



Victim-Centered Best Practices for Prosecutors in Sexual Assault Cases

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Disclaimers

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Fulton County District Attorney's Office SAKI Unit

Atlanta, Georgia

- First received SAKI grant in 2018.
- Julianna Peterson Eley started as SAKI site coordinator.
- Received second SAKI grant in 2020.
- Received third SAKI grant in 2021.
- In 2015, thousands of unclaimed sexual assault kits. (SAKs) were transferred from Grady Hospital in Atlanta to the Georgia Bureau of Investigation.
- By the end of 2018, the tested SAKs had resulted in nearly 200 CODIS matches.
- Initial backlog of kits have been tested and finalizing investigations from those DNA results.
- Beginning testing process of over 4000 more SAKs.



Julianna Peterson Eley
SAKI Unit Director

In 2019, a victim witness advocate in the Fulton SAKI Unit made a phone call to a victim, “CC” of a violent rape from 1989.

That call was to notify CC there was an update in her case.

The suspect, a violent serial rapist, had been **linked to at least six rapes**, and in just a few years he was scheduled to be released.

CC's case was the only case we could pursue – and was the only case that could potentially keep him from being released.

That day in 2019, the advocate was able to speak to CC:

- Explained we had an update in her case.
- Didn't force a long conversation, but gave her time to think about meeting.

A few days later, the whole team was present on speaker phone with the advocate speaking first. CC stated she had decided she had put this behind her and didn't want to meet.

Maybe in the past, an agency would have marked on a form that the victim "declined to participate" and closed a case file.

Instead, we asked CC what was making her feel that way?
We asked open ended questions, we were patient, and
we gave her space to express what she was feeling.

Within just a few minutes, she shared **this decision was
because her husband didn't want her to go forward.**

We told her we wanted to know how SHE felt—
how was she was feeling about this bombshell
30 years later?

She shared about how this rape had impacted
her when she was 18 years old, that it sent her
into a spiral, and she still felt the effects. She
remembered that day vividly.

And then she started sharing everything that had happened in her life since: the many traumas she experienced since, the health difficulties she was experiencing, but that somehow, she had persevered.

We started talking about resources that were available to her, and that our goal was to walk alongside her in this difficult situation.

That getting justice mattered, but our primary goal was also to make sure that she was doing well: mentally, emotionally, physically.

After just 15 minutes of listening and asking questions, CC had agreed to meet with the team to conduct an interview.

What 15 minutes before seemed to be a closed door, was now an opportunity to get healing help for this victim, and potentially achieve justice for this victim and many others like her.

So why are we even talking about
“Victim-Centered Best Practices”?

WHY DOES IT MATTER?

The story of CC
represents
thousands
across this
country



THE SEXUAL ASSAULT KIT INITIATIVE
IS ONE OF THE MOST POWERFUL
EXAMPLES OF WHY WE HAVE TO
CARE ABOUT BEING VICTIM-
CENTERED AS SEXUAL ASSAULT
PROSECUTORS.





In 2015, it was discovered there were over 1,500 sexual assault kits sitting at Grady Hospital in Atlanta, spanning decades.

Over 30 of the
identified offenders
were **serial rapists.**

MANY VICTIMS FACED

Homelessness

Substance
abuse

Mental health
issues

Economic
disadvantages

Domestic
violence



SOME WERE TEENAGERS WITH NO SUPPORT

SOME WERE SEX WORKERS WHO WERE VICTIMIZED BY VIOLENT SERIAL RAPISTS

WHEN WE ARE NOT VICTIM-CENTERED

We retraumatize victims

Lose the trust of the victim

Victims don't feel safe with us

Victims don't feel that we have their interests at heart

AND:

Cases close

Justice isn't done

Communities are less safe

SO WHAT CAN WE DO?

WE APPROACH EACH SEXUAL ASSAULT CASE WITH
THE INTENTION OF BEING VICTIM CENTERED, AND
INTENTIONALLY THINK ABOUT THE CASE AND THE
VICTIM FROM **BEGINNING TO END.**

FIRST ELEMENT OF WHAT THAT LOOKS LIKE:
THE FIRST TIME YOU MEET THE VICTIM IN THE
CASE, CANNOT BE THE WEEK OR DAY BEFORE
TRIAL.

BUT: THE FIRST TIME YOU MEET THE
VICTIM IN YOUR CASE WILL STILL
PROBABLY BE LONG AFTER THE VICTIM
HAS HAD THEIR FIRST CONTACT IN THE
CRIMINAL JUSTICE PROCESS.

