

How to Notify Victims about Sexual Assault Kit Evidence

Insight and Recommendations
from Victims and Professionals

**A REPORT to the HOUSTON SEXUAL ASSAULT
KIT ACTION RESEARCH WORKING GROUP**

March 2015

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PROJECT OVERVIEW

In 2011, the National Institute of Justice provided funding for the Houston Police Department to form a multidisciplinary team to study the problem of sexual assault kits (SAK) that had been collected but never submitted to a crime lab for screening and testing. The Houston Action-Research Project sought to understand the factors that produced the volume of unsubmitted SAKs, the way forensic evidence is used during criminal investigations and prosecutions of sexual assaults, and what stakeholders should expect when large numbers of previously unsubmitted SAKs get tested. The project adopted a holistic approach and considered the broader issue of responses, beyond testing the kits, to sexual assaults in the community.

Houston's Action-Research Project Working Group includes representatives from the following organizations:

- Houston Forensic Science Center²
- Harris County District Attorney's Office
- Harris Health System
- Houston Area Women's Center
- Houston Police Department Sex Crimes Investigative Units
- Memorial Hermann Health System
- Sam Houston State University – Department of Criminal Justice and Criminology
- The University of Texas at Austin – Institute on Domestic Violence & Sexual Assault

The group has been working collaboratively and collecting data that have allowed for an understanding of multiple aspects of the local response system. The organizations that have been working on this project have also been implementing and evaluating reforms that are meant to improve the response to sexual assaults. Action research entails an iterative process in which research evidence informs responses, and, for this reason, the project has generated multiple research reports. This is one of a number of reports and presentations that will be released to help other jurisdictions learn from our experiences as they seek to better understand and improve their own practices.

This project was supported by the National Institute of Justice, Office of Justice Programs, and the United States Department of Justice (Award No. 2011-DNBX-0002). The opinions, findings, and conclusions expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice. The RGK Foundation also partially funded the research conducted by the Institute on Domestic Violence & Sexual Assault.

Learn more about the project at www.houstonsakresearch.org

² During the course of the project the crime lab was reorganized so that in April 2014 the crime lab became an independent organization from Houston Police Department.

EXECUTIVE SUMMARY

How to Notify Victims about Sexual Assault Kit Evidence:
Insight and Recommendations from Victims and Professionals

Purpose

This report describes research on victim and professional perspectives on the delivery of victim notification procedures, implementation of new victim notification processes, victim engagement within the criminal justice system, and recommendations for improvements.

Data Collection

Focus groups and individual interviews were conducted with 42 victims of sexual assault and 27 professionals, including victim advocates, community-based advocates/counselors, and SANE nurses and directors. Data collection began in July 2011 and continued through July 2012.

Results – Highlights

Should all victims be notified of the testing results of their kits, even if the case is not moving forward in the criminal justice system? Are there special factors to consider when notifying victims?

Victim Interviews

Victims described four major points:

1. victims wanted information about their case if it could be prosecuted;
2. victims discussed unintended consequences for notification, and stated that not all victims may want to be notified;
3. victims discussed consequences of not knowing what had happened to their case; and
4. victims discussed mixed feelings and had divergent opinions about notification.

Professional Interviews

Professionals described four major points:

1. professionals stated that all victims have the right to know about status of their cases;
2. professionals had mixed reactions about notifications for all victims on their cases;
3. professionals said victims' reactions and responses depended on their stage in healing, their coping skills, and the timing in their lives; and
4. professionals expressed major concerns about victim re-traumatization.

What methods do victims and professionals recommend regarding victim notification and follow up services?

Victims and professionals made five recommendations.

1. Law enforcement should not assume that a victim does or does not want to be notified.
2. All victims should be given the opportunity to be notified, and the decision for notification should be a choice provided to all victims instead of something imposed on them by someone else.
3. Mechanisms for notification should be flexible and thoughtful and incorporate choices for victims.
4. Victims should have a choice in whether their case moves forward based on DNA testing.
5. Resources and support are imperative to the notification process.

BACKGROUND AND SIGNIFICANCE

The action research project sparked a review of the policies for testing unrequested sexual assault kits (SAKs). Approximately 1,000 SAKs are submitted to the Houston Police Department (HPD) Property Room annually. In the past, sometimes DNA evidence in sexual assault cases was not requested for testing by investigators. Even when DNA test requests were sent, SAKs could go untested for months, even up to a year, due to limited resources. HPD investigative divisions and the crime lab have since instituted policies to best address the testing requests.

Former Testing Practices

Since early 2007, the HPD Adult Sex Crimes Unit's custom and practice was to request laboratory analysis of all SAKs submitted to the Property Room in connection to cases investigated by the unit. The exceptions to this practice were cases determined to be unfounded (e.g., victim³ had indications of mental health issues, victim acknowledged that the allegation was false) or where there was no obvious probative value to analyzing the SAK (e.g., suspect acknowledged sexual interaction with victim making the issue one of consent and the district attorney's office declined to prosecute case, regardless of analysis of evidence).

Prior to 2007, the custom and practice was to request lab analysis for assigned investigations where the victim wanted to pursue a criminal investigation. However, if a victim did not respond to an investigator's requests for an interview or outright indicated that they did not want to pursue the case, the investigation was typically inactivated and lab analysis of the SAK was not requested.

The Crime Lab's process for officers requesting lab testing of SAKs evolved from phone calls to the Crime Lab requesting analysis, followed by requests for analysis via records management system to a laboratory information management system (LIMS), implemented in 2010, that allows for electronic requests for analysis. Categorizing requests using multiple silos of databases has resulted in the inability to determine exactly which SAKs require testing and to specifically categorize SAKs. Policymakers are requesting detailed information such as number of cases with biological fluid, number of cases with DNA testing, number of cases uploaded to CODIS, storage location of SAKs, and number of sexual assault cases the district attorney's office declined to indict. In the process, HPD is interested in understanding the impact on victims of reopening cases for which evidence has been collected but sat untested in the property room.

