

Opening Doors: Increasing Access for Sexual Assault Victims to the Criminal Justice System and Community Services

Kimberly A. Lonsway, Ph.D., Research Director, EVAWI
Sgt. Joanne Archambault (Ret.), CEO, EVAWI

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Acknowledgment

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Grant Disclaimer

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Learning Objectives

- Identify key provisions of the Violence Against Women Act (VAWA), often referred to as forensic compliance.
- Explore alternative reporting options for sexual assault victims to provide information to law enforcement
- Examine best practices and tools to “open” doors to the criminal justice system and community services
- Evaluate Seek Then Speak and Vitim Link technology

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Sexual Assault Disclosures and Responses

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Sexual Assault Disclosures

- Most sexual assault victims disclose to a friend or family member (58-94%)
- Can benefit from the support of family members, friends, or intimate partners
 - Emotional support
 - Information
 - Help with tangible needs

Ullman, S.E. (2010). *Talking about sexual assault: Society's response to survivors*. Washington, DC: American Psychological Association Press.

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Positive Responses

- What does a positive response look like?
- Victims in one study described:
 - Receiving emotional support
 - Being listened to
 - Not being blamed
 - Encouraged to talk about the sexual assault
 - Not being distracted with other things



Filipas, H.H. & Ullman, S.E. (2003). Social reactions to sexual assault victims from various support sources. *Violence and Victims*, 16, 673-692.

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Positive Responses

- Key is:
 - (1) Being believed, and
 - (2) Having someone to talk to
- Victims with such a response have fewer physical and psychological symptoms



Campbell, R., Ahrens, C.E., Seft, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287-302.

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Service Utilization

- Social support increases utilization of other formal resources (reporting, services)
 - Key to engaging – and remaining engaged – with the criminal justice system
 - Especially for adolescents



Campbell, R., Greeson, M.R., Bybee, D.I., Kennedy, A. & Patterson, D. (2011). Adolescent Sexual Assault Victims' Experiences with SANE-SARTs and the Criminal Justice System. Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (NCJ 23446).

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Benefits of Service Utilization

Research documents benefits of formal support on victim recovery, well-being

- Health care / Forensic medicine
- Victim Advocacy
- Counseling / Therapy / Support Groups

For review, see Lonsway, K.A. & Archambault, J. (2013, July/August). Start by believing: Evaluating the impact of a public awareness campaign designed to change the community response to sexual assault. *Sexual Assault Report*, 16. Kingston, NJ: Civic Research Institute.

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Opening More Doors

Accessing the services of one professional increases the likelihood of engaging others.



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Risk of Disclosure

- Benefits only if:
 - Victims disclose to formal or informal support providers AND
 - These individuals respond in positive ways
- Both steps are fraught with risk



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Negative Responses

- If response is negative, this creates an additional, measurable negative impact
- Over and above the trauma of the sexual assault



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Negative Effects Can Include

- Self-blame
- Psychological distress
- PTSD / depression
- Poor coping strategies
- Health problems
- Problem drinking

Relyea, M. & Ullman, S.E. (2015). Unsupported or turned against: Understanding how two types of negative social reactions to sexual assault relate to postassault outcomes. *Psychology of Women Quarterly*, 39, (1), 37-52.

Ullman, S.E. (2010). *Talking about sexual assault: Society's response to survivors*. Washington, DC: American Psychological Association Press.

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Negative Responses

- What does this look like?
- From informal support providers
 - Blamed, patronized
 - Doubted, stigmatized, or shamed

Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287-302.

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Negative Responses

- Health Care: Treatment that is “cold, impersonal, and detached”
- Law Enforcement: Discouraged from reporting, questioned about wearing, sexual history, etc.
- Prosecutors: Inadequate information or preparation, reliving assault, defending character

Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical and mental health systems. *American Psychologist*, 63 (8), 702-717.

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Negative Responses

- Inverse relationship:
 - Emotional and physical health of victims deteriorates further, with more negative reactions
- Self-blame is particularly destructive, and can be fueled by negative social reactions

Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287-302.

Relyea, M. & Ullman, S.E. (2015). Unsupported or turned against: Understanding how two types of negative social reactions to sexual assault relate to postassault outcomes. *Psychology of Women Quarterly*, 39, (1), 37-52.