IT'S IMPORTANT TO PARTNER WITH
LAW ENFORCEMENT SO THAT YOU
AVOID POTENTIAL ISSUES:

- 1) VICTIM BLAMING
- 2) TREATING VICTIMS LIKE SUSPECTS

AND ENCOURAGE:

- TRAUMA-INFORMED INTERVIEWS
- GETTING VICTIMS NEEDED HELP



FIRST CONTACT

As soon as you receive a case, familiarize yourself with all the information available

Have the victim witness advocate reach out to set up a time to meet immediately

Victim Witness Advocate Role in First Contact

- If you have victim advocates in your office, work with them from the beginning and view them as your partner in being victim-centered.
- The advocate should be the first person to reach out to the victim.
- As a non-law enforcement individual, it can be clear from the beginning to the victim, that the advocate's primary focus is the victim.
- Listen to your victim witness advocate: their perspective can help the prosecutor maintain a victim-centered focus.

Victim
Witness
Advocate
Perspectives

IF THERE IS A COMMUNITY BASED ADVOCATE
REMEMBER THEY HAVE A LONGER AND DEEPER
RELATIONSHIP WITH THE VICTIM THAN YOU

TOUCH BASE WITH THEM AND LEARN FROM
THEM BEFORE SPEAKING TO THE VICTIM

THEY'VE ALREADY BUILT TRUST WITH THE
VICTIM, AND KNOW ABOUT THE CHALLENGES
YOUR VICTIM IS FACING

What About Victim's Attorneys?

- Listen to them.
- They know the victim better than you.
- The victim has definitely shared fears and concerns about the legal process and you have no idea without speaking to the attorney.
- If there is a conflict between what the attorney is advocating for, and what you need to do on the case, just explain that, after carefully hearing concerns.
- No need to get frustrated.

First Contact and Interview Logistics

- Everything should be about **BUILDING TRUST**.
- Be flexible as to date, time and location of interview.
- Be willing to leave your office: get rid of the “bring the victim to me” mindset – this is not about your convenience as a prosecutor.
- Being victim-centered, means getting rid of the “lawyer ego” and approaching interactions with humility and compassion.

First Contact and Interview Logistics

- Let the victim feel like they are in control of where the interview can happen, unless there are specific safety issues.
- Do they have transportation issues? Would they have to pay for parking if they come to you? Does the courthouse feel intimidating? Would they prefer a neutral location?
- Making sure victims are comfortable with logistics and telling them you're willing to come to them, shows from the first interaction that you value them.
- Make sure they know who's going to be present: limit surprises.
- Are they comfortable around men or women?

First Meeting

- If first meeting isn't shortly before trial, you can ensure first meeting is just about getting to know each other and establishing trust, rather than getting into all of the case details.
- Start by learning about their life and living conditions.
- This establishes that we understand and care about their well being.
- Communicate this is not just about a case or getting a conviction: we care about their life and how they have been impacted.

First Meeting

Meet all victims where they are: what are the significant struggles they're facing? Because your case is probably item #103 on their priority list.

We start every phone conversation, every interview, by asking what is going on in their life so we can better understand all their life factors.

When a victim mentions a life obstacle, make it clear you are going to work with them to solve it to the best of your ability.

Why This Matters

- In Atlanta, a majority of our victims are dealing with serious life challenges: homelessness, substance abuse issues, mental health issues, and their own challenges with the criminal justice system.
- Starting from a place of compassion and lack of judgment, while aiming to walk alongside them in those challenges is both critical to changing how they have been treated in the past while also being foundational to success in the case.
- **IF YOU HAVE NO IDEA WHAT CHALLENGES YOUR VICTIM IS FACING, YOU DON'T KNOW WHAT CHALLENGES YOU HAVE IN YOUR CASE.**

Examples

- One victim's father had severe health issues and we ideally wanted him to testify but it caused severe stress for the victim and her mother. We discussed it and identified a way to get around him testifying. That built trust and helped them realize we were not only concerned about the case.
- For another victim, she had a job interview during this process, but no clothes for the interview so we arranged for clothes. This helped build trust by showing she was not just a cog in the trial.
- And of course, connecting with counseling and therapy resources.

You need to be **adaptable**



The victims in your cases are going to be different than you in many ways:

- Different ages
- Different races
- Different nationalities
- Different sexualities
- Different socioeconomic backgrounds
- Different educational backgrounds

YOU HAVE TO BE ABLE TO SET ANY DIFFERENCES ASIDE.

You need to be **adaptable**

If you cannot feel compassion for someone who is different than you, or where you feel that they have made mistakes in life:

- Your victims will know.
- You will have zero ability to connect with your victim.
- You will not be able to tell your victim's story to the jury.
- Get outside your bubble, learn more about the community and the victims you serve.