³ A note about language: Throughout this report, survivors of sexual assault may be referred to simply as "victims" because this project is grounded in the criminal justice system and the usage acknowledges that a crime has been reported to a law enforcement agency. The word *victim* is not meant to be demeaning or judgmental. The project team recognizes that individuals have likely survived a combination of physical, emotional, and sexual trauma. As researchers, our aim is to honor every person's choice in language to describe themselves and to name their experiences.

Current Testing Practices

In 2011, a sample of 500 previously untested SAKs were sent for testing, and the remaining 6,163 SAKs were sent for testing in 2013. All 6,663 SAKs were returned from initial testing by the end of 2014. Testing was funded through National Institute of Justice grants and the City of Houston, and was mandated by Senate Bill 1636, which requires the testing of previously unsubmitted SAKs⁴.

As SAKs were tested, CODIS hits were identified, and HPD reopened a number of cases that were previously closed or suspended pending further evidence. Additionally, a large number of cases with no CODIS hits were closed and did not move further through the criminal justice system.

As results returned, the question became whether all victims should be notified of the results of their kits, even if the kit did not yield results that would push the case through the criminal justice system. If the kit did yield results that warrant reopening and reactivating the case, additional questions arose--how, under what circumstances, and when victims should be notified.

HPD is interested in understanding the impact on victims of reopening cases for which evidence has been collected but sat untested in the property room.

METHODOLOGY

IDVSA researchers conducted focus groups and individual interviews with victims of sexual assault, victim advocates, and allied professionals. Data collection occurred in two phases beginning in July 2011 and continuing through July 2012. The information gathered from these interviews included insight and knowledge about delivery of victim notification procedures, implementation of new victim notification processes, victim engagement within the criminal justice system, and recommendations for improvements. Specific questions addressed in this report include:

1. Should all victims be notified of the testing results of their kits, even if the case is not moving forward in the criminal justice system?
2. Are there special factors to consider when notifying victims?
3. What methods do victims, victim advocates, and allied professionals recommend regarding victim notification and follow up services?
4. How do victims and victim advocates perceive different methods of notification, particularly letters?

⁴ Senate Bill 1636 requires testing of previously untested SAKs collected after September 1, 1996, in active criminal cases, if resources are available.

Phase I – July 2011

Researchers asked victims (n=16) and victim advocates and allied professionals (n=18) three questions about notification. During this first phase of data collection, Texas legislation had not been passed regarding the mandatory testing of all sexual assault kits. Thus, some of the discussions by professionals had to do with considering victim notification in the context of only a random sample of kits being tested, whether a prioritization system could be created and implemented to triage testing of kits, and if victims should be notified that some kits would be tested but others would not.

Phase II – May-July 2012

Researchers created and presented sample letters⁵ to victims (n=26) and victim advocates (n=9) who were asked to rate and evaluate the letters. In letter A, victims were told that their SAK had been tested and that the results had yielded new information in their case. Victims were invited to come to HPD for an interview to discuss their case. In letter B, victims were informed that their SAK had been tested but the results had not yielded new information for their case. After researchers read each letter out loud and reviewed the major points of the letters, victims were asked to rate a range of feelings, based on their reactions, on a scale of 0-7. Victim advocates were asked how they thought victims with whom they worked would rate their feelings according to the rating scales.⁶ Researchers then discussed victims' and victim advocates' perceptions and experiences of each letter separately. Victims and victim advocates were also invited to discuss their preferences for which letterhead should be used if a letter was to be used as the method of notification as well as different methods of obtaining information about updates in SAK testing (e.g., Facebook, television, radio, newspaper, Twitter, etc.) Victims and victim advocates were asked to rank the different methods of obtaining updates.

Participants

Victims

Forty-two victims were interviewed as part of the data collection. The victims interviewed had completed a SANE exam and had submitted forensic evidence. Victims had varied experiences, from those who had an open case and were waiting to hear from investigators about its status to those who had made an initial report but who reported not receiving follow-up contact from investigators regarding their cases. Other victims had received some follow up but still did not know what had happened to their sexual assault kit. Victims discussed sexual assaults that had been reported across a fairly wide time span from the early 1980s to present. In fact, one victim had been sexually assault in the early 1980s and had reached out to the Houston Crime Lab in 2011 to participate in the research study. Not all victims had reported crimes to the Houston Police Department; some had reported crimes to other law enforcement entities in Houston, while a small number of victims had experienced sexual assault crimes in jurisdictions outside of Houston, including other cities and states across the U.S.

All victims were adults, aged 18 or older. However, for some of the victims interviewed, their sexual assault crimes had occurred when they were minors. Therefore, the sample was composed of adults but included those who had been juvenile victims of crime. Five victims interviewed were Spanish speakers.

⁵ For copies of sample letters, contact Dr. Noël Busch Armendariz at nbusch@austin.utexas.edu.

⁶ For copies of participant rating scales, contact nbusch@austin.utexas.edu.

Victims were recruited through the local rape crisis center in Houston--the Houston Area Women's Center (HAWC). HAWC counselors were informed about the research project and presented the opportunity to participate to victims who were currently in individual counseling and/or support groups at HAWC. Victims were told that they could participate in a focus group with other survivors of sexual assault or in an individual interview. Spanish-speaking victims were invited to participate in individual interviews only. Victims were told that their participation was entirely voluntary and were offered compensation of \$20 for their time and expertise. Informed consent was obtained for all of the victims who agreed to participate. They were told that they could stop their participation at any time and that they would receive compensation regardless of whether they were able to complete the interview.

The majority of victims who chose to participate were recruited from ongoing support groups that were led by HAWC counselors. These victims represented a racially diverse sample and were women with limited social support and financial resources and co-occurring mental health and substance abuse disorders. A majority of the women interviewed were living in residential treatment and transitional housing, and several of the women had been sex workers. Thus, when they attempted to report their sexual assault crimes. A HAWC counselor was present during several of the focus group interviews to provide emotional support and containment when needed. Most victims were interviewed in person at the HAWC main building or at the location of their support group sessions. Two victims, both of whom were Spanish speaking, were interviewed by telephone.

