

Forensic Rape Exam Testing: Victim Notification



How victims are notified matters.

Sexual assault response professionals are developing policies and procedures for victim notification when kits produce evidence or to inform victims that the storage deadline for their kit is approaching. Based on research, practice experience from across the country, and the input of victims, the following recommendations and considerations should be taken into account when developing a victim-centered approach to notification.

Victim Response

As each person will respond to sexual victimization differently, each victim will respond to notification differently. Some victims may be angry or afraid; others may express gratitude or feel relieved. When responding to people who are expressing these varied reactions, it is helpful to remember that a person's life experience and the context of their victimization and the notification can significantly impact their response. Consider:

- Perhaps the person has not disclosed the assault or abuse to others. Notification could put the person at unintended risk of harm.
- People who have experienced significant trauma may experience mental health issues or turn to drug or alcohol use as a means of coping; notification may exacerbate these issues.
- A victim's past experience with law enforcement or the courts may not have been positive; any contact may produce feelings of fear or anxiety.
- Confidentiality and fear of retaliation may also be concerns.
- Notification can be a trigger for victims, activating intense stress responses that can mimic their body's response to their sexual assault.

Crafting a Sensitive Victim-centered Approach

First and foremost, notifying victims about the status of their forensic evidence should be approached with compassion and respect.



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Receiving this information will be difficult, no matter how it is presented; however, to mitigate re-victimization, the following steps should be followed.

- Offer choices and options. For example, if a meeting is to be scheduled, allow the victim to choose the time and location.
- Provide as much information as possible about what will happen next.
- Be honest and always tell the truth. Even if the information is difficult to deliver or hear, telling the truth demonstrates respect and will help to establish trust.
- Provide helpful resources and form meaningful collaborations with victim service providers.
- Allow victims time to process and to provide their thoughts on how to proceed. To the best of your ability, time your notifications in such a way that victims do not feel forced to make quick decisions. In some instances, a victim's decision-making powers may be limited; for example, a district attorney may reserve the right to make the final decision, which may be in conflict with the victim's wishes.
- Do not underestimate the impact of this interaction. Allow sufficient time for the victim to express their thoughts and feelings. The sensitivity and compassion of the notification may influence a victim's willingness to re-engage with the justice system or additional supportive services.

Should We Notify... and When?

When backlogged kits are being tested, many communities are opting to only notify victims when testing results in the re-opening of their case. However, in Pennsylvania, notification can be made if requested by the victim. Victims may opt to designate another person or victim service agency to receive the notification.

If notification is requested, up-to-date contact information must be provided to the local district attorney and law enforcement agency that is investigating the case.

Methods of Notification – Pros & Cons

There is no perfect way to deliver this news, as each situation and each community's capacity to respond will be different. Each option has benefits and consequences that are important to consider.

In-person Contact

Benefits include:

- Ability to provide immediate crisis response and support to victim is enhanced.
- Questions can be answered right away, decreasing a victim's fear and anxiety.
- Personal contact and relationship-building can be important if there is the possibility of the case moving forward or if the victim needs on-going support.

Challenges include:

- Victim privacy is compromised if others are present when notification is made.
- The presence of law enforcement may evoke negative reactions from victims depending on past experience.

Telephone Contact

Benefits include:

- Confidentiality and privacy are enhanced.
- Victims can choose to return the call at a time that is more convenient for them.
- A choice about whether to meet in person can be offered; victims have more opportunity to direct how they receive the information and whether they want to invite people to support them during the return call or meeting.

Challenges include:

- Talking over the phone can seem impersonal. Ensuring that the notification is made by someone who is prepared to respond in a trauma-informed way, such as a victim advocate, can be very helpful.
- Maintaining current phone numbers can be a challenging.

Mail/Email Contact

It is recommended that mail and email contact should be options of last resort, unless specifically requested by the victim. Receiving a letter or email could be triggering for a victim and these methods do not offer the benefit of immediate support and personal engagement. It is also important to note that if mailing options are used, correspondence should be as generic as possible to preserve the victim's confidentiality.

Community Notification

Some communities have found success by setting up and advertising hotlines that people can call to learn about the status of evidence testing and case updates. While this option puts the control over how and when to receive the notification into the hands of victims, it is hard to determine whether victims are unaware of the hotline or if they are choosing not to call.


Who Should Be Making the Notifications?

As in all responses to sexual violence, a multi-disciplinary team approach is best. Pairing law enforcement with advocates, for example, helps to ensure that the victim receives the information they are required to have from the criminal justice side, while providing them with the emotional support they may need. Victims have expressed that the presence of an advocate lessened their anxiety about meeting with law enforcement and increased their willingness to re-engage with the criminal justice system.

After the Notification

Notification can be the beginning of a new relationship with the victim. Whether it launches the next stage of a criminal proceeding or the beginning of the road to healing through counseling services, victim-centered notification is an important part of the process – and how it is conducted matters. In the words of victims who informed the research, “Justice isn’t just an endpoint: it’s the path” (Knecht & Camp, 2014).

This fact sheet was adapted, with permission, from Knecht, I. & Camp, T. H. (2014). Victim notification in untested sexual assault kit cases: Mitigating the harm. *Sexual Assault Report*, 17(6), 81-92.

Thank you to the victim advocates whose expertise helped inform the content of this fact sheet. 



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