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Negative Responses

“Victims may be better off receiving no support at all than receiving reactions they consider to be hurtful.”



Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287-302 (quote on p. 300).

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Accessing Services and Reporting

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Service Utilization Rates

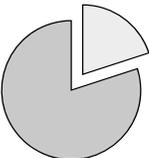
- Less than half get medical care or medical forensic exam (estimated 27-40%)
- Some use mental health services (16-60%)

Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical and mental health systems. *American Psychologist*, 63 (8), 702-717.

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Reporting Rates

- Few rape victims report crime (5-20%)



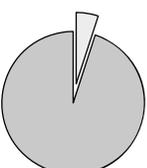
Kilpatrick, D. G., Resnick, H. S., Ruggiero, K. J., Conoscenti, M. A., & McCauley, J. (2007). *Drug-facilitated, incapacitated, and forcible rape: A national study*. Washington DC: National Institute of Justice (NCJ 219181).

Tjaden, P. & Thoennes, N. (2006). *Extent, nature, and consequences of rape victimization: Findings from the National Violence Against Women Survey* (NCJ 210346). Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice and the Centers for Disease Control and Prevention.

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Reporting Rates

- Even fewer report immediately (~5%)



Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K. (1992). *Rape in America: A Report to the Nation*. Arlington, VA: National Victim Center and Medical University of South Carolina.

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Reasons for Non-Reporting

- Fear of perpetrator (22%)
- Too embarrassed / ashamed (18%)
- Do not view it as a crime (18%)
- Law enforcement will not do anything (13%)
- Fear police will not believe / blame them (12%)

In other words, fear of how others will respond

Tjaden, P. & Thoennes, N. (2006). *Extent, nature, and consequences of rape victimization: Findings from the National Violence Against Women Survey* (NCJ 210346). Washington, DC: National Institute of Justice, Office of Justice Programs, U.S. Department of Justice and the Centers for Disease Control and Prevention.

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Reporting Decision Takes Time

- MAD data, 1,825 cases from 2004-2006
 - 63% reported the same day
 - 19% between 1-6 days
 - 7.5% between 1-4 weeks
 - 7.5% between 1-12 months
 - 3% took years to report



Source: Making a Difference (MAD) research methodology and findings at www.evawintl.org/mad.aspx.

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Victims Seek Support First

Survivors contacted an average of 2-3 informal or formal supports before reporting to police




Source: Patterson, D. & Campbell, R. (2010). Why rape survivors participate in the criminal justice system. *Journal of Community Psychology*, 38, 191-205.

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The Real First Responders

- Family and friends play a critical role in victim reporting, recovery, and services
- But they are typically unprepared for it
- Need strategies to assist and support them



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www.startbybelieving.org

Start by Believing

IT'S TIME TO START BY BELIEVING

[TAKE ACTION](#)



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Need to Open Doors for Victims!



Opening doors

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Historic Failures

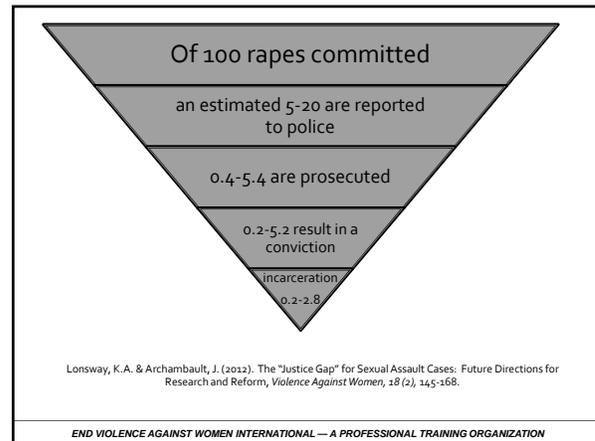
- Documented by journalists, non-profit research and advocacy organizations
- Tens of thousands of untested kits
- Investigations of police response to sexual assault by U.S. Department of Justice
- Senate Judiciary Committee: "Chronic Failure to Report and Investigate Rape Cases"
- Lawsuits filed by sexual assault victims

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Video

If a Robbery Report was Treated Like a Rape Report:
<https://www.youtube.com/watch?v=AoL4V5BWITM>

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Approaches to Reform

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"Victim-Centered" Approaches

From human trafficking. Definition from Office for Victims of Crime (OVC), Training and Technical Assistance Center:

This approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.