Victims were not asked specific questions about their experiences of sexual assault, and the interviews were focused on questions assessing perceptions and recommendations regarding victim notification and follow-up services with regard to untested SAKs. However, throughout the course of the interviews, victims did reveal information about their personal experiences. The focus group and individual interviews were led by licensed social workers or psychologists who had specialized training and/or professional experience working with sexual assault victims.

Professionals

Twenty-seven professionals have been interviewed during data collection. Professionals included victim advocates from the Houston Police Department, victim advocates/counselors from HAWC, and SANE nurses and directors.

Victim advocates in the field of sexual assault services were recruited using well-established partnerships with HAWC, HPD, and SANE programs within Memorial Hermann Hospital and Harris County Hospital District. Some of the professionals interviewed were team members on the SAK Working Group and had been a part of this NIJ research study since April 2011.

Victims had varied experiences, from those who had an open case and were waiting to hear from investigators to those who had made an initial report and reported not receiving follow-up from investigators.

Data Analysis

Qualitative Data

Responses to open-ended questions were analyzed using a qualitative methodology of content and thematic analysis techniques. The textual data were systematically gathered and analyzed utilizing Provalis, a qualitative data analysis software program. Two IDVSA researchers separately coded and analyzed the data in Provalis as a method to ensure reliability. No personally identifiable information was collected from the victims who participated in the interviews. The data were then grouped according to overall themes that answered the research questions.

Quantitative Data

Victims and professionals were provided with rating scales as part of the study. However, due to the complexity of victims' and professionals' responses to the letters and the divergent opinions of participants across all interviews regarding letters, letterheads, and methods of notification, results were better explained by the qualitative data analysis.

Based on qualitative interviews with victims of sexual assault, victim advocates, and allied professionals, there was agreement, but there were also divergent findings. The pressing issues were whether all victims should be notified if their SAK was going to be tested or only if their SAK produced evidence that could lead to further law enforcement investigation. Both groups of participants also discussed how the notification process could be handled as the crime lab started to test the sexual assault kits. While there was not agreement about all of these issues, in general, information gathered from the professionals was very consistent with the information gathered from the victims, even with regards to discussions about divergent opinions.

FINDINGS – VICTIM INTERVIEWS

Should all victims be notified of the testing results of their kits, even if the case is not moving forward in the criminal justice system? Are there special factors to consider when notifying victims?

Victims wanted information about their case if it could be prosecuted

When asked if they would want to know if their case was to be re-opened as a result of new DNA evidence in their cases due to testing their sexual assault kit, all of the victims interviewed indicated that they would like to be notified. This was true for victims who had reported the crime a long time ago as well as for victims who had reported the crime as recently as several months prior to the research interview. Along with wanting to be notified if their case was re-opened, victims expressed a desire to understand why it had taken so long for their kit to be analyzed and processed. They also wanted to know specifics about what the Houston Police Department planned to do with their case.

Victims reported a number of reasons for wanting to hear information in the event that their case was moving forward. Victims discussed that having their kits tested would provide hard evidence that the rapes they had endured had truly happened. It seemed that this was an important validation for many of the victims interviewed who felt blamed or whose story was not believed by family members, friends, or criminal justice professionals. Participants stated that the validation increased

their chances of having their case move forward in the criminal justice system. One victim stated she already had a witness who could strengthen her case if it was reopened. For another victim who had been imprisoned for eight years after being charged with and convicted of killing her attacker, having DNA results would provide her with solid evidence that she had acted in self-defense and possibly change the outcome of her conviction.

Some victims reported that having information about their case would make them feel heard and that someone cared about them and their case. Other victims indicated that having information that their case was moving forward would help them receive some relief from the physiological and emotional symptoms of traumatic stress that had been exacerbated by the idea that their perpetrator was still out on the streets and/or that justice had not been served for them.

In addition to alleviating traumatic stress and experiencing a sense of justice, some victims reported that having information about their case moving forward would help them to achieve a sense of closure and allow them begin a new life for themselves. Other victims described closure as providing a sense of freedom.

Unintended consequences for victim notification for cases moving forward

Despite a resounding response that all of the victims interviewed would want to know if their case was being reopened due to the DNA results from their sexual assault kit, they also recognized the reality that this may not be true for all victims of sexual assault. Some felt that the Houston Police Department should wait to notify victims only if there was “news to report, ideally good news.” Many discussed concern and caring for other victims who may not want to be notified and highlighted several of the reasons why they thought other victims might not want to know information about their cases.

One important theme articulated across interviews was that victims may have moved on with their lives in an effort to forget what had happened, particularly if it had been a number of years since their rapes had happened. The victims interviewed expressed concern for people who may have entered new romantic relationships or marriages and/or had families and had not told their partners or their children about their assaults. Notifying these victims was discussed as being potentially damaging to victims and the lives that they had built since their rapes, particularly if it meant dredging up painful and traumatic memories and feelings. The victims’ family members might experience distress as a result of this as well.

Another important theme discussed during interviews was the difficulty and challenge in locating victims due to outdated addresses and phone numbers.

Consequences of not knowing what had happened to their case

Many victims expressed feeling angry about not knowing what had happened with their cases and the outcome of testing their rape kits. Other victims expressed intense disappointment and sadness. Some victims reported confusion and frustration because they did not understand why they had not received information about their cases. It seemed that some victims still lived with a sense of urgency about wanting to know, even if it meant that nothing would happen further with their case. Another victim discussed the persisting negative impact of trauma and that victims don't forget their rapes even if they haven't received information about their cases.

Because many of the victims did not know what had happened with their cases or were in limbo, they oftentimes had to create their own reasons for why their cases had not moved forward in the criminal justice system. Often, they assumed that the criminal justice system, particularly law enforcement to whom they had reported their crime, did not believe them or their story. Some victims expressed devastation that they had first experienced a traumatic crime and then had gone through so much to provide DNA evidence by completing the SANE exam, only to have nothing happen with their kit.

