$) made no reference to receiving apology, so either notifying personnel did not apologize or did so in a way that was neither direct nor memorable. Although it was rare for survivors to receive an intentional, direct apology from the detectives, it was quite meaningful to them when they did, as these two survivors relayed:

They were very apologetic that it happened. And they also let me know that their peers [were] going to see to why the kits weren't seen to and that the system was going to make sure that that didn't happen again for other people. (Participant S9)

They wanted to help and that she felt sorry for the way that the whole thing happened, from [DATE]. Like, just basically apologized for being treated the way I was and nobody ever doing anything. She said that they're here and if I ever need anything I can call her or text her anytime, anything I needed I could get a hold of her. (Participant S5)

Given that most victims did not receive an apology from the detectives when they were notified, survivors and advocates emphasized that this is an essential element that must be included in all victim notification protocols—and actually conducted in practice. One survivor summarized the sentiments of many when she said:

I think the thing that officers should do when they're letting people know that they're just testing their rape kit, I think that the big thing for them to do is probably first apologize, because when you're coming to a victim who is starting to start all over, and started picking up their lives, and

you bring this shit to put on top of their pretty castle that they're trying to build, you're reminding them of the things that they dug. (Participant S3)

Advocates likewise emphasized that survivors deserved an apology from law enforcement personnel, regardless of whether the notifying personnel were affiliated with the department that took the survivor's original report or from some other agency. At the moment of notification, the memory of their prior treatment, not the organizational affiliation of the person notifying them, is at the forefront of their mind, and that prior treatment must be addressed directly.

All survivors were told in the notification meeting that once their kits had been tested, the SAK samples had a DNA match in the federal DNA criminal database, CODIS. In some cases, detectives shared additional information about that DNA match and how those results might impact prosecution. For example, in a substantial percentage of cases ($n = 25$, 78%), the testing revealed that the perpetrator was a suspected serial sexual offender based on DNA matches across multiple sexual assault cases, and in 15 of those 25 cases, the detectives shared that information with the survivor during their notification meeting. Likewise, the detectives had determined that in 15 cases of these 25 cases (60%) the offender who was identified through the DNA testing was currently incarcerated, either for another/different sexual assault case or some other crime. In 9 of those 15 cases, the detectives told the survivors at the notification that the prosecutor's office was considering filing new charges against the offender based on the SAK forensic testing results to keep them imprisoned. Thus, a substantial proportion of survivors had to absorb a cascade of *increasingly complex and upsetting information*, as two of these survivors relayed:

I was undone because I didn't know all these years he was still raping people. (Participant S12)

Terrifying. I didn't know if I wanted to deal with it all, but then I have a daughter and I have cousins and nieces that are of age, and I just didn't want him on the streets with them. Having to deal with it at all. Having to see him again. Having to explain it to my husband or my kids. (Participant S18)

When we asked survivors and advocates for their recommendations for improving notification protocols, they noted that victims will undoubtedly have questions about the forensic DNA testing results, and it is challenging to know what information should be shared when and by whom. That said, survivors

emphasized that they wanted their advocates present when complex legal matters were discussed, which would include information about other crimes linked to the offenders and how that might impact the prosecution of their cases.

Recommendation: Active outreach victim notification protocols must require that notifying personal apologize to survivors for the fact that their SAKs were not tested and should have been tested at the time of their initial report to law enforcement.

Recommendation: Details about the forensic DNA testing results and information about the identified offender should be provided when an advocate is present to help survivors cope with the range of emotions they may feel.

What Was Asked of Survivors in the Notification. The detectives who conducted the notification meetings were directed not to press survivors about whether they wanted to participate in the investigation and prosecution of their cases; instead, they were instructed to ask if they would be willing to have a follow-up meeting with an advocate present for continued conversation about possible next steps. All survivors we interviewed agreed to a follow-up meeting and all were connected to an advocate. At those follow-up meetings, the survivors noted that they were relieved to have an advocate, particularly because legal personnel began delving into the details of the case right away. The advocates noted that they did not have much time to explain their role to survivors before the detectives and prosecutors started with their follow-up questions. For example:

One of the least parts I didn't like about it is the sheer amount of time we may have to explain what our role was, so how to best support that client. Because a lot of the time, the client may get there after the team. When I say the team, I mean the prosecutors and the police officers and all that. Usually, if that happens, they want to get it started right then and there. You really didn't even have a chance to introduce yourself. You just tell them your name and basically a little bit about what your role is. (Participant A9)

Survivors also had time to talk privately with the advocates after these meetings, but they emphasized wanting their involvement sooner.

Recommendation: Connect survivors to advocacy services at the time of the notification and continue to provide advocacy services in any interactions with legal system personnel.

Objective 1b: To describe the impact of CODIS Hit Re-Engagement Victim Notifications on survivors' emotional well-being.

The volume and complexity of information shared with victims in the notification and subsequent follow-up meetings was often overwhelming. We asked survivors to describe how they felt at the time of the notification and the immediate aftermath as they continued to absorb what had been shared and process their emotions. Survivors had varied reactions, which is to be expected given that victim notification is essentially reactivating a traumatic memory and survivors have different trauma responses. Most survivors noted that the notification left them emotionally distressed and overwhelmed, many felt angry and frustrated, and others felt cautiously hopeful that they may have a second chance at justice. We explore each of these three themes below.

Feelings of Distress. Most survivors ($n = 22$ of 32, 69%) shared that they were distressed in some way by the notification (e.g., feeling overwhelmed, triggered, and/or retraumatized). Even though the information that was shared in the notification meetings was potentially positive news and opened options they had thought were closed, it was nevertheless an overwhelming experience. For example, one survivor captured sentiments of many when she described her reactions as follows:

I was in disbelief that something happened. It seemed like a dream, like I was dreaming. I was just waiting for somebody to wake me up. Because I didn't think anything was going to happen,

especially almost 10 years later. Disbelief, like all the emotions of what happened to me came back ... I was happy, I was sad. I had, like, all the emotions flowing through me. (Participant S5)

Some survivors discussed how in the immediate aftermath of the notification, they struggled with returning PTSD symptoms, such as nightmares and hypervigilance, and described it being challenging to return to their normal life and routine after such a significant emotional disruption. One survivor summarized:

It threw me into an emotional rollercoaster at times. I would burst out in tears. I would separate myself from my ex and just be like ... I dove into work and school and just went through the motions and the processes as everything came up ... some days I would be angry, some days I would be normal, sometimes I would just cry, but I would also keep it in at the same time. I became more quiet. (Participant S33)

Survivors emphasized that even though the assault occurred years ago, notification brought back their memories of the rape, which were still vivid and painful.

Feelings of Anger and Betrayal. In this midst of these feelings of overwhelm, many survivors ($n = 17$ of 32, 53%) also felt angry. For some, their anger was steeped in outrage, betrayal, and disappointment that the police had such fundamental disregard for them and the safety of their broader community. For example, as these two survivors described:

I mean, I was kind of disappointed, because I'm like, you know, there's so much that's going on. This is a serious issue with not just young people in general, just women, period. And I know I was like one of many, but I mean, it just made me feel like somebody wasn't doing their job because I'm like, ain't no way all these rape kits sat in this building for all these years, and nobody knew about it, or nobody had done nothing prior to the time, that it was something done about it. It kind of made me devastated. (Participant S6)

Emotional, sad, mad, anxious. Everything. I was feeling everything because I didn't understand why it took 19 years for you to find my rape kit, why it took 19 years for my stuff to be tested. It was so much on me. I couldn't understand. Why would my rape kit be sitting in a warehouse all these years, not tested, nobody looking for it ... It was hard. I was mad. I was very mad. I was angry. I didn't understand why did you all wait so long to find a warehouse house with rape kits. Why? That's a long time. Yeah, we just was pushed to the side like do away. That's very hurtful. It is. It's very hurtful that just finding out a warehouse, all our kits in the warehouse, ain't been

tested, ain't nothing has been done with them, they just sitting collecting dust. That's hard.

(Participant S27)

Others did not believe—and had never believed—that the police cared about them and would take their case seriously, and they were angry that their doubts were founded. These two survivors described how they were not surprised the police didn't take in action in their cases years ago, but it still hurt:

I just thought, they don't care about it ... so I guess people know they're free to rape if they want to because they're not going to do anything about it, or they must know that the police officers aren't going to test the kits. (Participant S25)

I felt like at the time ... I felt like I was a throw-away, I just felt like nobody cared. No one cared. He was never going to be caught, they weren't even going to try. I guess it's kind of what did happen, but it feels different. (Participant S18)

Because the police did not test these kits or act on these reported cases, the offenders were not held accountable and were free to re-offend—and many did. Survivors were dumbfounded by such a fundamental dereliction of duty by the police and the risk that posed to public safety, as one described:

Because for you to think a person is off the street [but] this person could've been walking alongside of me this whole time, and I wouldn't have known. So I don't really know how I felt. It was just like a lost feeling. Like, I can't believe this is happening. (Participant S10)

Survivors emphasized that they had reported the assault to the police to try to protect others, and they were devastated when they were told that the perpetrator was linked to other sexual assault cases.

Survivors were enraged that the assailant raped other women and girls because the police took no action in their cases, as these two women described:

I felt physically sick because I feel like this is the reason why there's so many serial rapists here. This is why. If you can go out here and you can do this repeatedly and then you're not getting caught, of course anybody would be confident, cocky, about the situation. They've gotten away with lots of crimes because they were untested. By the way, he is linked to another girl ... He's a predator ... I didn't know what happened to my kit, so I was shocked, too, at the same time. When he [the detective] said serial rapist, I said, 'Oh my god. How many others?' I knew I wasn't the first, and I knew I wasn't the last, either. (Participant S7)

[What] they told me is that that person had done the same thing to another little girl a few years later. That was an outrage when it happened to me, so it was crazy. It made me angry because I'm thinking, how many girls has he done this to? It was ... a crazy feeling. (Participant S28)

All of these survivors were betrayed by the criminal legal system—they had reported to the police, they had medical forensic exams, they consented to evidence collection, and they released the rape kit for forensic DNA testing—and the police did not take their cases seriously. Whether they expected better or expected nothing better, many survivors were deeply angry.

