

Engaging Sexual Assault Victims to Improve Justice Outcomes: Factors to Consider

The information in this brief applies to cold case sexual assaults as well as current case sexual assaults. Mentions of sexual assault apply to both types of sexual assault cases.

Engaging sexual assault victims in the criminal justice process can be a complex effort. The initial contact with a sexual assault victim may be made by a law enforcement officer and a victim advocate team, a law enforcement officer trained in trauma-informed approaches, or a community- or systems-based advocate; this brief refers to people serving in this role as *notifiers*. As a growing number of jurisdictions across the country undertake renewed efforts to solve sexual assault cases, notifiers must follow suit by considering case- and victim-specific factors in developing guidance¹ for engaging victims about their sexual assaults.

Notifiers should consider the complex histories and current needs that may impact victims' responses, priorities, and needs. Notifiers can more effectively engage sexual assault victims in the criminal justice process by meeting victims as they are, validating their past and present experiences, and addressing immediate needs.

Notifiers should evaluate victim-specific factors when engaging survivors:

- ◆ **Safety and privacy.** Safety and privacy should be the highest priority in victim notification and engagement. Some survivors may not have told family and friends about their sexual assault or may fear retribution from their attackers, or may not want to be seen interacting with law enforcement. Notifiers should initially try to contact survivors in a way that offers respect for their privacy and safety, and then allow survivors to determine how ongoing communication should occur. Allowing victims to determine the extent of their visible engagement with law enforcement not only privileges victims' physical and emotional safety, but also may increase their willingness to participate in the criminal justice process.
- ◆ **Risk of re-traumatization.** Victims of sexual assault experience higher lifetime prevalence of clinical depression, higher rates of drug and alcohol abuse, and higher rates of post-traumatic stress disorder. It is crucial for law enforcement and prosecution to understand the effect of trauma on survivors both during and after a

sexual assault. Notifying a victim of new developments in the case can bring back the same symptoms of trauma they experienced during and following the initial attack. This may evoke flashbacks, nightmares, increased concern for safety, hypervigilance, and other post-trauma symptoms. Knowing that notification may evoke such symptoms—and may even cause victims to feel like they are reliving their assaults—helps notifiers prepare for the wide array of victim responses they may encounter. Notifiers should be prepared to connect survivors with emotional support services, as needed.

- ◆ **Current needs.** A victim engaging with law enforcement about their sexual assault might not be the victim's top priority at the time; therefore, notifiers must be prepared to meet the victim when the victim decides to engage. A victim's primary needs may be unrelated to the case or even to trauma symptoms; the top priority may be rent or food, and the victim may be unable to participate in the investigation at this point. Notifiers must recognize that the victim has their own priorities and allow the victim to express these. In the past, before law enforcement was educated about trauma-informed responses, victims who needed to deprioritize the investigation could have been labelled "uncooperative" and seen as unwilling to engage with the investigative process. Notifiers should make a careful assessment about what is being expressed and try to understand the victim's desire for how to proceed with the case. Notifiers should also be prepared to connect victims with community- and system-based resources to assist with critical needs that may impact a victim's ability to participate in the criminal justice process.
- ◆ **Secondary victimization.** Notifiers should consider the possibility of a victim experiencing secondary victimization when initially disclosing their sexual assault, which may result in negative feelings about their interactions with hospital staff members and/or law enforcement personnel following the assault. These situations may impact how victims perceive and experience additional notification and communication in

¹ https://www.bit.ly/12_key_questions_victim_notification

these sexual assault cases, and may affect their desire to participate in the criminal justice process. Notifiers should be prepared for a wide range of victim responses, be ready to answer questions about the criminal justice process, and remain open to discussing victims' concerns.

- ◆ **Risk of lifetime polyvictimization.** Victims of sexual assault are more likely to be sexually assaulted again and therefore experience polyvictimization. Victims who have experienced multiple victimizations during their lifetimes and/or multiple types of victimization—not only sexual assault—are more likely to experience trauma symptoms. These victims have higher rates of post-traumatic stress disorder, depression, and anxiety than victims who have not experienced polyvictimization. Notifiers must remain open to the victims' needs at the time of notification, particularly regarding mental health.

Notifiers must remain open to the victims' needs and provide support for those needs.

To ensure that notification is victim-centered and trauma-informed, jurisdictions must be aware of the victim-specific factors that may impact notification and re-engagement. Notifiers should be prepared to connect victims to resources and/or services that can address victim needs—including immediate, non-case-related issues and any potential symptoms of retraumatization that may arise, if needed.

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