Considerations for notification of cases not moving forward

The victims interviewed indicated that their strong interest in re-engaging with the criminal justice system had to do with their cases being reopened and yielding DNA evidence that could help move their cases forward. However, victims expressed mixed feelings and divergent opinions about what to do if testing of the kits did not yield evidence that could move their cases forward.

Some victims indicated that they wanted to know no matter the outcome. Respondents stated that they wanted to know the status of their case even if it had been closed. Many indicated that they wanted to know the specifics of their case, including why it wasn't moving forward in the system.

Recommendations for whether all victims should be notified

Victims interviewed felt that that the criminal justice system should not assume that a victim did or did not want to be notified. They indicated strongly that all victims should be given the opportunity to be notified, and that the decision for notification should not be imposed upon them by someone else. Some victims equated the notification process to their sexual assaults, stating that having the criminal justice system make decisions for them about notification reminded them of how their power and control was taken away from them by their perpetrators. The respondents indicated that mechanisms for notification should be flexible and thoughtful and should incorporate choices for victims. Additionally, some victims indicated that it was important that the victim have a choice in whether their case moved forward as a result of DNA evidence.

Many victims expressed feeling angry about not knowing what had happened with their cases and the outcome of testing their rape kits. Other victims expressed intense disappointment and sadness.

What methods do victims recommend regarding victim notification and follow-up services?

Victim advocacy is critical and a key component of notification

For victims, it was imperative that notification occur in person and with a trained professional victim advocate/counselor who could provide compassion, sympathy, empathy, caring, and time as well as information about resources such as counseling. Several victims discussed the importance of having a female advocate. Many of the victims discussed wanting to have an advocate from HAWC, mainly because of their positive experiences with HAWC counselors and advocates. Victims described wanting to speak with an advocate who would help treat them in the best possible way and serve as an unbiased sounding board as they made decisions.

Victims discussed wanting an advocate who would help victims to feel validated, who would be nonjudgmental, and who would support them through feelings of denial, self-blame, and isolation.

Victims also indicated the importance of having time to talk through their decisions and to discuss all aspects of what could potentially happen if their cases moved forward. Spanish-speaking victims expressed a desire for this information to be communicated to them in Spanish.

Reactions to notification from HPD investigators

Victims expressed mixed emotions about speaking with HPD investigators about their cases. Some shared positive experiences with HPD, and a good number indicated that they would re-engage with the criminal justice system if DNA testing yielded results to help move their cases forward.

One victim talked about how she had positive experiences with HPD female officers and described how they had made her feel safe and cared for after she reported domestic violence.

Others discussed having had negative experiences with HPD and said that they would engage with the criminal justice system if there was a victim advocate involved. Many recommended that a team composed of an investigator and victim advocate provide notification. Some victims discussed feeling intimidated at the idea of coming to the Houston Police Department if their cases were reopened because of negative experiences at the time of their initial reports of rape. Others requested that a female investigator be made available. Overall, victims were willing to re-engage with HPD if the notification was provided by a team of investigators and a victim advocate, even if they had negative experiences giving their initial report.

Phone calls

It was evidently clear that victims felt notification should happen in person and with a victim advocate. In cases where personal notification was not possible and other notification methods—phone calls, letters, e-mails--had to be used, the majority of victims indicated that they would prefer a phone call over written communication. Ideally, victims indicated that the purpose of the phone call would be to set up an in-person meeting to discuss the case. Phone calls were discussed as potentially opening the door for victims to receive resource information and to allow them an opportunity to talk through their decision-making process. Some indicated that a phone call was “safer” than written communications.

Phone calls to victims were discussed as being optimal because they provide victims the opportunity to walk out of a room for privacy. Some victims felt that phone calls should be placed to victims when there was DNA evidence to move their cases forward because some might not want to call the HPD to discuss their case.

Written communication

Written communication such as letters and emails received mixed reactions. Many victims expressed significant concerns about privacy and confidentiality. Respondents stated that others in their lives could read written communications, which could potentially create significant problems and disrupt victims' lives.

An important factor contributing towards how victims responded to letters or emails as a mechanism for notification was whether the communication indicated the case was moving forward. A handful of victims indicated that they would not mind receiving letters if their cases were moving forward. One victim stated that she would prefer a letter over a phone call because if she received a call she would “probably just fall dead. It would be such a shock.” Some victims discussed how they had not received any notification updates since they had reported the crime years earlier, so any kind of notification would be welcome, even if it was a letter indicating the case could not move forward.

However, an overwhelming majority of victims viewed letters or emails as being an impersonal method of communication for something as important as providing information about DNA evidence testing results, particularly if the case was not being re-opened or moved forward. Victims said they would feel hurt, humiliated, angry, and patronized to receive a letter indicating that their case could not move forward. Victims also discussed that receiving such a letter would make them feel more isolated and that HPD viewed them as a “liar” in response to their report of sexual assault. Other victims discussed how they would never want to report a crime to HPD again if they received a letter where nothing had happened with their case. One victim, who had been diagnosed with PTSD and other complicating health issues, discussed how devastating it would be to receive a letter saying her case was not moving forward.

Victims said they would feel hurt, humiliated, angry, and patronized to receive a letter indicating that their case could not move forward.

If a letter had to be sent for notification, victims felt it should simply be used as a way to open the door of further communication. Instead of containing any sensitive information about their cases, the letter would be short, to-the-point, and only ask victims to call HPD for more information. However, one victim stated that it would be difficult for her to come in for an interview at HPD in response to a letter.

Another expressed a tentative reaction, wondering if HPD was really interested in how she felt and why they had sent a letter. However, she also indicated that she would call HPD out of curiosity.

Furthermore, victims recommended that letters be sent via certified mail to preserve privacy and confidentiality. The letter could just indicate that HPD needed to speak with the victim and ask them to call “regarding a personal matter.” The victim could then call HPD to discuss the case. Some victims also recommended that the envelope in which the letter be mailed have little identifying

information on it, while others felt that sending communication via certified mail would be enough to help preserve the victim's confidentiality and privacy.