Feelings of Hope and Vindication. Despite feelings of distress, anger, or betrayal, many survivors never lost hope, and they were also happy and relieved to learn that their kits had finally been tested ($n = 17$ of 32, 53%). They described waiting for years, and they felt palpable relief when they were contacted by the detectives, for example, as these two survivors described:

And how I've been waiting and praying for that day to come for a phone call ... Because after so long you're like maybe it didn't happen, maybe I am crazy. To get that phone call it was like okay, it did happen and I'm not crazy. (Participant S1)

A happy phone call to let me know that they caught this person after 15 years. So that just gave me hope that no matter how long, you can get justice. No matter how long it take, you can get justice. I'm thankful. [If they didn't find the kits and start testing them] he probably would have got out and been doing it somebody else. Especially for me to find out I wasn't the only person. (Participant S30)

Other survivors highlighted how the notification provided vindication, as they finally felt believed. The police had accused them of lying, and now, the forensic DNA testing results gave them credibility. Some survivors described how other people in their lives, such as their family or friends, had also not believed them—and the fact that the police never took any action in their case stoked their suspicions that the survivor was being untruthful. For example,

I finally felt relieved. That I was going to get closure, and prove to everybody that said I was lying, that I was not lying. They thought I was lying. Because they figured, well, if you went and did a rape kit, why didn't they do anything about it? The system made me look like I was lying and made up a whole story. If my friend didn't go with me to the hospital, they probably wouldn't have believed nothing. You know? Even though I don't care what they believe, but that's the way it

made me look, you know? Like I never went to the hospital or that it never even happened. You know? (Participant S9)

Survivors had endured lengthy, invasive medical exams to provide evidence that could help prove the assailants' identity and actions, and even though that verification came years later, it brought victims tremendous relief and gave them hope for justice.

GOAL 2: To document survivors' decision-making processes regarding re-engagement with the criminal legal system.

Objective 2a: To describe survivors' reasons for re-engaging with the criminal legal system.

In this jurisdiction, the detectives did not ask survivors at the time of the notification if they were willing to participate in the re-investigation and prosecution of their cases, but survivors understood this was the question on the table, even it was not asked aloud. Survivors appreciated having time and space to consider that question because, as described in the previous section, they felt so many emotions during the notification. As those feelings settled and as the enormity of this awful situation settled in, how did they make this decision? In this project, all of the survivors we interviewed decided to re-engage, so we could only study one of the possible pathways survivors might choose. When we asked survivors how they made this decision, they cited two main reasons they decided to re-engage with the criminal legal system: a desire to protect others and a hope for justice and closure for themselves.

Protecting the Community and Preventing More Harm. For most of the survivors we interviewed ($n = 27$ of 32, 84%), the primary reason why they decided to participate in the re-investigation and prosecution of their cases was because they wanted to prevent the perpetrator from causing additional harm and hurting even more people. This survivor captured the sentiments of many when she said:

I wanted to go ahead, because he could've did it to somebody else ... I wanted to make sure that I saw him go to jail. (Participant S9)

Some participants emphasized the gendered nature of sexual violence and the disproportionate risk women and girls face in our society, and they wanted their daughters, nieces, or other girls and women in their lives protected from harm. As one survivor noted:

Mainly, really my daughters because I got young adult daughters ... I would hate for that same man to approach them out here on the streets. That was really my only reason. (Participant S16)

Survivors whose assailants were suspected serial sexual offenders were particularly likely to emphasize the need to protect others as their primary or sole reason for re-engaging with the criminal legal system. As two of these survivors explained, they worried about others being harmed and felt they must do everything they could to try to prevent further violence:

I felt like if he's still doing it, he's going to continue to do it and he going to wind up killing somebody or somebody going to wind up killing him. So best thing is to get him off the streets so he can't hurt nobody else. (Participant S12)

After he raped me, he raped other women around Detroit, too. I wasn't the only one he raped like that, you know, so I had to get him off the streets. I had to for myself as well as everybody else. (Participant S4)

Indeed, some survivors whose assailants were serial sexual offenders described feeling a moral obligation to participate. Survivors noted that so few victims get the opportunity to pursue justice, so they felt they had to participate, no matter the cost to them personally:

I don't feel that morally I had a choice. I don't know that I would do it again knowing what I know, but ... just morally I didn't, especially when I heard that other people were not willing to go through with it ... I thought it would be worth it, so then at least they can't do this to anybody else. If it's 20 years later, this is still what they're doing, this is still what they're doing ... I just didn't personally feel that I could let it go ... and I also sort of felt like it was my civic duty. (Participant S25)

I felt like I took one for the team ... The ones who didn't have a voice in this, that I went through it all, and it wasn't just for me. I mean, I know it was for me, but I don't really feel that much it was. I think if it was just me that I might've thought twice about getting involved in it. Actually, I know I would've just said no. And that's also the only reason to go when I was heading down there,

because I was like, 'I don't know if I want to be there.' I kept saying it over and over again, and my husband and my friend are like, 'It's up to you.' And I told myself, I said, 'I have to do it. I just have to.' (Participant S13)

Survivors emphasized that they had reported the assault years ago to try to prevent the assailant from harming others. The police did not believe them and did not take action in their cases, and survivors felt tremendous hurt, guilt, and anger for years thereafter. They had to push through those same feelings when legal system personnel came back to them to ask them to re-engage because the forensic evidence they had provided years ago did indeed indicate that the assailant was a threat to public safety. As one survivor noted with frustration, *"like I said."*

Seeking Justice and Closure for Themselves. Some survivors ($n = 15$ of 32, 47%) described what they wanted and needed for *themselves*. Many talked about wanting 'justice,' which some defined as the right to speak out about what had happened to them, and to have that truth heard, acknowledged, and believed by the criminal legal system, as these survivors noted:

I wanted to tell my story, get him off the street and to see him not harm nobody else, and have some justice of my own and some peace in my life. (Participant S26)

I felt liberated. I was very eager and happy to help because I felt like I deserved justice for what happened to me. I was happy somebody was finally listening or hearing me. (Participant S7)

For some survivors, justice was also retributive—it was not enough to speak their truths, they also wanted to see the perpetrator punished for what he had done to them and to others. These survivors felt deeply that perpetrators must be held accountable for the pain they caused and deserved imprisonment:

Once I was told [notified] I wasn't going to change my mind about anything ... because I just felt like for the sake of me, and this did happen to me, yes, he needs to serve his time for the crime that he done to me. I didn't ask for that to happen to me. (Participant S31)

One survivor was notified that her assailant was in prison for committing a murder a few months after she had reported him to the police for sexual assault. He had killed his girlfriend and was serving time for that crime, and the prosecutors wanted to issue charges in her rape case to ensure that the offender would

not be released from prison. She agreed to participate and was clear that she did so because she felt he deserved to be punished for everything that he had done:

I was just mad at the whole police system, once I found out he was already in prison for murdering somebody a couple of months after he had raped me. If they would have just done testing on the fricking kit then, they could have potentially prevented someone being murdered. So that murder is on [the city], because if they would have done their job they could have potentially saved that woman's life ... It just made me more upset ... I'm like, 'He needs to just go to prison for the rest of his life.' ... You did something to me. I did nothing wrong to you. You need to be punished for what you did. (Participant S5)

Other survivors emphasized that their decision to re-engage and participate in the prosecution of their case was about seeking closure so they could move on from the assault and set this behind them. They had lived with the trauma of the assault for years, and many described how they lived in fear because there was no closure in this case. For victims of stranger-perpetrated sexual assault, they wondered who had harmed them and whether the assailant was still in their communities. For victims of non-stranger perpetrated assaults, they knew who harmed them but struggled with the knowledge that others didn't believe them or help them. In addition, the offender was still in the community and their safety was jeopardized because the perpetrator knew them and knew where to find them. Survivors decided to re-engage with the criminal legal system in hope that doing so would provide closure:

Closure. I wanted closure. I don't want to live in fear. To know that this person that harmed me in some type of way, violated me, did what he did, he's behind bars. Closure on that part. (Participant S31)

When they called me, I was happy, I was ready for it to be over with. So it can go back to the back of my mind. I was just happy to go in there and help them and do whatever they needed me to do to make sure he wouldn't be able to do it. I just wanted to get back to where I was at in my life, trying not to think about it, just leaving it in the back. (Participant S30)

Some survivors did not define closure in relation to retributive justice; for them, closure meant focusing on their own healing and well-being, as this survivor described:

[I] needed a piece of my self-esteem back. That damages your self-esteem, when you let people do things to you or you don't stick up for yourself. That's something you have to live with yourself every day, that you could have did something different. If I have the opportunity to help myself, I'm going to take it. (Participant S7)

Survivors wanted to put the assault behind them, but because their cases had remained open, unsolved, and neglected, it had been hard for them to move on and heal their trauma. Although they knew re-engaging would be taxing and challenging, they decided to participate in hope that prosecuting the case would allow them to put it behind them, once and for all.

Objective 2b: To describe survivors' concerns about re-engaging with the criminal legal system.

Survivors weighed their desires to protect others, seek justice, and gain closure relative to their concerns about how re-engagement would affect their lives and the lives of others. It had been years, sometimes over a decade, since the assault, and re-engagement would mean re-opening and re-telling (many times) significant traumatic memories. Even though the prosecutor's office was engaged and committed to prosecuting their cases, there was no guarantee what the case outcome might be, and survivors risked still more blame, hurt, and disappointment. Survivors expressed three primary concerns about re-engaging with the legal system, which included not only fears about their own well-being, but also their doubts about whether the criminal legal system would (finally) help them and whether it was fair to assailants and their families to pursue prosecution after all these years.

Guarding Their Emotional and Physical Safety. Some survivors ($n = 10$ of 32, 31%) expressed concern about the emotional distress and disruption they would have to endure if they decided to re-engage with the criminal legal system. They had gone to considerable lengths to move on with their lives as best they could and reliving the trauma of the assault gave them considerable pause, as these survivors explained:

I didn't agree to it at first. I had to think about it. I had to do a lot of soul searching and crying before I did it. I wanted to go back to not thinking about it but then I couldn't. (Participant S18)

I was real nervous ... I was nervous because then I had to think about everything that had happened and relive it. (Participant S12)

Many survivors ($n = 16$ of 32, 50%) described being afraid to participate in the case because doing so would risk their physical safety. They noted they were afraid that once the perpetrator's family members or other people in the community learned their identity, they would be stalked, threatened, or harmed. Others were worried about retaliation from the perpetrator himself or described how they had already been harassed by the perpetrator in the intervening years since the assault. These safety concerns were more prevalent among survivors who were assaulted by a known assailant (vs. an unknown stranger). For example, here is how some of these survivors described their fears for their safety and safety of their families:

I was relieved, but I was still kind of scared, because I'm like, you know how people come to court? They got family members. I don't know who none of these people is in the court. That was a fear that I had, because I'm like, these people could see me out on the street. I don't know who they is. They see who I am in court. That was one thing that did terrify me because I'm like, I have kids now. Because I was going to back out at one point, because that was something that really got to me, because I'm like, I don't know who these people were. Anybody could be sitting in the courtroom for him. (Participant S6)

I had concerns. I was like, 'After he get locked up is he going to try to find me and hurt me after he get out? Is they going to notify me?' Stuff like that. Am I safe, and stuff like that. Even after he served his time, am I going to be safe ... I had all of that on my mind. (Participant S20)

As much as they wanted closure, survivors were acutely aware that justice is not the same thing as safety. Participating in the criminal legal system would risk their physical and emotional well-being, and they did not know who they could trust to protect them from harm.