A victim-centered approach seeks to minimize traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice

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"Victim-Centered" Approaches

U.S. Department of Homeland Security:

A victim-centered approach to investigation and prosecution is essential to accomplishing our law enforcement mission. Victims who can tell their story and testify as a witness are key to successful human trafficking investigations and prosecutions. When encountering a potential victim, it is important to remember that victims may not be comfortable coming forward and working with law enforcement. They need help to feel stable, safe and secure.

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"Trauma-Informed" Responses

- Neuroscience helps explain behaviors victims exhibit before, during, after sexual assault
 - Behaviors that "make no sense"
 - Dissociation, tonic or collapsed immobility
 - Gaps in memory, "flashbulb" memories, etc.
 - No clear or coherent narrative of events

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"Trauma-Informed" Responses

- Training and reforms in:
 - Law enforcement
 - Health care
 - Victim advocacy
 - Prosecution
 - Other services and allied professionals

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"I spent about 10 years of my law enforcement career as a criminal investigator and I want to tell you that I wish your article was available then as I find it a most valuable tool containing knowledge that every law enforcement officer should be trained in."

"After 27 years of law enforcement, I had my 'aha moment' with the SBB [Start by Believing] concept and Neurobiology of Trauma."

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VAWA Forensic Compliance

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VAWA Forensic Compliance: 2005 Reauthorization

"Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

2005 VAWA Reauthorization 42 USCA 5, 3796gg-4, (b)(3)(d)(1)

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Forensic Compliance: 2 Prongs

- **Payment:** SA victims must have access to a medical forensic examination FREE
- **Participation:** SA victims must have access to exam without being required to "participate in the criminal justice system or cooperate with law enforcement."

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Why Forensic Compliance?

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"I was told that it would be paid for by the state, that it wasn't going to be no cost at all to me, and that was such a big relief. That was such a big burden"

- Victim in Urban Institute study (2014)

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Why Forensic Compliance?

- Criminal Justice Philosophy
 - To increase reporting and participation
 - To reduce attrition and improve case outcomes
 - Connect victim with resources (health care, advocacy, Crime Victim Compensation, etc.)
 - Encourage reporting as early as possible, but whenever a victim is able

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"I was kind of iffy on whether I wanted to press charges but I knew I needed the exam. The nurse who gave me the exam ... talked with me and the case worker talked with me. And I felt more and more certain that the right thing to do was to press charges."

- Victim in Urban Institute study (2014)

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Why Forensic Compliance?

- Health Care Philosophy
 - To improve physical and psychological outcomes
 - Health care is a critical access point for victims
 - Can check physical health (e.g., STI's, pregnancy), and connect victim with resources
 - As soon as possible, but anytime victim is able

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"If you can go in and get this stuff done and get your physical well-being taken care of and get the evidence collected, then you can think about what you want to do with the rest, instead of waiting so long that you end up being pregnant, that you end up having an STD that can't be treated, [or] that you end up having things that could've been taken care of if you had gone [to the hospital]."

- Professional in Texas study (2011)

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Definition of Forensic Exam

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Definition of Forensic Exam

- For purpose of VAWA, a forensic examination is defined as including, at a minimum:
 - Examination of physical trauma
 - Determination of penetration or force
 - Patient interview; and
 - Collection and evaluation of evidence

[28 C.F.R. § 90.2(b) (1)]

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Definition of Forensic Exam

- Medical testing and treatment are NOT included in VAWA definition of a forensic exam
 - Some basic services may be included at no cost to victim (STI treatment, emergency contraception)
 - Otherwise, medical costs typically billed to victim's private insurance or submitted to CVC
 - Many facilities absorb some basic costs at a loss (e.g., STI treatment, emergency contraception)

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No Requirement for Anonymity

- VAWA forensic compliance does not require anonymous reporting
 - For exam forms, report for law enforcement, evidence kits, or other evidence such as clothing