Public service announcements and social media

Victims also suggested that there be an infomercial or public service announcement (PSA) made via television and radio as well as social media outlets such as Facebook or YouTube. Many victims indicated that they felt a PSA would be a great mechanism to provide information to the community about what HPD was doing about the backlogged sexual assault kits. They also felt that this would allow victims to decide whether to contact HPD. Victims suggested that Houston Area Women's Center and the SAK Working Group also be a part of the announcement. Although some victims who had negative experiences with HPD indicated that they wouldn't respond to a PSA if HPD were involved, a majority of victims expressed a desire to see HPD be a part of the PSA to demonstrate that they were taking some responsibility for the backlog and being accountable to the public. Some victims suggested that HPD advertise the same message from PSAs through different newspapers and even billboards.

Websites

Victims discussed the possibility of obtaining case status information through a password-protected website. However, some victims did express reservations with having information about their cases online.

Call centers

Victims recommended that there be a sexual assault call center for updates on cases. Allowing victims to call would help to place control in their hands.

Follow-up services

Several victims discussed how angry they felt about notification, specifically the length of time it took to receive information about their cases. Respondents suggested that HPD send letters periodically, perhaps every other month after the initial report of sexual assault crimes to communicate that they were still working on these cases. Additionally, Spanish-speaking victims indicated that they felt follow-up services should be available in Spanish.

Reactions to sample letters A & B

Victims were asked about their reactions and responses to sample letters created by the researchers. They had mixed reactions to the letters and different opinions about whether they liked certain elements of either letter. A consistent and salient finding across all victim interviews was that responses and reactions were mediated by victims' experiences with law enforcement when they had initially reported their assault. Past experiences were a major factor in how victims interpreted and perceived the letters, particularly for those who were in recovery for substance abuse and may have been using at the time of the assault as well as for those that were sex workers.

Overall elements victims liked about sample letters

Some victims liked Letter A, which indicated that the case was moving forward, because they felt it gave hope. These victims shared that just receiving a letter from the police department stating that they were working on their cases was encouraging, supportive, and positive. Other victims felt the letters were personal, sensitive, very respectful, and clear. One indicated that she thought the letter would lower anxiety because it communicated that something was being done with her case.

Even though Letter B indicated that there was no evidence to move the case forward in the criminal justice system, a few victims expressed that they liked the idea that someone was working on their case. One expressed having a positive reaction but that the letter would still be upsetting. Another victim stated, "It says they cannot move forward with the case, but at least they're being honest and telling you this."

Specific elements that victims liked about sample letters

- (1) Overall, victims appreciated and liked that the letters listed the Houston Area Women's Center as a resource for free counseling.
- (2) Some victims liked that *victim of crime* was used in the letters versus *victim of sexual assault*. One victim talked about how hard it is to acknowledge that she had experienced sexual assault. By stating it as "crime of a personal nature," she stated that the letter more respectful towards victims who were not ready to name what had happened to them as rape or sexual assault.
- (3) Some victims liked the invitation to *contact me in the future*. It left the door open for victims, and acknowledged that they may need more time to make a decision.
- (4) Some victims liked *I want to commend you for your courage* and the statement acknowledging *it can very hard to report crimes of a personal nature*. These statements helped victims to feel that they were not being blamed for what happened to them and to feel good about moving forward with the case. One victim stated that it provided her with validation because she had never heard anyone use the word courage to talk about what she had gone through and how she had coped with it.
- (5) The statement *receiving this letter may trigger intense feelings of sadness, anger, even despair* was received by a few victims as positive. One victim stated that it acknowledged the ramifications of reading the letter.

Overall elements victims disliked about sample letters and suggestions for improvement

- (1) Respondents did not like the use of the word *victim* in the letter. Suggestions included that they should be referenced simply as “individuals” or “people” who had experienced a crime.
- (2) Victims felt that both letters were very vague and, as a result of this, confusing. One victim stated that not enough information was provided to understand what would happen next. One victim stated she would just throw the letter away due to fears that HPD could not keep her safe. Some victims expressed that they did not understand whether the letter was to notify victims of their testing results or whether the letter was to encourage victims to seek services.
- (3) Mentioning the words *sexual assault* was received negatively by some victims, particularly given how difficult it can be for a victim to name and own what had happened to them.
- (4) Some victims felt angry and hurt that the letters did not contain anything acknowledging how much time had passed since they had reported their rapes. Not having that acknowledgement caused victims to feel though their assaults were being minimized by HPD.

Critiques and suggestions for improvement – Letter A

Victims felt that the use of the phrase *explore avenues in your case* was somewhat disturbing and felt like it was violating language, particularly in the context of a letter about a sexual assault. One suggestion was to write “We would like to discuss the next steps we can take in your case.” Another was “We have processed your evidence kit.”

Critiques and suggestions for improvement – Letter B

- (1) Some victims did not like the phrase *making sense of what you’re going through*. One respondent stated that the experience of their case not moving forward in the criminal justice system did not make sense.
- (2) Some indicated that they wanted HPD to just be honest with them and state that their cases were being closed rather than being vague. One suggestion was to write “we are putting your case on hold at this time” to convey the message that the case was not closed.
- (3) *Did not provide us evidence* was received very negatively. Suggestions for improvement included:
 - (a) “The results of your sexual assault kit (or SANE kit) did not provide us with the evidence we need for your case.”
 - (b) “The evidence was inconclusive.”
 - (c) If the letter indicated that the kit did not provide evidence, some victims stated that they would want to see the lab reports and expressed that even if the lab report was not included in the letter, they should have an opportunity to actually look at the report.

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- (4) Victims responded negatively to *unfortunately, this means we cannot move forward with your case at this time*. Victims discussed how justice could be experienced in different ways and through different angles or avenues.

Some victims discussed how this statement would make them feel very hopeless. Another revealed how this statement would trigger them to a point of crisis and suicidal ideation.