Doubting the Intentions of Police and Prosecutors. A few survivors ($n = 8$ of 32, 25%) were deeply skeptical that the system that had already betrayed them would help them if they decided to participate in the re-investigation and prosecution of their cases. Their past experiences with the police had left them appropriately skeptical and cynical about whether law enforcement would protect them if

they faced retaliation and threats. Furthermore, many did not trust that the system would in fact pursue their case because they had been lied to before. For example :

Because when I said yes, I still was at disbelief that they were really going to do anything and catch the guy because the last detectives, they went through all those motions and still nothing happened... in the back of mind, I'm thinking, 'They ain't going to catch the man. They ain't going to do nothing.' (Participant S17)

I thought they had caught the guy. For years, I had thought it was just one person so I thought he was in jail. And when I was notified [that the kit had never been tested], I just felt my security leave...So if you're lying to me about that, who's to say that when you go to take this guy to court you're actually going to have him put away? (Participant S10)

Other survivors questioned the motivations of the police and prosecutors. The backlog of untested SAKs in this city had been covered in local, state, and national media, and survivors could not help but wonder whether the actions police and prosecutors were taking now were more about rebuilding their own credibility than truly helping survivors or protecting public safety. For example, as one survivor stated:

I just felt were they're doing this for the victims? Were they doing this for us or were they doing it for them? Because they had slipped on doing their job. Were they doing this for us or doing it for them? (Participant S10)

Survivors had experienced profound institutional betrayal by the criminal legal system, and they were being asked to set that aside and trust that *'this time would be different.'* They had been told there was new DNA evidence and that the prosecutor's office was committed to seeking justice, but these assurances did not quell their fears, and participation was still an enormous leap of faith for survivors.

Questioning the Fairness of Punishing Offenders. A subset of five survivors (16%) questioned whether it was fair to punish the offenders for something that happened so many years ago. All of these cases occurred more than ten years prior to the notification, and all were stranger-perpetrated sexual assaults. These survivors grappled with feelings of guilt and worried about how prosecution would disrupt not only the offenders' lives, but also all their dependents (e.g., children, parents, partners). Survivors described feeling unsettled with the responsibility of this decision and were frustrated that this

burden had passed to them because the legal system had not done its job years ago. As two of these five survivors explained:

There was a point during this that, number one, I felt, as strange as this is going to sound, I felt guilty because after they told me about this man, I actually went on Facebook and looked him up and he had a family, children, he got married, which doesn't mean he's reformed or a great person but I felt like, am I doing the right thing after all these years? And I've kind of moved on past this and, am I doing the right thing by basically taking time out of his life for something that happened so long ago and taking him away from his kids? ... And I'm like, am I doing the right thing here? So I think maybe they should address whether or not the person feels some kind of measure of guilt because it could make somebody not want to get involved. They might feel like, was this worth taking away from this man's family? Am I doing the right thing? (Participant S28)

At first my thought was, I am not kidding, this was my thought. I said, 'I will be putting a damper on somebody's life.' I'm thinking in my mind, what if he got a family? What if he got kids and ... locking somebody away, I never had to do that. I had to tell myself he was wrong. He wronged me. I didn't wrong him. (Participant S31)

These survivors were hesitant to express these thoughts in the interviews, and we affirmed these are complex decisions and it was unfair that so much weight rested on their shoulders. We expressed appreciation for their trust and honesty because it helps us understand how complex the notion of justice is for many survivors. When people do not trust the system that is the arbiter of justice, it is hard to assess what is fair and right. In the end, all survivors decided to re-engage with the criminal legal system, but they were wary about whether doing so would provide peace and closure.

GOAL 3: To document survivors' re-engagement experiences with the criminal legal system and the extent to which their court experiences provided procedural, distributive, retributive, and restorative justice.

Objective 3a: To describe the re-engagement experiences of survivors who participated in plea agreements.

Overview: Plea Cases. All of the survivors we interviewed decided to re-engage with the criminal legal system, and prosecutors issued charges in all cases. Ultimately, $n = 23$ cases (72%) were resolved by the assailants pleading guilty to criminal sexual conduct, the statutory term for criminal sexual assault in this state. We examined the re-engagement experiences of this group (survivors with plea cases) separately from those who participated in trials (see Objective 3b), as there are key procedural differences in plea cases (e.g., typically fewer court appearances, no questioning or less intensive questioning from defense attorneys). However, as one advocate noted, “*court is court*,” and it is a hard path for survivors to travel no matter the outcome. We examined how survivors were treated throughout court preparation and court appearances (procedural justice), how they felt about case outcomes (distributive justice) and the assailants’ sentences (retributive justice), and extent to which their court experience overall contributed to their healing and closure (restorative justice).

Court Preparations. Most survivors ($n = 15$ of 23, 65%) noted that detectives and prosecutors kept them regularly informed about the status of their cases and tried to make court preparation less burdensome (e.g., scheduling meetings based on the survivor’s availability). Survivors described how this personalized attention was meaningful to them:

They worked around my time and didn't tell me, 'Well, you only can do it during this time.' They worked around my schedule and made it convenient for me. [It made me feel like] ... they actually cared, they actually wanted to [get] him and actually try to make something right in this bad situation, that they weren't blowing me off. (Participant S5)

The other detectives gave me their personal numbers. He used to call, I would say, every other week and give me updates if there was any. (Participant S16)

Survivors recounted specific actions prosecutors and advocates took to help them prepare for court hearings, which they found inordinately helpful for alleviating anxiety and de-mystifying the criminal legal process. For example, one survivor described how her detective explained step-by-step what would happen at a suspect line up and how they would protect her safety:

There was a line up, they told me the procedure of what's going to go on and you know the basics of what happens before you go to court. When you go to court and he's going to be there, they just told me everything that's gonna happen and make sure I was okay and that don't be

afraid because they was gonna be there for me and that when we go in if he tries anything, there's going to be security there so there's nothing to worry about. (Participant S4)

Another survivor recounted how the prosecutor helped her feel more comfortable by arranging for her to watch court hearings in other cases (non-sexual assault cases) so she could see the courtrooms, the judges, the other court personnel, and learn the routines:

Before that, they had me just sit in on a couple court cases ... just so I would feel comfortable in front of a judge, so kind of like warming me up, just so I knew what to expect so I didn't go in there blind. I mean, it was no cases related to ... nothing similar to mine, but just to get me into the courtroom and where he would come in from, where I would sit, where I would stand, where the judge would be, where the prosecutor would be, where he would be, and where he sat ... they didn't want me to be afraid or scared or confused about doing it. (Participant S5)

The critical need for regular communication and preparation was underscored by survivors who did *not* get sufficient help from legal personnel. Although this was not common among the survivors we interviewed, some indicated that they felt rushed into the proceedings without adequate preparation. This was more common in plea cases in which the statute of limitations was set to expire soon and/or when assailants were already imprisoned for other crimes and prosecutors were bringing these charges in an effort to keep them imprisoned. In these situations, survivors were grateful their advocates stepped in to explain the process, but they wanted that kind of engagement, support, and communication from legal personnel as well. As one survivor explained:

They didn't tell me nothing ... I found out most of it when I went to court for the second time. That's when I found out everything ... the advocate spoke to me about everything. She the only one that sat me down and told me everything, and how he got caught and how they reporting him back here to Michigan, and how long he have for jail time. I felt much better [after the advocate told me] because I was in the dark about a whole lot of stuff. (Participant S20)

Criminal legal proceedings are logistically complicated and emotionally draining, and survivors appreciated when the detectives, prosecutors, and advocates helped them understand the process. This preparation was core to survivors' sense of procedural justice, and it helped mitigate their distress.

Court Proceedings. Some of the survivors whose cases ended in plea bargains had been preparing for trials, and as the evidence was presented in preliminary hearings or at the start of the trial itself, the prosecutor and defense counsel began negotiations for a plea agreement.⁷ Survivors indicated that they were informed about these changes, but these abrupt shifts were hard to track and often upsetting, as these two women described:

The back and forth ... one minute, it was going to go to trial. Next minute, it wasn't. This date was scheduled for this, then it was canceled. I would get a call, 'Well, you got to be in court' ... the back and forth. (Participant S16)

I was at court, in court one day, and they canceled it. I don't think they should be able to do that, ... I'd come all the way down [to court] and [my advocate had] Lyfted me down there ... And just keep stretching it out for me ... because I got to keep tugging at my emotions, coming back and forth to court because you keep changing. (Participant S23)

In the end, these survivors were amendable to a plea agreement because participating in more court hearings and being subjected to cross examination was overwhelming. Many indicated they just wanted to “get it over with,” and they did not want prolonged disruption of their lives. One survivor summarized her thought process as such:

I had to take a couple of days to think about it. I agreed to it. I didn't want to have to go through trial. They had contacted me and told me that the news had picked up my story, and that I was anonymous, but if they find out who I am, they may contact me. I was like, God, I don't want to go through all that. I thought about how old he would be when he got out, according to the plea deal. I said, well, he'll be in his mid to late 60s. I can deal with that. (Participant S18)

For some survivors, the plea agreement came before they had to provide court testimony, which was a tremendous relief to them, as this survivor noted:

I was glad that it happened so quick. I'm glad that I didn't have to get up on the stand. All those people in the courtroom, I didn't exactly want them judging me. (Participant S13)

⁷ For this section, “Court Proceedings,” we will not be reporting thematic percentages because when we conducted the interviews, we did not systematically ask about each and every appointment/meeting/hearing that preceded the plea agreement.

All the survivors we interviewed indicated that they had some voice in the decision to settle the case by a plea bargain and none expressed a desire to proceed to a trial when there was a shorter and potentially less traumatic option available. The opportunity for voice and engagement in these decisions was another core element of procedural justice that was meaningful to survivors.

Some survivors in this group did have to provide testimony as part of preliminary hearings or initial trial proceedings. Recounting the assault in painstaking detail was hard given that their memories of the assault were still clear and vivid; as this survivor recounted:

I think it was scary to bring up that story again, to be on the stand to actually have to tell exactly what happened that night. Like I said, I could tell it so easily because it actually happened. I just had to tell the story and get it over with. It actually happened ... just scary because to have to be in front of people and have to tell that story over again is like, yeah. (Participant S31)

Many survivors felt they were well-prepared and well-supported for their testimony by their advocates and the prosecutor, which made it bearable to recall their traumas in public:

When I had to testify in court, I had to go into detail about penetration and things like that. I had to say those things out loud in front of people. That was hard. She prepped me for that. She helped me. So I went in there, I knew what to expect, and I didn't crumble like they thought I would. (Participant S7)

A key concern for many survivors was seeing the perpetrator again so many years later. Many discussed how incredibly vulnerable they felt when they had to re-live the crime on the witness stand in front of the person who harmed them—and in front of their family and supporters. Survivors felt exposed and judged, as these two women explained:

Because there's so much anxiety. People don't get it. There's so much anxiety with it, that it's easy just to say forget it and walk away, rather than be humiliated again, in front of a bunch of strangers. His mom was in the courtroom, too, and his sister. They had to sit there and listen to that. It was a lot to deal with. (Participant S7)

Having to unpack it all and deal with it by myself. Then, I go into the courtroom and his girlfriend is on his side of the room supporting him. I just felt exposed. (Participant S18)

In plea cases, survivors generally did not have negative experiences with the defense attorneys. Some did not have to answer any questions, and those who did noted that the cross examination was brief and not combative. For example:

I didn't have any bad experience ... he barely asked me any questions. Barely asked me any questions. I wasn't afraid where I had to be argumentative or anything. He asked me a few questions and that was it; I think three, three at the most. The detective had told me by him admitting to it, it wasn't really too much he could ask because he admitted to [it]. (Participant S31)

These survivors expressed relief that their court experiences were not prolonged, and they were treated reasonably by prosecutors, defense counsel, and judges (procedural justice). However, “*court is court,*” and reliving trauma in a public forum and seeing the assailant was still upsetting.