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Forensic Compliance Deadline

- As of January 2009, states, territories, and tribes must certify compliance
 - If not, jeopardizes eligibility for STOP grants

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New Provision in VAWA 2013

- Forensic compliance provisions remain in effect with current reauthorization
 - Plus new provision that victims cannot be required to pay any out-of-pocket costs (cannot pay and be reimbursed)
 - Compliance deadline of March, 2016

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Billing and Payment

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Billing Private Insurance

- Can insurance be billed under VAWA 2013?
 - In theory, practice may comply with VAWA 2013 forensic compliance provisions
 - Yet administratively complicated to ensure that victims have no out-of-pocket costs, including co-pays, deductibles, etc.

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Billing Private Insurance

- Can also present complications for victims, especially loss of confidentiality
 - Removes victim choice regarding disclosure
 - Problem for victims of intimate partner violence
- Even if it meets the letter of the law, it does not achieve the spirit of the law

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Billing Private Insurance

- Variation in private insurance billing
 - Some states require government funds (e.g., Crime Victim Compensation) be the payor of last resort – victim’s private insurance billed first
 - Others prohibit billing victim’s private insurance
 - Some only bill private insurance with consent

Note: research conducted before VAWA 2013

Source: Urban Institute Report (2014)

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Forensic Compliance Resources

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Forensic Compliance Resources

- Information and materials available from EVAWI, the OVW-funded national technical assistance (TA) provider since 2009
 - Includes module in OnLine Training Institute, articles, Training Bulletins, templates, tools
 - www.evawintl.org/Forensic-Compliance

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Forensic Compliance Module

OnLine Training Institute (OLTI) module:

The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance

By Joanne Archambault, Heather Huhtanen & Kim Lonsway (2013)

End Violence Against Women International (EVAWI)
 The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance
 Joanne Archambault (Ed.)
 Heather Huhtanen
 Kimberly A. Lonsway, PhD
 May 2013
 Last Updated March 2017

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EVAWI > Resources > Forensic Compliance

Forensic Compliance

Many communities face challenges in establishing a community response system that is compliant with the provisions of VAWA 2005 and 2013. EVAWI is currently providing technical assistance on this critically important topic.

Forensic Compliance Background

In this section, you will find background information on the forensic compliance provisions in VAWA 2005 and VAWA 2013. VAWA 2005 specifies that states and territories may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursed for charges incurred on account of such an exam, or both." All states and territories must now certify (as of January 5, 2009) that they are in compliance with these requirements in order to remain eligible for STOP Grant funds from the Office on Violence Against Women (OVW). VAWA 2013 clarified that victims cannot be required to pay any out-of-pocket costs to obtain a medical forensic exam. Communities have until March 2016 to be in compliance with the new provisions of VAWA 2013.

[READ MORE...](#)

Forensic Compliance Resources

In this section, you will find a wealth of resources for professionals to use in their own communities. These resources include background articles, a community self-assessment tool, and sample laws, policies, protocols, forms, and other documents that can be adapted for use. The goal is to highlight examples of communities striving to achieve a higher standard of the "spirit of the law," rather than simply meeting the "letter of the law" for VAWA forensic compliance.

[READ MORE...](#)

Forensic Compliance FAQ's

Here you will find detailed answers to many frequently asked questions regarding VAWA forensic compliance. Questions address topics such as the purpose and philosophy of the legislation, and methods of payment for sexual assault medical forensic exams, among others.

[READ MORE...](#)

SAFE Payment Map
Many professionals have questions about the laws in their own state or territory, pertaining to forensic compliance and payment for sexual assault medical forensic exams. Resources can be found in the document entitled, Summary of Law and Use.

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EVAWI > Resources > Forensic Compliance > VAWA and Forensic Compliance

Forensic Compliance

Background on VAWA 2005, VAWA 2013 and Forensic Compliance

What is VAWA 2005?

In 2005, the **Violence Against Women Act (VAWA)** was reauthorized with several landmark changes particularly affecting the response of law enforcement agencies and health care facilities to victims of sexual assault. This act, often referred to as "VAWA 2005," specifies that states and territories may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursed for charges incurred on account of such an exam, or both." In other words, VAWA 2005 was designed to ensure that victims of sexual assault have access to a forensic medical exam free of charge or with full reimbursement regardless of whether they report the crime to police or otherwise cooperate with the criminal justice system.