- (5) Some victims did not like the use of the term *interview*. To some, it sounded too much like a job interview. One indicated that they liked “consultation” better. One victim indicated that she did not like the term *invite* and felt that it was “not a good word.”
- (6) Conveying information with an empathic tone was problematic for many victims. Sentences such as *we know that receiving this letter may trigger feelings...* and *these are common and understandable reactions* elicited anger, suspicion, distrust, annoyance, irritation, and disgust from a good number of victims, especially when the letter came from HPD. Many victims felt the language was condescending and humiliating. However, this was also mediated by their experiences with the criminal justice system previously and how they had been treated by HPD or law enforcement when they had initially reported.

During interviews, victims remembered negative experiences about when they reported their crimes to HPD; it seemed as though these experiences were the lens through which victims perceived the letters. Thus the empathic language appeared to be triggering, painful memories from their past experiences. Expressing empathy while relaying bad news was also received negatively.

- (7) Use of the term *an incident* was also upsetting to some victims who felt that it was impersonal and demeaning because it did not convey the reality and extent of trauma they experienced. Some suggestions included:

- (a) Your case
- (b) The report you made to the Houston Police Department
- (c) In regards to a police report

Others suggested providing the case number somewhere in the letter, which would help to preserve confidentiality and alert the victim of what report HPD was referring to without having to write the words “sexual assault” or “rape.” Another suggestion was to include the month and year that the crime had taken place to also help communicate that the letter was about their sexual assault/rape. Without a case number or a time frame of the crime, some victims could be confused about which incident HPD was referencing, particularly if they had reported other crimes to HPD or had been charged with a crime in the past.

- (8) Some victims felt as though the ending was very abrupt and that it was necessary to say something more caring to close the letter.
- (9) *If you're not ready to move forward with your case as this time* was perceived by some victims as negative. One victim shared that this statement made her feel that HPD did not care about victims of sexual assault, like they “didn’t wanna deal with it.” Another talked about how she had felt encouraged to come forward by the letter initially but this sentence then made her feel discouraged. She recommended that the letter should assume that the victim would want to

move forward and was ready to do so. The statement about victims needing more time was also received by some victims as being negative and as minimizing their experience.

- (10) One victim stated that the statement *I want to commend you for your courage* bothered her as it made it sound like the police department, who were strangers to her, were making an assumption about her experience and how she felt. Another stated that the sentence, *it can very hard to report crimes of a personal nature*, was “devastating” to read.

Letterhead/Appearance of letters

With regards to letterhead and the appearance of a letter, victims were mixed on their reactions and preferences. The blank letter was generally viewed negatively by victims. Some felt that the letter should be written on HPD letterhead.

As victims talked about the letters and letterheads, it became clear that victims’ responses were mediated by their own personal experiences with HPD or criminal justice professionals. Some victims discussed having had very positive experiences with HPD and indicated that they would like to know that HPD were “listening” or paying attention to their cases. Others discussed negative experiences with HPD and indicated that they wouldn’t want to receive a letter from them. One victim shared that she had been sexually assaulted by a police officer, so receiving a letter from HPD would be upsetting to her.

Some victims liked the idea of the letter coming from the SAK Working Group or Task Force. One victim responded negatively to the title of “Task Force” because of the word force and how it reminded her of her rape. Others felt that seeing the names of all the entities represented--hospitals, universities, HAWC--made them feel like many people were working on and cared about their kits and evidence. However, some victims talked about feeling confused about a letter coming from the SAK Working Group or Task Force, especially since they didn’t know what the working group was. Some victims were concerned that people would think the letter was junk mail or trash if the letterhead indicated the SAK Working Group. Others thought that victims might also be confused regarding the name “working group” or “task force” because they might think they had a job interview or that the letter was related to their professional work.

Respondents pointed out that including the term “sexual assault kit” would reveal the fact that the person receiving the letter had been raped and could violate confidentiality. A group of victims suggested the letter come from Houston Area Women’s Center because they’d had positive experiences with HAWC and perceived it as a more neutral party. However, others recognized that not all victims would have come to HAWC and might be confused about receiving a letter from them and/or concerned about their confidentiality.

FINDINGS – PROFESSIONAL INTERVIEWS

Should all victims be notified of the testing results of their kits, even if the case is not moving forward in the criminal justice system?

For the most part, victim advocates and allied professionals felt that victims needed to be notified if their cases were being re-opened and moving forward as a result of DNA testing. Some indicated that information about the cases and notification needed to come directly from the Houston Police Department versus the media. Many of them felt that victims had the right to know what had happened in their cases and that this was a part of the rights afforded to victims of crime according to Texas legislation. Some professionals noted the importance of reviewing this legislation in order to obtain information to guide and inform victim notification processes and protocols.

Professionals were mixed with regards to whether all victims should be notified, even those whose cases were not moving forward. Some felt that it was important that victims should know the status of their case, even if it was not moving forward in the criminal justice system so that they could have closure. As one professional stated, “I think they all need an ending, whatever it's going to be, so that they don't keep hoping someday I'm going to hear something.” However, this opinion was also contingent on an awareness and “understanding that you're opening up cases that are years old and wounds that are healing or have healed, and starting that over is something to definitely consider.” One professional stated the possibility that there were victims who would “love to have an opportunity to have their day in court and those make sense, but how many of those are we talking about?” Another similarly noted that there would be a group of victims who would need notification for their healing process and closure, another group who would have moved on and, therefore, would be upset about having to re-live their trauma if notified, and a third group who would be somewhere “in-between.”

Some professionals were ambivalent about notification. One professional was concerned that victims might get false hope if they were informed that their kit had been analyzed without having concrete information about its viability for prosecution, particularly in cases where the defense is based on a question of consent. Another stated that if testing kits was merely to obtain evidence for CODIS, then they had reservations about contacting the victims who had submitted those kits without positive news regarding their own cases moving forward. Professionals expressed that victims should be provided with a choice of whether they wanted their kit to be processed.