Justice, Healing, and Closure. We partitioned survivors’ narratives about healing and closure (restorative justice) based on whether the plea added time to the sentence of an offender who was already incarcerated for other crimes ($n = 12$ of 23, 52%), or whether the plea secured the incarceration of an offender who had been free (i.e., in the community/not in jail/prison; $n = 11$ of 23, 48%). For survivors whose assaults added time to offenders’ sentences, most ($n = 9$ of 12, 75%) appreciated that there was public, legal recognition of the harms that had been committed against them, but a few ($n = 3$ of 12, 25%) were angry that they were put through a difficult experience that ultimately did not give them much closure. For example, as one of these survivors noted:

My main thing was just that he was already serving the life sentence. So, it really didn't make a difference. As far as him, like is that really justice for somebody if a person is already in prison, already doing life? It doesn't feel like it. Yeah, so I feel like that's the reason why he even took the plea, was because it was like, well I'm already here. (Participant S11)

Another survivor expressed frustration about how the prosecutor handled the pleas in her case. She had been sexually assaulted by two assailants, both of whom were now incarcerated for other crimes; one had additional charges brought against him related to the sexual assault, but the other did not. The assailant who was not charged was imprisoned for a homicide conviction, and the prosecutor did not issue charges against him for her assault, which was upsetting to her:

To me, it's still bothering me, and I'm still angry about it, because it's the only the one guy. And I feel like they telling me that almost, 'So what something happened?' You know what I mean? Why would that be a statute of limitation? That was a crime, to me just as violent, just not ending in death, because some of them do end in death. So they would've had to kill me for it to matter that, what he did? ... He know he in there for taking somebody's life and whatever else. But he need to understand that this came knocking, too. (Participant S23)

This survivor wanted both offenders to have additional charges and time added to their sentences, so they knew they were being held accountable and punished for hurting her. In the end, the survivor described her court experiences as such:

I don't feel healed, and I don't feel like I got justice. Because the judge gave him a break, like he needed a break. And nothing happened with the other guy, so I don't feel like nothing happened. (Participant S23)

These quotes highlight some of the unique challenges of backlog SAK cases. Because these reported assaults were not promptly investigated and adjudicated, offenders were not initially held accountable, and many went on to commit additional crimes. By the time these rape kits were tested, some offenders were already incarcerated for other crimes and survivors questioned whether the gains of seeking additional charges were worth the distress re-engagement caused them. These survivors wanted clearly defined, clearly bounded recognition of the crimes committed against *them*, and when assailants were already incarcerated, those lines were blurred, which left some survivors feeling frustrated and empty.

In the other eleven plea cases, the offenders were *not* already incarcerated and their guilty pleas would start new prison sentences for the sexual assaults they committed years ago. Survivors had mixed feelings about these cases; some ($n = 5$ of 11, 45%) were happy that the court held their perpetrators accountable and the plea agreement brought them tremendous relief; as two of these survivors recounted:

I'm just glad it ain't something I went to my grave with, knowing that they never caught the guy. Because that be hurt some feelings when something bad happen and you just don't get no justice. I don't know how I would have felt to know that I never got justice. But it's a little of relief knowing that he can't do it to nobody else ... they asked me if I wanted to get up and say something to him. But it wasn't nothing I wanted to say to him. I'm just glad you caught. (Participant S30)

I'm not going to say I'm glad it happened that way. But I can't change the way it happened. So at the end of the day, I'm just relieved that everything went as according to plan. I'm glad about that process. I'm glad that he got what he deserved. So at the end of the day, I'm so satisfied with everything that took place, everything that happened, I'm satisfied because I got the one man that did this to me off the street. The one thing I've been dreaming about that would happen for a long time and it finally happened and I could feel at peace. I don't have to look over my shoulder. I don't have to check my locks as often. Because I did what I needed to do, to put him away, to make other people safer. (Participant S27)

However, a few survivors ($n = 4$ of 11, 36%) expressed strong disappointment that their offenders were sentenced to less time than expected. They had hoped that the court would send a clear, powerful message that the crimes committed against them years ago were just as important today, so when these assailants were given reduced sentences, survivors did not feel the same measure of restorative justice because they did not feel there was appropriate retributive justice in their cases.

In a final look across all 23 survivors whose cases ended in a guilty plea, we note that only three survivors specifically mentioned that they had positive experiences of procedural justice that contributed to their healing and closure. For example, one survivor described how the opportunity speak their truth in court was incredibly impactful:

They asked me ... 'Do you have anything that you want to say to him?' During the court process. And I was like, Yes. I just want to know why he made me feel like this. I just want to know why? What made him through his mind to think it was okay to do this to a human being a person? Yes. I think the opportunity that I had to actually tell him how I was feeling helped me a lot. When I said it helped me a lot. I'm getting in better, I'm healing each and every day, I'm taking the healing process slow. So I'm doing better like I said. (Participant S27)

In two other cases, survivors described how their assailants made a public apology, which was inordinately impactful and healing; as one of these women described:

It made me be able to forgive him, when he apologized. That took so much off of my chest, because by him doing this he took the load off of the, the pressure I had of people saying I lied. You know? That made me feel a whole lot better ... I was able to heal. (Participant S9)

These procedural elements (public statements, public apologies) were incredibly meaningful, but also exceedingly rare. This does not mean that procedural justice is unimportant to restorative justice. Rather, these findings suggest that survivors did not have many opportunities to experience procedural justice, and those elements, when present in a plea case, were important for survivors' healing.

Objective 3b: To describe the re-engagement experiences of survivors who participated in trials.

Overview: Trial Cases. We interviewed nine survivors whose cases went to trial (28%), and in these cases, the option of a plea bargain was either never offered or never accepted, so they '*went all the way*' as one survivor described it, to a bench or jury trial. Eight of these nine cases ended in a conviction, and one ended in an acquittal. When we examined the re-engagement experiences of this group (survivors with trial cases), there were many similarities to those who had plea cases—again, "court is court" as one advocate noted, but here we highlight what was unique about the trial experience with respect to survivors' sense of procedural, distributive, retributive, and restorative justice.

Court Preparation. Most survivors whose cases went to trial indicated they had good preparation and support from detectives, prosecutors, and advocates (n = 8 of 9, 89%). The trial process was long and frustrating, and survivors appreciated being regularly updated about court processes and felt the investigative team prepared them well for court testimony and cross examination (i.e., positive experience of procedural justice). For example, as these two survivors noted:

Oh, they treated me highly with respect. They treated me with care, like they had a understanding, like they understood what I was saying or understood what I was trying to say if I even couldn't get it out. They just understood me. (Participant S24)

I'm not saying it was a very pleasant experience, but I'm glad to the people that helped me through it. The prosecutors, it was very kind. The advocate was awesome, the detectives I know, went beyond their jobs. A couple times I had to sign some paperwork, they would actually come down to my job. To me, I will say, it wasn't a pleasant journey but it was comfortable. (Participant S2)

However, for the survivor whose trial ended in acquittal, she felt the prosecutors and detectives did not adequately warn or prepare her for this possible outcome. During court preparation, detectives and prosecutors provide encouragement and express confidence and enthusiasm, and many survivors emphasized that the team's message to them was 'you can do it, we're going to be here with you, it's going to be okay.' But, the reality is, sometimes the outcome is not okay for survivors, and the survivor whose case ended in an acquittal felt that she was not adequately warned about how grueling the process would be and how hard the outcome may be:

They needed to be more forthcoming throughout on both ends, the investigation and the prosecution, they needed to be more forthcoming and less, I almost want to say deceitful. Because they don't tell you literally what you're about to embark on, or how hard it's going to be. They don't tell you they're about to rip you to shreds. And they don't tell you what you're about to go through, how hard it's going to be. None of that, you're just immersed into it. And they tell you it's going to be okay, and it's going to be fine and we're here with you. And the reality is the complete opposite. (Participant S1)

In other words, this survivor emphasized that an important part of procedural justice is helping victims prepare for the possibility that court will not bring distributive, retributive, or restorative justice. She felt hurt by the outcome of her case, yes, but a key reason why the outcome hurt so much was because she did not feel the legal team had been honest with her ahead of time.

Court Proceedings. All of the survivors who participated in trial had to recount their assault experiences in open court, and without exception, this was extraordinarily emotional and traumatic. Survivors emphasized that telling their truths meant having to publicly disclose painful and embarrassing events in minute detail, as these women noted:

I never been through it before. That was my first time in my whole entire life that I ever been through that type of procedure. I'm not saying that's the first time I ever been raped. No, it's not. But that's the first time that one of my rape kits ever got pulled and I had to go through trial and everything. Now that was different for me. (Participant S24)

It was a tough time for me ... told them I was raped and this, that and the other. The whole court was in shock over the fact that I was still standing there. That I'd survived and whatnot and everything else too I told the whole truth and everything about it. (Participant S25)

It was not uncommon that survivors had to tell their stories multiple times, first as part of preliminary hearings and then in the trial itself on direct examination and then again on cross examination. The cross-examination experiences were particularly harrowing for survivors because the defense attorneys attacked their credibility and tried to shift the blame from the assailant to the victim. Common rape myth tropes were central features in defense strategy, and survivors had to relive their trauma in one sentence and defend their character in the next. For example, the common myth that survivors make false accusations of rape was brought into cross examination, as this survivor described:

Only time I felt differently in the whole situation is during trial when the lawyers was trying to pin it on me and the false accusations that they had on me. That's the only time I felt I just felt like it was because that was their way of trying to keep their client out of jail by trying to pin it on somebody else or trying to get the person to recant their statement or whatever the case is or try to see if they was going to catch me in a lie ... And I'm able to give you everything word for word on how everything happened from the day that I was there to where it happened at. (Participant S24)

Another common trope that survivors had to confront in cross examination was the insinuation that they were essentially un-rape-able and not credible because they were involved in prostitution or were using drugs. For example, one survivor said about her cross examination:

Grueling. They had me get on the stand and the defense attorney, of course, he tried to make me look like I was some drugged out prostitute, crack head out looking for drugs and trying to make me look as though I was out selling my body to try and get drugs, which never happened, but that wasn't me. I'm not innocent. I'm not, like I told the judge, I'm not trying to portray like this innocent little girl that never got into trouble and did stuff, but the picture that the defense attorney tried to make me look was not me at all. I got mad. (Participant S33)

These tactics were hurtful and infuriating, and they were also a painful reminder of what happened when survivors initially reported to the police. In other words, the testimony experience, much like the police reporting process, was replete with victim blaming and lacked any semblance of procedural justice.