All states and territories must now certify (as of January 5, 2009) that they are in compliance with these requirements in order to remain eligible for STOP Grant funds from the Office on Violence Against Women (OVW). Yet communities face considerable challenges in designing a protocol for the initial response to a sexual assault disclosure, as well as addressing questions regarding payment for the medical forensic examination, mandatory reporting to law enforcement, storage and transportation of evidence, case tracking and retrieval, processing of evidence, and the potential for evidence-based prosecution (i.e., without the victim's cooperation). For many states and territories, the changes that are required in public policy and daily practice have been described as "monumental." Some of these questions are addressed in the "Frequently Asked Questions" document published by OVW found [here](#).

What is VAWA 2013?

VAWA 2013 is the most recent authorization of the Violence Against Women Act. This act, often referred to as "VAWA 2013," retains all of the forensic compliance provisions from 2005 with two important changes. First, **VAWA 2013 clarified that victims cannot be required to pay any out-of-pocket costs to obtain a medical forensic exam.** Under VAWA 2005, jurisdictions were allowed to bill victims for the cost of the exam as long as they were fully reimbursed. However, this option was eliminated in VAWA 2013.

Also, in a critical advance, VAWA 2013 states that a governmental entity (such as a U.S. state, territory, or tribal government) will only be eligible for STOP grant funding if it coordinates with regional health care

Featured Links

- VAWA
- SAFE Payment Map
- FAQs
- Mandated Reporting



All states and territories must now certify (as of January 5, 2009) that they are in compliance with these requirements in order to remain eligible for STOP Grant funds from the Office on Violence Against Women (OVW).

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EVAWI > Resources > Forensic Compliance > OLT Module

Forensic Compliance Resources

Note: The information on this website is designed to: (a) communicate the requirements of the Violence Against Women Act (as reauthorized in 2005 and 2013), and (b) offer recommended practices for implementation. The goal is to highlight examples of communities striving to achieve a higher standard of the "spirit of the law," rather than simply meeting the "letter of the law" for VAWA forensic compliance. It is critically important that readers consult state laws and regulations, as well as local policies and protocols, because they may have additional requirements beyond those included in VAWA 2005 and VAWA 2013. For more information specific to your state or territory, contact the [STOP Grant Administrator](#) or [coalition of advocacy organizations](#) providing services for sexual assault victims. A listing is available from the website for the [Office on Violence Against Women](#), U.S. Department of Justice.

OLT Module	Articles	FAQ Documents	Self-Assessment	SAFE Payment Map	State Protocols	Model Policies	Sample Legislation
Sample Documents	Mandated Reporting	Reporting Options	Anonymous Reporting	Forensic Exams	Public Education	Data Collection	
Training Initiatives	Exam Payment	VAWA 2013	Evidence Retention	Miscellaneous	Glossary	Start by Believing	Unsettled Evidence
Non-Investigative Reports							

OLT Module on Forensic Compliance

EVAWI has developed a module in the [Online Training Institute \(OLTI\)](#) dedicated to forensic compliance, entitled *The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance*. This training module is designed to increase understanding of the forensic compliance provisions in the federal Violence Against Women Act (VAWA), which requires that sexual assault victims be provided a medical forensic examination free of charge and regardless of whether they personally report to law enforcement or participate in the criminal justice process. This module also provides extensive resources and tools to assist local communities in their implementation efforts.

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EVAWI > Resources > Forensic Compliance > FAQs > General

Forensic Compliance Frequently Asked Questions

Note: The information on this website is designed to: (a) communicate the requirements of the Violence Against Women Act (as reauthorized in 2005 and 2013), and (b) offer recommended practices for implementation. The goal is to highlight examples of communities striving to achieve a higher standard of the "spirit of the law," rather than simply meeting the "letter of the law" for VAWA forensic compliance. It is critically important that readers consult state laws and regulations, as well as local policies and protocols, because they may have additional requirements beyond those included in VAWA 2005 and VAWA 2013. For more information specific to your state or territory, contact the [STOP Grant Administrator](#) or [coalition of advocacy organizations](#) providing services for sexual assault victims. A listing is available from the website for the [Office on Violence Against Women](#), U.S. Department of Justice.