Building Trust

- Don't over promise.
- I tell every victim that I cannot promise them what will happen in the case: I cannot control judges, defense attorneys or juries.
- But what I CAN promise, is that I will always tell them the truth.
- And what I can promise is that we will work harder than everyone else to bring them justice.
- REMEMBER: Their trust system has been broken, when you make a promise, follow through.
- You can say a lot of things – they need to see and experience that you will keep your word.

Empowering Victims With Information

ENGAGING VICTIM IN CASE:

- If there are multiple victims on the case, tell them that.
- Empower them to know the impact their involvement can have on others.
- If there is DNA in the case, talk to them about that, let them know.
- You don't need to keep the victim in the dark about the case, beyond what they cannot know.
- If there's information I can't tell them, I explain why.

Empowering Victims With Information

WHAT ARE THEIR CONCERNS?

- Be prepared to discuss whether defendant is in custody or not, and what your office will do to keep them safe.
- Almost every victim will want to know if they will have to face the defendant in court.
- What is your plan to make them FEEL safe? Is there anything that might help? Being walked from car to courtroom?

End of First Meeting

- Set expectations for next steps.
- Walk them through the legal process.
- Talk about different case outcomes, including trial, so they know they might have to see defendant, but try to make it clear we're taking the case one step at a time.
- Explain their rights as a victim in the court process.

End of First Meeting

- How often will they hear from you?
- How often do they WANT to hear from you?
- Give them some time just with the advocate to establish relationship.
- Let them know about resources.
- ENCOURAGE THERAPY.
- Give them plenty of time to ask you questions.
- Let them know if they think of questions later, they can always reach out.

Consistency of Prosecutors

- We all know that prosecutor assignments can change, and people leave for different jobs.
- However, if it is at all possible, try to avoid turnover in prosecutors on sexual assault cases. It is very hard for victims, after they've built trust.
- This may look like keeping a case where you've built a strong rapport with a victim, and you're changing assigned courtrooms.
- If you DO have to hand over a case: let the victim know, let them know who the prosecutor is, and provide notes to new prosecutor about any needs or concerns.
- If you are taking over a case: schedule a meet and greet ASAP and talk to them about any anxiety they have in a new prosecutor.

CONDUCTING THE FIRST INTERVIEW

- It's possible you may need to conduct the first meeting and the first interview at the same time – just be aware that might be a lot.
- Let them know the interview will be at their pace.
- Let them know you can take breaks.
- Have water and tissues available.
- Ease into the hard questions.
- Let them know there is zero judgment, if there are any hard topics you might need to address (sex worker topics, drug use, etc.).
- If the victim is not initially disclosing drug use, sex work or any other embarrassing or hard topic, do NOT accuse them of lying.

CONDUCTING THE FIRST INTERVIEW

- Emphasize all you care about is hearing what happened, whatever the truth is, no judgment.
- Let them walk you through what happened, in the way they remember.
- Remember that trauma impacts how people remember things.
- They may not remember every detail, and they may not remember everything in chronological order.
- Tell them if they don't remember something, just say that.
- There are no “wrong answers”, and this isn't a test.
- Some victims will shutdown if they feel they're telling something the “wrong way”.

CONDUCTING THE FIRST INTERVIEW

- Disclosure is NOT a single event, but rather a process.
- I always tell victims if there's something they remember after our first interview, to reach out and let us know.
- Some victims will not feel comfortable telling you that they're a sex worker the first time you meet them.
- Some victims have disclosed that to me after months of building trust.

VICTIM-CENTERED OUTCOMES OF CASES

- WHAT DOES SUCCESS LOOK LIKE?
- It could be not moving forward to indictment.
- It could be a plea.
- It could be a plea that you're not completely happy with – but that may protect your victim from having to testify.

In SAKI cases: Simply having a different experience with law enforcement, and being told you're believed can make a profound difference.

VICTIM-CENTERED OUTCOMES OF CASES

- It could be a trial.
- And if the defendant will only take a dismissal or a trial: be prepared to go to trial, and give the victim a day in court, even if you think you might lose.
- Whatever you do, discuss the different options with the victim.
- While the ultimate decision is not the victim's, you must speak to them.
- If a victim tells you they will not come to court, under subpoena, what will you actually accomplish if you get a material witness warrant?