As part of the court preparation process, prosecutors and advocates emphasized to survivors the need to stay calm and composed when they were attacked on the stand. Survivors appreciated this forewarning, but it also emphasized to them that a great deal hinged on their testimony, and they felt

tremendous pressure to do a good job on their direct and cross examinations. Even though prosecutors and advocates told them that it was not their responsibility to ‘put the offender away,’ survivors knew—correctly—that their testimony would influence the outcome of the case. They felt the weight of the world on their shoulders, as these survivors described:

I was nervous, because I didn't want to do something that would cause their case to not be ... I just wanted their case to go well. (Participant S3)

I wish I would have just did better on the stand. I guess I want to be perfect, do things perfectly. I'm not perfect ... I was all breathing hard and feel like I was going to lose because I said something, didn't do something right or something like that. Messed up timing, whatever. Messed things up. They try and confuse me, but it's not the prosecutor's fault or nothing. It's just I think the other man doing his job. So I think everything, it's all my fault. They said I did a good job, but the main thing is I got a conviction. (Participant S29)

As this survivor noted, there was a conviction in her case, and she did have a large role in that (“I got a conviction”). That responsibility was a tremendous weight and burden that survivors had to carry in their trial experiences.

Justice, Healing, and Closure. For the survivors whose cases went to trial, the court outcome largely determined the extent to which they felt they received justice. When there was a conviction, most survivors ($n = 7$ of 8, 88%) felt relief and happiness;⁸ as two of these survivors recalled:

I felt good. Yes, I was nervous. I'm like, oh my God these people don't believe me, the jury and everybody. I was scared and stuff, but I was so happy. So happy. Like, thank you Jesus. Thank everybody. I thanked everybody. I appreciate everybody ... I had the chance to get justice. (Participant S29)

We was there for a while and eventually they said the verdict and we went back down to the courtroom and they said they found the guy guilty. I was happy. I felt so happy. I ain't never felt so much joy in all my life. (Participant S26)

⁸ In the other case that ended in a trial conviction, the survivor felt she did not receive justice because she had been assaulted by two perpetrators, but only one was identified and prosecuted (the other still had not been caught/identified).

Survivors felt proud of themselves: for surviving the rape, for surviving how they were treated by police at the time of the initial report, for surviving the intervening years of silence and neglect, and for surviving their court case. It was empowering to be believed finally, as these two excerpts illustrate:

I feel good. I feel good. I feel I did something good. I feel good about myself. I feel proud, too. Mostly proud regardless of what people say. I don't care. I don't care, you're guilty. I won and that's the proof that I'm right. I feel like I did something right in life regardless of what you think of me. I'm glad. I did something so I'm proud. (Participant S29)

The judge gave me a moment to speak on my experience or how I felt or say whatever I wanted to say to the jury, and the courtroom about what happened to me, and how I felt about the person who assaulted me. I did that, and they sentenced him and that was that. It was almost like a ... I don't know how to describe it. It was like a moment of empowerment. To let him know that, yes. You did this to me, but I did not let it destroy me. I am just fine, and I am carrying on with my life. I am not dwelling on the fact that you did this to me. Basically, you lose. I'm not the victim that I was when you assaulted me and now you're going to pay for it. (Participant S17)

A key reason why survivors felt relief, happiness, and pride is that through their truth and their strength, they felt they were making their community safer. Accountability was important them, and they wanted to see the assailant punished for raping them, as these survivors described:

It was almost liberating to know that I could actually watch and witness myself the full prosecution of the guy who assaulted me ... that there was going to be seriously something being done about it. (Participant S17)

That was one of the best moments of my life. I was so happy. They finally got him off the street and he finally went to jail for the rest of his life. He ain't going to harm nobody else. I felt really good about that. (Participant S26)

These trial convictions brought peace and closure for these survivors. The court experience was restorative because they wanted to have a voice (procedural justice), they wanted the offender to be convicted and punished (distributive and retributive justice), and despite the odds, they got what they wanted. They were well-aware that justice is fleeting and rare for victims of rape, and they were grateful they had received justice.

The survivor whose case ended in an acquittal felt lost and abandoned by the prosecutor and the detective, as though it was her fault the assailant was not convicted. Even though this survivor knew she had absolutely done everything she could, she described feeling intensely hurt when he was acquitted and the legal team did not provide her the support she needed:

The prosecutor, the investigator, they were nowhere to be found but they said they would be there no matter what. 'Win or lose, we're here for you.' They weren't, so don't tell me those things because as a survivor we are really keen on what people tell us. Do not make promises to me that you cannot keep, period. Because I'm looking for you to uphold that, especially if I'm upholding my end of whatever bargain. And I've more than upheld my end. (Participant S1)

She had risked so much, endured so much, but received so little. She was emphatic that there was no justice for her, and she described her court experience as such:

Traumatizing, heartbreaking, devastating ... now you're left by yourself to pick up these pieces that you thought you already ... And you drop it and it breaks into a million pieces. Gluing the pieces back together by hand with super glue. And you finally get the last piece in the set and then someone comes and knocks it over, and you have to start all over. That's how it feels at the end of a backlog rape trial. (Participant S1)

The case was closed, but there was not restorative closure and peace because she was not treated with dignity and respect, from the initial report through the end of her trial (procedural justice), she did not see the offender convicted (distributive justice), and there would be no punishment for what he did to her (retributive justice). In this case, there simply was no saving grace.

GOAL 4: To document survivors' advocacy experiences from victim notification through criminal legal system re-engagement

Objective 4: To describe advocacy services received/provided and how advocates tailored services to address the unique needs of this client population

We asked survivors to describe their experiences with their advocates throughout this entire process of notification and prosecution. Survivors provided overwhelmingly positive feedback about their advocates and described them as “nice,” “helpful,” “supportive,” and “always there for me,” but they often

struggled to identify specific things that the advocates did that were helpful. We wondered what specific assistance was provided—and how it was provided—to elicit such positive regard, so we also interviewed their advocates to gain more insight about the advocacy needs of survivors who are contacted for active outreach victim notification, and what types of assistance were particularly critical at different junctures in the re-engagement process.⁹

Crisis Intervention and Emotional Support. Victim notification is an unexpected reactivation of a traumatic memory. In any method of active outreach notification, there is some element of surprise, and it is nearly impossible to fully prepare or forewarn survivors for re-opening a traumatic event from their past. Even when a CODIS Hit Re-Engagement Victim Notification brings welcome news that survivors have been wanting for years, it is still a tremendous emotional shock. A foundational component of advocacy is providing emotional support, and survivors expressed that this support was particularly needed and appreciated in the immediate aftermath of the notification. As the memories of the assault started rushing back, they felt overwhelmed, and the emotional support their advocates provided was critical. For example, as these survivors recounted:

They called me after [the detective had made the notification]. They was very supportive. They was there. They was like, 'We'll make an appointment to see you.' They got me right in, they made me feel comfortable, they made me feel like it's not your fault. I love them for that. They was very supportive throughout the whole thing. Very supportive. (Participant S27)

It was a good experience. It helped me talk about the feelings and things connected to the part that I basically had bottled up. (Participant S17)

Likewise, when we interviewed the advocates, they highlighted how the notification meetings were stressful, so their first focus was supporting survivors' emotional well-being. A CODIS Hit Re-Engagement Victim Notification opens many complex legal issues—DNA testing results, identification of the assailant, possible re-investigation and prosecution—and these matters can quickly dominate the discussion, so the

⁹ For Goal 4, we will not be reporting thematic percentages because when we interviewed survivors and advocates, we asked them to describe important and meaningful aspects of their experiences receiving or providing advocacy services. If a survivor or advocate did not mention a specific service experience (e.g., provision of emotional support), it does not mean that this service was not provided, and thus, descriptive percentages could be misleading.

advocates described how important it was to give their full attention to the survivors' emotional needs. For example, one advocate explained how they convey their support:

I think it's like a soft spot in the notification process, like somebody to look at when you need a tissue to cry, somebody to look at when you get the vibe like I need to talk to after. And you're like, I got you. We're totally going to talk after. (Participant A3)

Another advocate elaborated on how embedding advocacy services in all aspects of victim notification can help refocus everyone's attention on the well-being of survivors. She described a follow-up notification meeting she attended with another advocate and how her colleague helped the survivor:

It was a comfort of having [Advocate #1] in the room with a bunch of new people. [Advocate #1] was there, like sitting right next to her... when she started crying and [Advocate #1] could give her a tissue. And I think there were also some moments when the questions were getting really specific and the survivor was really trying to remember like, 'Oh, was this, this case, this case? I don't know.' And [Advocate #1] was sort of there to say, 'Take your time. It's okay. These questions are hard. Don't worry if you can't remember perfectly.' And so I think like providing that emotional support and also sort of stepping in to say like give her a little space, like give her some more time to think about it rather than just sort of like rapid fire questions. (Participant A4)

Advocates noted that legal issues dominate victim notification meetings, as detectives ask questions that cast survivors' minds back in time to the assault, but those questions also raise complex issues for the future. As survivors' thoughts and feelings are pulled back and forth across the years, advocates are focused on helping them feel safe and grounded in the present. These early moments of support and intervention were foundational to the close, trusting bonds survivors formed with their advocates.

Confidential Communication and Consultation. The advocates were able to offer confidential communication to survivors because they were community-based (not system-based) advocates funded by VOCA/VAWA. This confidentiality provision meant that discussions between survivors and advocates were private and could not be shared with anyone—including the detectives, prosecutors, or other legal personnel—unless survivors gave permission for information to be released. The intent of such policies is to provide survivors with a safe space to talk freely, to ask questions, and to discuss their options without

fear or judgment. Advocates noted that they explain the confidentiality provision to survivors as soon as possible so they understand how their role is different; for example,

I usually just say, I'm your advocate. I ask them if they know what an advocate is. Some say yes, some say no. If they don't know what an advocate is, I kind of tell them that I'm their support person. I let them know that I'm working with a prosecutor's office in regards to their case, but my main concern and focus will be them. So everything that's said between me and them is strictly confidential I'm there for them as much or as little as they may need. If they need someone to be able to process with about the case or the assault, or just to have somebody to vent to, that they have ... that is what my role is. Again, this is as much or as little as they need in that moment.
(Participant A6)

When we asked survivors if and why confidential advocacy was important to them, one survivor captured the sentiments of many when she said: “[It made me feel] safe. Yes, it made me feel like I could talk to them about anything knowing that it's not going to get out” (Participant S27).