Are there special factors to consider when notifying victims?

Respondents indicated that victims' reactions and responses to notification, whether positive or negative, really depended on "what stage the client is in the healing process." One professional stated, "I know if I were a victim and I've moved past it and it's nine years and... now here comes this letter at my door or a phone call that's waking this thing up again for me...I don't know if I would really appreciate it at this point in time." Similarly, another professional discussed how reactions and responses to notification would greatly depend on the timing of it in the victims' lives.

In all interviews, professionals expressed significant concerns about the process of notification causing some re-traumatization for victims, particularly those with co-existing mental health and substance-abuse problems. They discussed the possibility that notification could disrupt victims' emotional and psychological stability as a result of having to open old wounds and re-live past trauma. Additionally, some professionals discussed how victims' current coping skills would be a factor in knowing how a victim would react and respond to notification. For these reasons, professionals felt strongly that having resources and support were imperative to the notification process.

Professionals who worked with children and adolescents raised concerns about juvenile cases and whether victims who were now adults would want to be notified and how it would affect them. Some discussed how teenagers had a tendency to want to just move on with their lives as quickly as possible and "want to be just like any normal teenager," which led them to feel that it would take an emotional toll on these victims if their cases were re-opened. However, some professionals noted that having their case re-opened and moving forward would provide victims with evidence and validation of their claims. Other professionals articulated that it could go "either way."

Some professionals discussed the importance of reviewing case files in order to understand whether the victim had wanted to move forward with the filing charges initially and to really determine if that decision was what the victim wanted or if it had been influenced by other factors.

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What methods do professionals recommend regarding victim notification and follow up services?

Face-to-face, in-person meetings with a team of investigators and advocates

The ideal method of notification was face-to-face, in-person meetings with an investigator and victim advocate. Respondents indicated that it would be important for the investigator to be present to be able to provide concrete information to the victim regarding the results of their kit while the special victim advocate could “soften” the message and provide the victim with important psychological and emotional support.

Professionals discussed how victims might experience feelings of anger towards HPD because their kits had been backlogged for testing and/or because they had negative experiences with the criminal justice system in the past. Having a victim advocate present would help in facilitating the process of re-engaging victims as well as serving as a buffer in situations where victims had negative feelings towards HPD. Some professionals knew of other programs that incorporated law enforcement and victim advocates that were helpful and beneficial to victims.

Many professionals felt that, given the public outcry regarding the backlog of sexual assault kits, victims deserved to be treated with dignity and respect and that they should receive information about their cases in person. Professionals empathized with the challenge facing the HPD, namely how to balance minimal resources with the enormous task of providing sensitive, thoughtful, respectful victim notification. However, letters and phone calls were discussed as being impersonal methods of notification.

Some professionals expressed concern that any notification strategy other than in-person and face to face would potentially send a negative message to the public that the HPD did not care enough about the issue of backlogged rape kits to give victims the time and opportunity to speak with investigators about their cases. As one professional stated: “Take time out of your day to recognize how tragic this was for me...you know, and to really give me that time, in a more personal way.”

Besides sending victims a clear message that the HPD was taking the problem of backlogged kits seriously, professionals discussed the practicality of having an in-person meeting as a mechanism to help support victims and buffer against the potentially damaging implications of notification, especially for victims whose crimes had taken place years earlier. In-person meetings would allow for victims to receive crisis intervention services if needed. It is hard to determine emotional reactions over the phone, and meeting with a victim face to face would allow the victim advocate to judge the level of services needed. If notification letters are used, professionals recommended that the letters simply invite the victim in to speak with the HPD and not contain any specific information about notification.

If testing yielded results that helped to move cases forward, professionals discussed how in-person meetings would allow investigators to prepare victims for the next steps. A victim advocate could also encourage victims to access counseling and other support services if needed. In cases where the test results did not yield new information, advocates could discuss the reasons for the decision and help the victim process their feelings.

Professionals also discussed the pros and cons of having the victim advocate come from the

HPD rather than a community agency such as HAWC. Some felt that having the victim advocate come from HPD would help manage negative sentiments that victims may feel towards the police department. Respondents also emphasized the importance of having the victim advocate and a law enforcement representative on the same page while delivering information.

Written communication

Professionals expressed significant concerns about notification occurring via written correspondence, either mail or e-mail. Some professionals discussed how, in their own work with victims, they had frequently been told by victims not to send letters or mail to their homes. Some felt it would be difficult to guarantee that only the victim would view a document mailed or e-mailed by HPD. Professionals discussed fears that others in the victim's social support community--family, friends, spouses/partners, or children--might open or view written communication from HPD without the victim's knowledge or awareness and this would be damaging on multiple levels, particularly if those individuals did not know about the assault.

One professional shared anecdotal information about how victims had responded negatively to the Los Angeles crime lab when it had used letters as a method of notification. Victims were reported to have been angry and upset to have their lives disrupted by receiving mail about their sexual assaults. Professionals expressed that although resources should be included with any notification, this would also present challenges for victims' privacy and confidentiality. For example, having a brochure from HAWC would immediately identify the victim as someone who had been sexually assaulted.

Professionals discussed concerns that sending written communication regarding notification to victims would trigger significant emotional and psychological distress. Written communication would be particularly challenging, as it would be impossible to determine the level of crisis or emotional upset that the victim experienced in response to notification. Some professionals suggested that letters or e-mails should only be sent to victims with open cases with the HPD, as these victims would be more likely to be expecting some kind of communication from HPD. Finally, professionals also raised the point that many victims may have moved since reporting their assault and that it would be difficult to locate them or obtain their contact information.

Professionals recommended that if the HPD has to notify victims via mail because of a lack of resources, they should send written communication by certified mail to protect the recipient's confidentiality.

Public service announcements

Professionals suggested public service announcements as a mechanism for notification. The public service announcement would be an opportunity for HPD to connect with the public and send a clear message that they proactively are addressing the problem of backlogged sexual assault kits by inviting victims to call for information about their kits. This method would allow victims to have control over the notification process. Some professionals discussed the possibility of providing this opportunity to call in for notification within a specified time frame, such as a year, in order to help contain the process.