VICTIM-CENTERED PLEA

- Talk to them before making any plea recommendations.
- Explain the sentencing minimums and maximums.
- Explain what recommendation you're considering, and why.
- Get their thoughts and input.
- Don't start off the conversation putting the weight of the decision on them – when I began, I would ask a victim what their thoughts were, and they got stressed, thinking the entire decision was up to them.
- Explain the final decision is yours, but you want their thoughts & input.
- And don't have this conversation 5 minutes before the defendant enters a plea.

VICTIM-CENTERED PLEA

- If the defendant decides to plea, make sure they know they have the right to be present and to make a statement.
- Have the advocate work with them to write the statement.
- Depending on judges or state laws, the advocate should be able to read that statement aloud.
- Give the victim the choice of them reading the statement aloud in court or having the advocate do it for them.

BEST PRACTICES IN PREPARING FOR TRIAL

- Schedule a time for the victim to come to the courthouse and prep for testimony.
- Discuss each part of the trial – this is going to be the most intimidating part of the process, and you want them to be as familiar as possible.
- Jury selection: explain the date of their subpoena is typically not the same date they'll be testifying.
- Explain you don't control the schedule, the judge does.
- If you possibly can, arrange to take them into the courtroom. Your goal is to make it as comfortable and familiar as possible .

BEST PRACTICES IN PREPARING FOR TRIAL

- Your victim has the right to have a support person in court with them. Be sure to prepare both the victim and the support person for anything traumatic that might be disclosed.
- Sometimes victims have been so worried about the impact of hearing testimony on their family, it becomes a source of stress.
- If you know that your victim has a difficult relationship with family members and seeing them in court might be triggering be prepared to advocate for your victim.

BEST PRACTICES IN PREPARING FOR TRIAL

- Warn victim the defense attorney might reach out.
- Walk through all the questions you will be asking during trial.
- Practice showing them the evidence.
- Familiarize them with the “legalese” questions you have to ask.
- As you practice asking the really hard questions acknowledge you know this is hard, but explain you have to ask details to establish legal elements.
- TAKE YOUR TIME.

BEST PRACTICES IN PREPARING FOR TRIAL

- Prepare them for cross: take your time, listen to questions, tell the truth.
- Warn them of potential defense strategies.
- If the defense attorney is arguing consent, warn them.
- Many victims find that line of question horrifying, they've been violently violated, and now a defense attorney is asking, "you actually wanted it, didn't you?"
- Part of the defense strategy might be to try to get victim to lose their cool.
- Don't give the attorney the power of controlling your response.

BEING VICTIM-CENTERED AT TRIAL

- As the prosecutor during trial, you have limited contact with the victim, so make sure your team is victim-centered.
- Do they need to be walked to court?
- Who is the team support person sitting with them?
- If the defendant is on bond, team needs to make sure they are nowhere near the victim.
- On a break, after direct examination, do take a few minutes to check in with the victim.
- Does the victim want to be present during closing arguments?
- **Prepare the victim for different outcomes at trial.**

SENTENCING

- Similar to a plea, make sure the victim knows that they have a right to read a statement.
- Do they want to be present? They can also choose not to be present and provide a statement to be read.
- Prepare the victim that defense or defendant may make offensive statements.
- Prepare the victim for the different sentencing ranges the judge could give.
- Request a no contact order.

After The Case Is Completed

- Check in with the victim after the case is completed.
- Do they have ongoing therapy needs?
- Do they just need their advocate to check in on them periodically?
- By continuing to check in with them afterwards, you demonstrate that they didn't only matter during the case.

After The Case Is Completed

- Make sure they're comfortable with you following up afterwards – but if they view you as part of their support system, don't just tear that away once the trial or plea is finished.
- Would they like to be part of a support group?
- Would providing support and perspective to other victims earlier on in the process help them?
- Or would they like to forget you and the court system exist?

How do you accomplish all this?

- This sounds like a lot, and we're all incredibly busy.
- We're human: the goal is to aim high, rather than attempt nothing.
- Triage: start with the cases that are closest to trial and work backwards.
- Meet with each team in each courtroom at least monthly: Investigator, advocate, legal assistant and COMMUNICATE.
- Keep a chart listing each case, status, and victim needs, so that you remember, and if you move assignments, you can transition easily.
- Recognize that victim check-ins can last only 10 minutes but can set the tone and culture.
- Ask your advocate to lead the way in making sure you're connected to what's happening with victims.

The Impact:

In January 2023, after delays from COVID, CC finally got to speak her truth to the man who raped her, during a non-negotiated plea.

She told him he had no power over her. That he deserved to spend the rest of his life in prison, but that she was no longer controlled by what he had done.



Justice

Rather than just end a phone call with CC in 2019 without learning why she was about to close the door on getting justice, that day in January 2023, her rapist was sentenced to the rest of his life in prison.



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