Confidential communication with advocates was important to survivors throughout their entire re-engagement experiences, but survivors indicated it was particularly helpful as they were processing what happened in the notification meeting and deciding whether to re-engage with the criminal legal system. The advocates emphasized to survivors that this was their decision to make, and they would support whatever they decided was best for them. As one advocate described:

First of all, my most important message to them [survivors] was that they did not have to go through any of it if they didn't want to, that it was completely within their control. And sometimes I think that that message isn't the most important message for the prosecutors and the investigators. It doesn't always come across. (Participant A8)

The message that survivors have the choice whether to re-engage was not always clearly and consistently communicated, particularly in cases in which the DNA testing results revealed that the assailant was a suspected serial offender. In those situations, detectives and prosecutors were eager to move forward, which was certainly a welcome reprieve from the blame, disregard, and neglect survivors had received before. However, what they communicated and how they communicated it often left survivors feeling pressured to re-engage. As one advocate recounted:

I'd honestly say every time the perpetrator has multiple cases, yes because of how much the prosecutor's office emphasizes that to the survivor... the fact that the person is a serial rapist, they'll definitely mention that a handful of times to make the survivor feel like, 'You're doing this for everybody else too, not just yourself' and maybe that's not their intention, but that's the vibe that I get when I hear them talking about it like that. (Participant A3)

The survivors affirmed that the detectives made them feel like they had an obligation to participate in serial assault cases; for example:

I looked in [the detective's] eyes ... [They] really wanted to get that guy off the street. I'm like okay. I looked [them] in the eye like yes I will. [They were] really desperate. [They were] really desperate to get that guy off the street. I'm like okay. I thought about it and I'm like okay I'll do it. (Participant S26)

Similarly, another survivor explained how she interpreted the information provided by the detectives:

I just kept saying to myself, 'I have to. I have to do it for these women that are, I guess, past the statute of limitations.' They couldn't prosecute because it was so long ago ... they had told me that a serial rapist had done it to other women, and their cases had gone by too long, that they couldn't do anything about it, which I thought was terrible. (Participant S13)

This quote conveys how much information the detective shared with the survivor—the testing suggested the offender was a serial offender, the offender was linked to other sexual assault cases, and those other cases were beyond the statute of limitations and could not be prosecuted so those other survivors would not have an opportunity to see justice. How much information is needed to make a truly informed decision is an open question, but at the very least, each of those details was a heavy weight for the survivor to carry. The advocates had to explain to survivors that re-engagement truly was their decision, and if they felt pressured to comply, they could take the time they needed to evaluate what was best for them. As this advocate explained:

[Survivors] always ask me, 'Do I have to do this?' And I'm like, 'Well, I thought the detective told you that you didn't have to ... this is your choice.' A lot of times they end up still doing it, because I feel like there's that pressure from prosecution. And it's like, 'Well they found the DNA in more than one rape kit, so your testimony would be very helpful for other women' and they're like, 'Well

I guess, I'm not doing it for me. I'm doing it for them.' ... My goal is not to get the perpetrator prosecuted. My goal is to make sure that the survivor is safe, comfortable and feels advocated for. (Participant A3)

Survivors needed a safe, confidential space to process what they had learned and to decide what was best for them. What the legal system may want from survivors could be different than what they need for themselves and their health and well-being, and the advocates' role is to help survivors understand their options and support their agency.

Court Accompaniment and Advocacy. All survivors we interviewed ultimately decided to re-engage with the criminal legal system and all cases were charged. Court proceedings are often confusing and intimidating, so a key component of advocacy services is demystifying the process and helping survivors prepare for court appearances. After they had made their decision to re-engage with the legal system, many survivors felt anxious and unsure about what would happen next, as this survivor summarized:

[when the CODIS hit came back] I think I was relieved but at the same time still afraid. I never had to go through trial for court or anything like that ... It was like, what do I say, what do I do. Like I said, [my advocate], she was so nice. She helped me along the way. She was very nice. She contacted me every time something ... every time I had to go to court, she was there. She was there. Yes, that was very helpful. Yeah, very helpful. (Participant S31)

Survivors were worried about what to say, what to do, and what would happen next, and they often remarked how helpful their advocates were in explaining court processes. In our interviews with the advocates, we asked them how they prepare survivors for court:

One of the things I did do, I set up a group to walk them through the criminal justice system because they didn't have an idea ... a lot of them had no idea of what was going to happen. To ease some of that pressure, I set up a group and I had detectives and prosecutors from SAK come in and tell them what their roles were and what they expected, or what they were going to do or what they were going to see with the court system. I had somebody from the state lab come in and talk about what their role is. I walked them through the whole system as a group. It worked out well because they began to learn what was getting ready to happen before it happened... the whole process. At a later date, I had a judge come in. I feel like I really ... I've gotten a lot of them

to the point where they ... I wanted them to be empowered, I wanted them to know, I wanted them to go out here and pick up another person, another assault person and be able to tell them with some confidence what's going to happen to them or help them through it. I really feel good about what we're doing and what this agency is allowing me to do with that. (Participant A14)

Advocates also mentioned that they felt it was their responsibility to forewarn survivors about how difficult court may be and how they may be treated by legal personnel. As these two advocates described:

I do feel it's our responsibility. But it's disheartening ... It's difficult for me personally ... trying to explain to survivors that the justice system isn't set up for survivors to be successful, is very hard. (Participant A5)

I would also give them a very clear picture of what it looks like, what the process looks like. That it's not a quick thing. And it's a grueling examination. Trials can be very, very tough. (Participant A8)

Survivors appreciated that the advocates were honest and direct about how they might be treated in court:

She told me that they're going to come at you, they're going to ask you questions, they're going to try to make it feel like it was your fault. They're going to try to play all of those little mind games, but you know better than that, and you answer every question ... What I did was, I answered every question yes or no. If they asked me, 'Did this sexual thing happen?' I would say three times. I wouldn't go into specific because I was uncomfortable with it, but I answered the questions. (Participant S7)

Advocates accompanied survivors to court hearings and other appointments to provide emotional support and intervention, if needed. Survivors highlighted that having an advocate present from the first victim notification meeting all the way through court sentencing was tremendously helpful to them, and that steady support was critical to their re-engagement, as one survivor described:

I'm lucky I had them there, their support. Because doing it by myself, I wouldn't have made it. I'm wouldn't get through it. I'm going to just be honest, I'm wouldn't get through it, I would have broke, I would have crumbled. You know? So having that type of support and people that care about you, your feelings and what happened to you. That was amazing. And I thank everybody for it.

That was amazing. Just to be there every step of the way with me. I thank them for that. Thank them for having my back, being in my corner when I really needed the most. So that's the important thing. (Participant S27)

Likewise, the advocates also mentioned that accompaniment was a central part of their work:

During the process, they have very limited support, and knowing that I'm a constant, which is something that's new to them, knowing that not everybody is going to leave them, and building up that self-esteem, it does them wonders, like, okay, I can do this. She has faith in me. I tell every single one of my clients, 'We're in this together. You're not in this alone.' (Participant A12)

In many of these backlog cases, survivors did not want their family and friends present for court hearings either because they had not told them about this assault or if they had, these people had not believed them or supported them. Thus, the advocate was in many instances the sole and primary source of support for survivors. Further, survivors emphasized how much they appreciated continuity in advocacy services. The vast majority of victims had one advocate ("their" advocate) who worked with them for all hearings and appointments. Survivors noted it was problematic when this was not the case, as they were seeking not just the physical presence of an advocate but the personal connection with "their" advocate.

As one of these survivors described:

One time you will see this advocate, the next time you will see another one ... It should just be one person but I guess all the people don't have one specific person for a client... since they switched up advocates with me I didn't really pretty much say too much of anything. I let them talk to me, tell me. They ask me do I know different things and what it meant, this is pertaining to court. I tell them no. They tell me about it. I just let them talk, because like I said, I don't like talking to different people starting over and over and over. That's what kind of got me. (Participant S20)

Survivors needed someone who was unequivocally "their person" for information and support throughout their court case. Most survivors had never experienced court proceedings of this type, duration, or intensity. For advocates, these kind of court cases are frequent occurrences in their careers, and they had considerable knowledge and expertise that helped ease survivors' distress.

Assistance With Other Life Needs. Given that that these notifications were unexpected reactivation of traumatic memories, advocates asked survivors if they wanted help connecting to counseling services to address their trauma symptoms, but many clients did not want such help. Here, an advocate explains why many survivors in backlogged cases did not want counseling:

And that seemed to be a general theme that counseling could be helpful, but that wasn't really utilized in the way that we thought it might be because the majority of people did not want counseling. I think it was mostly that they just wanted as little to do with the process as possible, because they just wanted to get this done and the court part done, and they were just so focused on that, that they thought that that would be the most important to their version of what they thought would be justice ... I think in general, people have mixed feelings about counseling and what that looks like, what that is. And maybe that it's been so long that they just kind of have been dealing with life the way that they have been. And it's kind of hard to start to bring up all those things in counseling and kind of start over in a way. (Participant A11)

Building on this idea that backlog assault cases are different from current cases, another advocate noted that these survivors had already found ways to live with the aftermath of the assault, and they may not want to re-open the trauma any more than necessary. Survivors were eager to get back to their lives and to leave this incident behind them, as this advocate explained:

I think honestly the main difference is survivors from the backlog, [the assault is] not at the forefront of their brain right now anymore. They have other things they're dealing with that seem to be more pressing than this, because it's something that happened so long ago versus survivors that have just been recently assaulted. It's like, I'm still dealing with this. I have to figure out my health. I have to make a doctor's appointment. I have to figure out if I caught anything from the perpetrator. I have to move my work schedule around so that I could deal with this. Am I going to file a PPO? Am I going to do a restraining order? I have meetings with my detective right now. I'm waiting on my kit to get processed. All of that is happening live, right now, versus the survivor from the backlog, all of these things have already been dealt with, if they chose to deal with it, 10, 15, 20 years ago. Now it's like, if they did deal with it, and they moved on, and they developed healthy coping mechanisms, and it doesn't affect their life anymore, and they've moved on from that, that's great. Now the main thing is, I got to get this court case out of the way, and then, whatever. Other times this person has done such a good job suppressing it, not dealing with it, losing faith in the system, probably have been revictimized multiple times by the time this happened. So it definitely takes a lot more to get them emotionally engaged, because they've

worked so hard to detach themselves from the situation, right? Versus if you've been assaulted now. (Participant A3)

The survivors echoed this sentiment in their interviews—mental health support services were not a focal need and they wanted to return to the issues that mattered in their current lives, as this survivor noted:

Call somebody else ... Some people actually need that help and support after something like that happens. I'm not one of those ones that's suicidal and going to be sitting there, and hiding ... Go ahead call another person. Don't waste your time calling me because you're basically just bothering me right now. So just go ahead and deal with one of the ones who actually need the help and support like that. And need to get past that fence and that barrier that they have up. I'm fine. (Participant S8)

Advocates reiterated the importance of listening to their clients and trusting that they truly are the experts of their own lives and know what they need. Advocates can offer services, but they need to respect survivors' decisions about what they do and do not want to do:

I've long since learned that following the lead of the client, not the lead of the detective. If the client does not want the services, I only ask that they allow me to contact them periodically to follow up to see how they're doing and if there's anything I can do to assist them with anything. (Participant A14)

Survivors indicated that they needed and wanted help in other domains of their lives, such as childcare, housing, education, employment, financial help, and government assistance. The advocates noted that survivors in backlogged cases often had more pressing tangible needs than many of their current-case survivors; as one advocate explained:

Well, I think that [backlog] survivors definitely have a lot more needs I feel as far as financial advocacy, housing, educational. We've come across situations where, especially with some of the [backlog] survivors who may have been in their teens when they were assaulted, you have the sense of they no longer have a relationship with their family, so having to deal with that. They may have quit school because it was just too hard for them and they didn't have any support. So being able to get them back on track of what would you like to do, we had a number of survivors say, well, I want to go back to school. So trying to get them back on track in regards to that, trying to help them out with financial advocacy and housing and things like that. When I say financial, a

lot of times I'm saying financial in regards to helping them to pay for the rent or helping them pay for utility bills and things like that because there's a lot of [backlog] survivors are having issues with housing right now. (Participant A6)

Because trauma has long-term, wide-ranging effects on survivors' lives, these victims had been experiencing significant stress and disruption for years, and their social support and resource networks were strained or virtually non-existent. In our interviews with survivors, they expressed relief and gratitude that the advocates could help them with more than just their court cases:

She was calling, checking on me, calling and seeing if I needed anything, because I was in the process, I was still in the process of moving, so she was calling and checking on me, helping me find an apartment. (Participant S12)

They help with resources. They help with housing. They help people overcome barriers to get a job. Temporary employment, they help you with resume writing and they really support women there and things like that. (Participant S26)

Advocates continued to maintain contact and provide comprehensive advocacy services to survivors long after their court cases ended. As they emphasized to their clients in their first meeting, they were there to help them with whatever they needed, for as long as they needed.

Limitations

This research was conducted in Detroit, Michigan, which is one of many U.S. cities with large numbers of previously-unsubmitted SAKs. However, Detroit is not representative among U.S. cities, as it is unusually racially homogeneous (78% African American in the 2020 Census), with a high violent crime rate (highest rate in the nation, per 2019 FBI data) and severe economic hardships. Given these unique features, it is important to consider how the results of this project may or may not generalize to other communities. When the Detroit SAKs were submitted for testing, they yielded a substantial number of CODIS hits. Although the number of CODIS hits emanating from Detroit's kits seems quite high, the rate of return was actually similar to studies conducted in communities with more racial/ethnic and economic diversity (Lovell et al., 2018; Lovell et al., 2020; Strom et al., 2018; Whisman & Roberts, 2017). In addition, emerging research on untested SAKs in small urban and rural communities has documented

similarly high CODIS hit rates (Campbell et al., 2020). In other words, Detroit's SAK testing results are not unusual, and practitioners should expect a substantial number of CODIS hits (proportional to community size); therefore, they should have robust plan for CODIS Hit Re-Engagement Victim Notifications. Given that most states have statute of limitations laws, it is reasonable to prioritize cases with CODIS hits, and this appears to be common practice in other communities (SAKI, 2018). In this project we had hoped to study not only CODIS Hit Re-Engagement Victim Notifications but also FYI Victim Notifications and 404(b) Participation Victim Notifications; however, in the 45 months of this grant's period of performance, Detroit stakeholders were still processing CODIS hit notifications. We acknowledge this limitation in the scope of this study and caution that our findings should not be generalized to other types of notifications (i.e., FYI and 404(b) notifications). Our results suggest that the legal implications of a notification are quite important to survivors and affect how they react and what decisions they make; as such, the findings would not be expected to generalize to notifications with strikingly different legal parameters.

The ways in which Detroit stakeholders conducted CODIS Hit Re-Engagement Victim Notifications were influenced by different community and contextual features, some of which may not be as salient in other jurisdictions. For example, Detroit stakeholders discussed at length how to reach out to survivors in a trauma informed way, given that many did not have phones (or consistent and reliable phone access), and many lived in neighborhoods with high rates of community violence. Given this context, the protocol stipulated that outreach would be made in person, by detectives affiliated with the prosecutor's office (not the city police who took survivors' initial reports), and advocates would not be physically present due to safety concerns. Half of the survivors we interviewed were notified in this way, and most did not have a favorable assessment of this method. It was frightening and upsetting to have law enforcement personnel come unannounced to their homes. Detroit has a long, painful history of tension and violence between its police and citizens, and this context likely affected how survivors reacted. Given that many other U.S. cities also have strained relationships between law enforcement and community members, the results of this project offer a cautionary tale for planning active outreach protocols and sole reliance on police personnel as notifiers. In this study, survivors who were contacted by phone (which was the 'back up' method) reacted more positively to that type of outreach, and we encourage future evaluations of protocols that utilize phone and mail contact more extensively to

understand the potential benefits of these notification strategies. Regardless of the method of outreach used, the survivors we interviewed were emphatic that advocates should be included in all outreach efforts to survivors.

Once the survivors in this community had been notified about the CODIS hit associated with their SAK, we had hoped we might be able to interview them about their notification experiences and then conduct additional prospective interviews as their court cases unfolded. However, we could not have contact with survivors during their legal proceedings because members of the research team could have become a party to the case and called as witnesses. Any communications with the research team would be protected by our DOJ Privacy Certificate and could not be disclosed, but the county prosecutor did not want to risk such complications and our IRB stipulated that we could only interview survivors after their cases were adjudicated. That stipulation meant that we had to wait for their cases to be adjudicated, which took months and sometimes years. Participation rates tend to be lower in studies that defer recruitment until services (broadly defined) are completed (see Campbell et al., 2011 for a review), and the patterns in this study are consistent with those trends. Recruiting survivors was challenging, and agency advocates were unable to reach most eligible participants to explain the study and request their participation. Thus, we acknowledge the low response rate in the study, while noting this is a challenging limitation to prevent. In the case of conducting research with survivors of sexual assault, there are ethical and legal barriers that prohibit other recruitment methods that tend to yield higher participation rates.

Furthermore, we need to look more closely at patterns of non-response that we documented in this study. The survivors who were unreachable were more likely to have had their cases end in not-guilty verdicts, so this study's sample over-represents survivors whose cases were settled by guilty pleas or trial convictions. In fact, 31 of the 32 survivors we interviewed had their cases resolved by a guilty plea or trial conviction, which is extraordinarily atypical among survivors who engage with the criminal legal system (see Spohn, 2020 for a review). The vast majority of reported rapes are never charged by prosecutors, so this study presented a rare, but important, opportunity to document survivors' court experiences. Our findings suggest that case outcome (i.e., distributive justice) certainly affects the extent to which survivors felt they received justice, but this is not the sole determining factor in how they define justice, healing, and closure. Procedural justice and retributive justice also affected the extent to which survivors felt the court

experience provided restorative justice. Because this study drastically under-represents cases that ended in not-guilty verdicts, we do not know how these court experiences unfolded and the extent to which these survivors felt they received justice. Likewise, we do not know about whether the advocacy services they received were adequate and helpful. To protect the confidentiality of survivors' information, the advocates had to make the initial outreach to survivors, and if survivors whose cases ended in not-guilty verdicts felt upset or angry with their advocates, that may have affected their willingness to return phone calls (and thus engage in this study). Future research is needed with survivors who had different case outcomes, as well as those who declined to re-engage after testing revealed a CODIS hit.

Conclusions

With these limitations noted, the results of this project offer practical guidance for other jurisdictions who will be conducting CODIS Hit Re-Engagement Victim Notifications. We developed a series of four infographics that highlight key findings and recommendations from this project (see Appendix C). As more jurisdictions throughout the U.S. begin testing previously-unsubmitted SAKs, more VAWA-funded advocates will be called upon to help survivors as they face difficult decisions about re-engaging with the criminal legal system. Our findings suggest that integrating confidential community-based advocacy services into all aspects of the notification and re-engagement process is critical for supporting survivors' well-being and promoting justice.

ARTIFACTS

List of Products (current to 7/1/2022)

Infographics (4)

“Tips for Advocates on How to Support Survivors with Previously Untested Sexual Assault Kits”

“Types of Justice”

“Factors That Matter to Survivors When Re-Engaging with the Criminal Legal System”

“Recommendations for Trauma-Informed Victim Notifications”

Publications (6)

Campbell, R., Goodman-Williams, R., Engleton, J., Javorka, M., & Gregory, K. (under review). Open science and data sharing in trauma research: Developing a trauma-informed protocol for archiving sensitive qualitative data. Submitted to *Psychological Trauma: Theory, Research, Practice and Policy*.

Campbell, R., Goodman-Williams, R., Javorka, M., Engleton, J., & Gregory, K. (under review). Understanding sexual assault survivors’ perspectives on archiving qualitative data: Implications for feminist approaches to open science. Submitted to *Psychology of Women Quarterly*.

Campbell, R., Gregory, K., Goodman-Williams, R., Engleton, J., & Javorka, M. (under review). Organizational readiness and response during COVID-10: Reflections from a sexual assault agency on how the urban digital divide affected African American survivors. Submitted to *Violence & Victims*.

Campbell, R., Javorka, M., Engleton, J., Goodman-Williams, R., & Gregory, K. (2022). Post-assault healthcare for sexual assault survivors during COVID-19: A mixed methods analysis of service rates in a predominately African American community. *Journal of Interpersonal Violence*. Advance online publication. <https://doi.org/10.1177%2F08862605221098963>

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Javorka, M., Engleton, J., Goodman-Williams, R., Gregory, K., & Campbell, R. (2022). The impacts of COVID-19 on criminal legal proceedings and legal advocacy for sexual assault survivors *Victims & Offenders*. Advanced online publication. <https://doi.org/10.1080/15564886.2022.2038319>

Data Sets Generated (2)

Campbell, R. et al. (2022a). *Evaluating A Victim Notification Protocol for Untested Sexual Assault Kits: Sexual Assault Survivor Interviews (N = 32)*. Submitted to the National Archive of Criminal Justice Data.

Campbell, R. et al. (2022b). *Evaluating A Victim Notification Protocol for Untested Sexual Assault Kits: Sexual Assault Advocate Interviews (N = 12)*. Submitted to the National Archive of Criminal Justice Data.

Dissemination Activities (5)

Campbell, R. (2019, August). A trauma-informed approach to open science. In S. Cook & R. Goodman-Williams (Chairs), *Methodological and ethical considerations in sexual assault research in the age of open science*. Symposium presented at the American Psychological Association, Chicago, IL.

Engleton, J., Javorka, M., Gregory, K., Campbell, R., & Goodman-Williams, R. (2021, November). What do sexual assault survivors want from the victim notification process? Paper presented at the American Society of Criminology, Chicago, IL.