General	Purpose	Philosophy	Definitions	SAFE Payment	VAWA 2013	Evidence Retention	DNA Issues	Law Enforcement
Forensic Exam	Non-Investigative Reports							

Q What is "Forensic Compliance?"
Q What was the deadline for compliance?

A What is "Forensic Compliance?"

Forensic Compliance refers to two specific provisions that first appeared in the 2005 reauthorization (and remain in place under the most recent reauthorization of VAWA 2013) regarding medical forensic exams for victims of sexual assault. These provisions read as follows:

Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a medical forensic exam, reimbursement for charges incurred on account of such an exam or both (42 U.S.C.A. § 3796gg-4(g)(1)(2005)).

There are thus two dictates associated with forensic compliance. VAWA legislation states that victims of sexual assault must be provided with access to a medical forensic examination:

1. Free of charge, and
2. Without requiring them to cooperate with law enforcement or participate in the criminal justice system.

VAWA 2013 retains all of the forensic compliance provisions from 2005 and it clarified that victims cannot be required to pay any out-of-pocket costs to obtain a medical forensic exam. Under VAWA 2005, jurisdictions were allowed to bill victims for the cost of the exam as long as they were fully reimbursed. However, this option was eliminated in VAWA 2013.

A What was the deadline for compliance?

States, territories and Indian tribal governments were originally given four years after the VAWA 2005 reauthorization – until January 5, 2009 – to certify their compliance with the forensic compliance provisions. However, compliance is not simply a one-time event; states, territories, and tribal governments must remain in compliance in order to remain eligible for ongoing STOP grant funding. VAWA 2013 was enacted on March 7th, 2013, and the deadline for compliance is three years from that date. Therefore, communities have until March 2016 to be in compliance with the new provisions of VAWA 2013.

Forensic Compliance



Opening doors

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Alternative Reporting Options

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Alternative Reporting Options

- Similar philosophy to forensic compliance
 - Encourage reporting and service utilization
 - As soon as possible, but whenever victim is able
 - Can gather intelligence, conduct investigations, and connect victims with resources

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Anonymous Reporting

- Victim can provide information to law enforcement without name or ID
- Example: Cambria County, Pennsylvania
 - Protocol available on EVAWI website:
 - www.evawintl.org/PAGEID4/Forensic-Compliance/Resources/Model-Policies

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"Just go to the ER. They can do it all confidential. You can get a card, doesn't even have your name on it. It has your case number. Once you have your case number, you can open that back up anytime you want. So, just to go and get that information collected, just to have it is going to be huge. It's going to be in your favor, and you can take your time from then. It doesn't have to be all thrown into a day."

- Victim in Urban Institute study (2014)

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Non-Investigative Reporting

- Victim can report to law enforcement without triggering an investigation
- Example: You Have Options Program
 - www.reportingoptions.org
 - Also offers anonymous reporting option

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You Have Options Program

- Types of Reporting Options with YHOP
 - Information Only
 - Partial Investigation
 - Complete Investigation
- Cases not investigated until victim chooses
- National program, LE agencies can implement

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"They're really good ... about not pressuring you on this. They say it's your choice whether you decide to press charges or not, and you have a time frame ... They emphasize in case you change your mind in a day or two or in a month or so within the time frame. It's something you can do now to go through with the exam just in case. Even if you don't press charges, but if you change your mind, it's there."

- Victim in Urban Institute study (2014)

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Non-Investigative Reporting

- Benefits for victims
 - Process aligned with understanding of trauma
 - “Try out” the process, taking one step at a time
 - Avoid “all or nothing” and “now or never”
 - Preserve option of reporting to law enforcement, with information documented at the time of disclosure
 - Connect with advocacy and other resources

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Non-Investigative Reporting

- Benefits for law enforcement
 - Can explain process to victim, answer questions
 - Document critical information about the sexual assault, victim response and demeanor, etc.
 - Connect victim with resources and services, which may support criminal justice participation
 - May ultimately help prosecute this, or other cases

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“They told me I could come and not have to contact the police, but if I wanted they would release the records. ... They kept the file, and I would call them every month and tell them to keep the file because I didn’t know what I was going to do. And so then it was eventually released to the police ... with my consent. Yeah, I called them, but there was never any pressure.”