Professionals provided several ideas regarding the PSA, including suggestions for how it should be structured and who should appear in it. One suggestion was to have more than one PSA about the backlog and victim notification. Some professionals recommended that HPD officers be a part of the PSA, particularly the chief of police, in order to send a message that HPD was committed to and

involved in addressing victim notification. Images of the police department working on the issue of victim notification and the backlog were also suggested.

However, some professionals acknowledged that women who had waited for several years to learn about the status of their kits may potentially have lost faith and trust in the police department. Therefore, including images and/or statements from the SAK Working Group and HAWC would show the public that there were multiple entities involved in addressing this issue, particularly victim advocacy. Another suggestion was to have a survivor be a part of the PSA in order to encourage victims to re-engage with the criminal justice system.

Professionals suggested that PSAs be run on television and radio with billboards providing the same information. Some discussed using Twitter and Facebook to spread the PSA message.

One professional suggested that Twitter could be used to promote a campaign for victim notification with its own hashtag that could be retweeted over and over.

Hotline/call-in centers

Professionals discussed having a hotline or call-in number for victims when they were ready. Hotline staff could then refer victims to resources or counseling services if needed. Because of the potential for more phone calls than HPD could manage, community victim advocates suggested using the services of the HAWC 24-hour hotline, which is already staffed with professionals. Some professionals felt that having victims call the HAWC hotline would help in instances where victims had lost faith in or had difficulties trusting HPD due to negative experiences.

Another option suggested by professionals was to have HPD hire a victim advocate from HAWC who could help them with handling the volume of calls they might receive and provide the level of support described above. The victim advocate could be paid by the SAK grant during the length of time that the PSA would be advertised and provide crisis intervention as well as take down information for the HPD investigators to follow up on.

Database tracking system

Some professionals discussed the possibility of HPD creating a database tracking system where the individuals answering the telephone could quickly look up and provide information to victims. Respondents also suggested that HPD set up a computer system in which victims would be assigned a code based on whether their case was moving forward. Once victims call in to the call center and provide a current address, HPD could then send them written information about the status of their case. Finally, professionals talked about creating a tracking system similar to those used to track packages. This would allow victims to log in and check on the status of their own cases by entering their case numbers into the computer system.

Reactions to sample letters A & B

Some professionals liked Letter A but expressed concern that not everyone from HPD could communicate in the empathic tone in which the letters were written. Professionals recommended that the letter just ask for victims to call HPD and not include any sensitive information. Respondents also recommended the letter contain information about speaking with an advocate and receiving support. Other respondents discussed how they thought some Spanish-speaking victims who were immigrants might be encouraged to participate in the process based on the letter about their case moving forward.

Overall elements professionals disliked about the sample letters and suggestions for improvement

- (1) Professionals did not like how vague the letters were, and they felt that it would raise more questions for victims than provide answers. One professional who worked with children discussed how important it was to give some kind of concrete information to children and their families if the case could not move forward while leaving the door open to working with HPD if further evidence came to light. Other professionals stated that it was important to give specific information because victims were looking for closure. Discussion between two professionals also revealed feelings about the value in sending a letter about cases not moving forward and how that would be helpful to victims to have that information.
- (2) The phrase, *crimes of a personal nature*, was received negatively by some professionals. One professional said the statement sounded like it was not believed that a sexual assault occurred.
- (3) Professionals' reaction to the phrase commending victims for their courage depended on which letter they were reading. One indicated that she liked it in the letter where the case was moving forward but not the other one because bad news just simply needed to be stated.
- (4) Some professionals discussed how they did not like phrase *cannot move forward with your case at this time*, because they felt that if the case was being closed, it gave victims false hope that maybe at another time they would move forward with the case. Others stated that this might be upsetting to victims who wanted closure and would not want to have to deal with having it re-opened at a later time.

One professional who worked with children discussed how important it was to give some kind of concrete information to children and their families if the case could not move forward while leaving the door open to working with HPD if further evidence came to light.

One professional did not like that the letter asked the victim to contact HPD if new evidence became available. The respondent stated that HPD should be contacting the victim, not the other way around.

The phrase *explore new avenues in your case* was perceived by some professionals as being “jargonish” and confusing. Respondents suggested that the vagueness of the statement would give the recipient false hope.

- (5) Professionals felt that the empathic language in the letters was problematic. Specific phrases mentioned were *triggering intense feelings* and *common and understandable to have a range of feelings*. Some discussed how victims would not want HPD to be assuming how they were feeling. Others stated that these phrases along with *make sense of what you’re going through* would be construed as being patronizing, particularly coming from HPD. Listing resources could also be interpreted by some victims as being condescending, as if the HPD was assuming that they needed help.

Letterhead/Appearance of letters

Professionals had mixed feelings on how the letter should look. Some felt that having a letter on blank paper would help make the letter more “disguisable” in the event that others in the victim’s life saw it. However, other professionals discussed disliking the idea of sending a letter without letterhead, as victims might not trust that it was “official” or think that someone had just typed up the letter and sent it.

Some professionals felt that it was important that the letter come from HPD, mainly to send a message that HPD was being accountable for the backlogged sexual assault kits.

However, others thought that receiving a letter from HPD might be confusing to victims, as they might think they had received notification of a ticket. Additionally professionals discussed concerns that Spanish-speaking victims may feel confused by the letter.

Some professionals stated that letterhead identifying the SAK Working Group and having all of the logos of the hospitals, universities, and HAWC along with HPD would be comforting to victims as it would send a message that HPD was using a holistic approach to handle victim notification as well as the problem of backlogged kits. Others stated that would be too confusing for victims as they wouldn’t know who the working group was and might mistake the letter as junk mail. Additionally, some professionals worried that victims might be upset to receive a letter from entities other than HPD as they might feel that their privacy and confidentiality had been violated.