Engleton, J., Javorka, M., Goodman-Williams, R., Gregory, K., & Campbell, R. (2022, November). Justice received? Perspectives on justice through the criminal justice system from sexual assault survivors with previously untested SAKs. Paper to be presented at the American Society of Criminology, Atlanta, GA.

Goodman-Williams, R., Campbell, R., Engleton, J., Javorka, M., & Gregory, K. (2022, June). Whose story is it? A trauma informed approach to open science and qualitative data. Paper presented at the Society for the Psychological Study of Social Issues Conference, San Juan, Puerto Rico.

Javorka, M., Engleton, J., Goodman-Williams, R., Gregory, K., & Campbell, R. (2021, November). "They let me down:" Sexual assault survivors' reactions to untested sexual assault kit (SAK) notifications. Paper to be presented at the American Society of Criminology, Chicago, IL.

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APPENDIX A: OPEN SCIENCE & DATA ARCHIVING STUDY

Creating a Trauma Informed Protocol for Archiving Sensitive Qualitative Data

Summary Abstract

Objective: The open science movement seeks to make research more transparent, and to that end, researchers are increasingly expected or required to archive their data in national repositories. In qualitative trauma research, data sharing could compromise participants' safety, privacy, and confidentiality because narrative data can be more difficult to de-identify fully. There is little guidance in the traumatology literature regarding how to discuss data sharing requirements with participants during the informed consent process. Within a larger research project in which we interviewed assault survivors, we developed and evaluated a protocol for informed consent for qualitative data sharing and engaging participants in data de-identification.

Method: We conducted qualitative interviews with $N = 32$ adult sexual assault survivors regarding: 1) how to conduct informed consent for data sharing; 2) whether participants should have input on sharing their data; and 3) whether they wanted to redact information from their transcripts prior to archiving.

Results: No potential participants declined participation after learning about the archiving mandate. Survivors indicated that they wanted input on archiving because the interview is their story of trauma and abuse, and it would be disempowering not to have control over how this information was shared and disseminated. Survivors also wanted input on this process to help guard their privacy, confidentiality, and safety. None of the participants elected to redact substantive data prior to archiving.

Conclusions: Engaging participants in the archiving process is a feasible practice that is important and empowering for trauma survivors.

Exploring Sexual Assault Survivors' Views on Data Sharing

Summary Abstract

The open science movement has framed data sharing and archiving as necessary and achievable best practices for high quality science. Feminist psychologists have complicated that narrative by questioning the purpose of data sharing across different paradigms, methodologies, and research populations. In these debates, the academic community has centered the needs and voices of researchers, and participants' perspectives are largely missing from this literature. In this study, we sought to understand how research participants feel about sharing qualitative data on a sensitive subject—sexual victimization. As part of a participatory action research project, we conducted qualitative interviews with sexual assault survivors about their post-assault help-seeking experiences. The federal funding agency that supported this project requires researchers to archive de-identified data in a national data repository. All participants consented to archiving data, and the vast majority expressed positive views about data sharing because they wanted to help other survivors. Participants emphasized that our participatory action research approach and our shared goals of helping survivors were important considerations in their decisions regarding data sharing. These findings suggest that the reasons why participants agree to share their data are important to explore in scholarship on open science practices.

APPENDIX B: IMPACT OF COVID-19 ON SEXUAL ASSAULT SERVICES STUDY

Impact on Post-Assault Medical Forensic Exams and Counseling

Summary Abstract

This study examined how the COVID-19 pandemic affected sexual assault healthcare services in a predominately African American U.S. city. In mixed methods research design, we used quantitative interrupted time series modeling to evaluate changes in service rates for three core post-assault healthcare services—medical forensic exams (MFEs), medical advocacy MFE accompaniment, and counseling—from January 2019 through June 2021. We also conducted qualitative interviews with 12 sexual assault advocates to understand how their clients were impacted by COVID and how their agency adapted services to respond to the needs of their community. Both the quantitative and qualitative data revealed marked disruptions in service provision. The number of MFEs, medical advocacy accompaniments, and counseling sessions significantly decreased during the pandemic's initial surge, and survivors feared seeking hospital-based healthcare due to concerns that they might contract COVID-19 in hospital emergency departments. The number of MFEs performed by program staff did not return to pre-pandemic levels during this study's observation period, but the number of medical advocacy accompaniments and counseling sessions did significantly rebound. Counseling services eventually exceeded pre-pandemic levels as agency staff supported clients with both assault- and COVID-related trauma and loss. These results underscore the need for community-based sexual assault healthcare services, so that if public health emergencies limit the availability, accessibility, and safety of hospital emergency department care, sexual assault survivors have other settings for obtaining post-assault healthcare.

Impact on Criminal Legal Cases and Legal Advocacy

Summary Abstract

This study examines how sexual assault criminal legal proceedings and victim advocacy services for survivors have been impacted by the COVID-19 pandemic. We interviewed 12 victim advocates at a sexual assault service organization in a large Midwestern city that was particularly impacted by the pandemic. Results indicate that there have been major disruptions to sexual assault case timelines and communication with victims. Victim advocacy for survivors has also been affected, especially the provision of court advocacy and accompaniment. We discuss implications of these findings for sexual assault survivors, service providers, and future emergency preparedness planning for the criminal legal system.

Impact on Survivors' Engagement With Advocacy Services

Summary Abstract

Sexual assault advocates provide support to survivors as they navigate medical, legal, housing, and other complex systems. However, social distancing measures enacted in response to COVID-19 forced changes to traditional advocacy services. The current study aimed to understand how the COVID-19 pandemic transformed survivors' engagement with sexual assault advocacy services. Semi-structured interviews were conducted with twelve sexual assault advocates from a community-based sexual assault victim service agency in Detroit. Thematic analysis was employed to uncover emergent themes reflecting COVID-19's impact on survivors' engagement with advocacy services. Three themes were identified: 1) Disruption to advocacy services; 2) Difficulty obtaining tangible resources; and 3) Desire for COVID-related support, information, and resources. This study highlights the needs of sexual assault survivors during the COVID-19 pandemic and explores how public health emergencies have the potential to exacerbate the needs of this vulnerable population. Implications and future directions for service provision and research are considered.

Impact on Organizational Readiness

Summary Abstract

Victim service organizations have had to establish remote/telehealth services during the COVID-19 pandemic. We conducted $N = 12$ qualitative interviews with sexual assault advocates working in an urban agency in a predominately African American U.S. city to understand how they adapted services to meet the needs of their community. A thematic analysis of these transcripts revealed this organization was under-prepared for prolonged interruption of in-person services. Even though this agency was able to create telehealth options, many clients did not have the financial and technological resources to utilize these services. Advocates reported that survivors expressed a strong preference for in-person services, which afford more privacy and confidentiality. The pervasive digital divide within this urban community limited survivors' access to comprehensive services and jeopardized their safety.

APPENDIX C: INFOGRAPHICS

“Tips for Advocates on How to Support Survivors with Previously Untested Sexual Assault Kits”

“Types of Justice”

“Factors That Matter to Survivors When Re-Engaging with the Criminal Legal System”

“Recommendations for Trauma-Informed Victim Notifications”

TIPS FOR ADVOCATES ON HOW TO SUPPORT SURVIVORS WITH PREVIOUSLY UNTESTED SEXUAL ASSAULT KITS

CRISIS INTERVENTION AND EMOTIONAL SUPPORT

- Connect with survivors during or immediately after notification
- Explain the role of the advocate and offer emotional support
- Focus your attention on what the survivor needs

They called me after [the detective had made the notification]. They was very supportive. They was there. They was like, 'We'll make an appointment to see you.' They got me right in, they made me feel comfortable, they made me feel like it's not your fault. I love them for that. They was very supportive throughout the whole thing. Very supportive.

CONFIDENTIAL COMMUNICATION AND CONSULTATION

- Create a safe space to speak freely and without judgment
- Give survivors a space to process what they have experienced to help them decide what is best for them

Yes, it made me feel like I could talk to them about anything knowing that it's not going to get out.

COURT ACCOMPANIMENT AND ADVOCACY

- Help survivors understand and prepare for court appearances
- Provide clear, direct information on what to expect from the legal process
- Offer emotional support during the court process

[When the CODIS hit came back] I think I was relieved but at the same time still afraid. I never had to go through trial for court or anything like that ... It was like, what do I say, what do I do. Like I said, [my advocate], she was so nice. She helped me along the way. She was very nice. She contacted me every time something ... every time I had to go to court, she was there. She was there. Yes, that was very helpful. Yeah, very helpful.

ASSISTANCE WITH OTHER LIFE NEEDS

- Offer survivors assistance with other domains of their lives, such as childcare, housing, education, employment, financial help, and government assistance
- Maintain contact and offer services to survivors after their court cases are closed

She was calling, checking on me, calling and seeing if I needed anything, because I was in the process, I was still in the process of moving, so she was calling and checking on me, helping me find an apartment.

KEY FINDING:

PROCEDURAL JUSTICE IS CRITICAL TO SURVIVORS' HEALING.

Being treated fairly and being supported by those involved in the criminal justice system matters.

TYPES OF JUSTICE

PROCEDURAL JUSTICE

The perceived fairness of the process and the manner in which victims are treated by criminal legal personnel



I'm not saying it was a very pleasant experience, but I'm glad to the people that helped me through it. The prosecutors, it was very kind. The advocate was awesome, the detectives I know, went beyond their jobs... To me, I will say, it wasn't a pleasant journey but it was comfortable.



DISTRIBUTIVE JUSTICE

The perceived fairness of the case outcome



We [were] there for a while and eventually they said the verdict and we went back down to the courtroom and they said they found the guy guilty. I was happy. I felt so happy. I [have] never felt so much joy in all my life.



RETRIBUTIVE JUSTICE

The perceived fairness of the offenders' punishment



He needs to just go to prison for the rest of his life. ... You did something to me. I did nothing wrong to you. You need to be punished for what you did.



RESTORATIVE JUSTICE

The extent to which court experiences contribute to survivors' healing and closure



The judge gave me a moment to speak on my experience... whatever I wanted to say to the jury, and the courtroom about what happened... I did that, and they sentenced him and that was that... It was like a moment of empowerment. To let him know that, Yes. You did this to me, but I did not let it destroy me. I am just fine, and I am carrying on with my life.



FACTORS THAT MATTER TO SURVIVORS WHEN RE-ENGAGING WITH THE CRIMINAL LEGAL SYSTEM

FOR
OTHERS

**PROTECTING THE
COMMUNITY AND
PREVENTING MORE HARM**

“

After he raped me, he raped other women around Detroit, too. I wasn't the only one he raped like that, you know, so I had to get him off the streets. I had to for myself as well as everybody else.

FOR
SELF

**SEEKING JUSTICE
AND CLOSURE
FOR THEMSELVES**

“

Closure. I wanted closure. I don't want to live in fear. To know that this person that harmed me in some type of way, violated me, did what he did, he's behind bars. Closure on that part.

RECOMMENDATIONS FOR TRAUMA-INFORMED VICTIM NOTIFICATIONS