- Victim in Urban Institute study (2014)

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Reporting Methods Module

OnLine Training Institute (OLTI) module:

Reporting Methods for Sexual Assault Cases

By Joanne Archambault & Kim Lonsway (2007)



End Violence Against Women International (EVAWI)
 Reporting Methods for Sexual Assault Cases
 Sergeant Joanne Archambault (2011)
 Kimberly A. Lonsway, PhD
 July 2007
 Last Updated July 2017

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Alternative Reporting Options



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Seek Then Speak and Victim Link

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**STRENGTHENING THE SYSTEM
IMPROVING RESPONSES**

www.SeekThenSpeak.org www.VictimLink.com



Seek Then Speak and Victim Link provide victims and their support people with the tools they need to gather information, explore options, and take action.

Together they help to close gaps in service delivery and promote justice and healing.

Seek Then Speak

- Available on web, mobile app, voice
- Partnership with EVAWI and Ten8Tech
- Victims and support people can gather information, make decisions, take action

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Seek Then Speak

- Alternative reporting option for law enforcement
- General information appropriate for entire U.S.
- Information about range of options: health care, medical forensic exam, victim advocacy, reporting to law enforcement, military, campus

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Victim Link

- Can request victim advocacy services
 - Victim provides only contact information
- Can begin reporting to law enforcement
 - Victim provides information about assault
 - As much or as little as they choose
- Can connect with campus or military resources
- Survivor remains in the driver's seat

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www.SeekThenSpeak.org



ARE YOU IN IMMEDIATE DANGER? CALL 911 NOW ENGLISH ▾

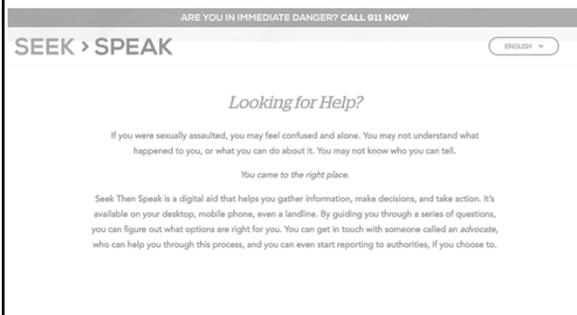
SEEK > SPEAK

Putting you in the driver's seat to get help for yourself, or someone you know, after sexual assault.

Brought to you by End Violence Against Women International

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Gathering Information



ARE YOU IN IMMEDIATE DANGER? CALL 911 NOW

SEEK > SPEAK ENGLISH ▾

Looking for Help?

If you were sexually assaulted, you may feel confused and alone. You may not understand what happened to you, or what you can do about it. You may not know who you can tell.

You came to the right place.

Seek Then Speak is a digital aid that helps you gather information, make decisions, and take action. It's available on your desktop, mobile phone, even a landline. By guiding you through a series of questions, you can figure out what options are right for you. You can get in touch with someone called an advocate, who can help you through this process, and you can even start reporting to authorities, if you choose to.

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Exploring Options

ARE YOU IN IMMEDIATE DANGER? CALL 911 NOW

SEEK > SPEAK

ENGLISH ▾

- OBTAIN MEDICAL CARE
- MEDICAL CARE ALTERNATIVES
- GET A MEDICAL FORENSIC EXAM
- FORENSIC EXAM DETAILS
- PREPARING FOR AN EXAM
- REPORT TO POLICE
- OTHER WAYS TO CONNECT WITH POLICE

It is important for you to have a nurse or doctor check your physical well-being. This is critical because you may have injuries you are not aware of. They can also help to get you in touch with advocates who can offer you information, support and assistance.

Health care providers can also provide testing or treatment for sexually transmitted infections (STIs), as well as emergency contraception to prevent pregnancy, if you are female. With Seek Then Speak, you can learn more about your options and get in touch directly with an advocate.

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Taking Action

ARE YOU IN IMMEDIATE DANGER? CALL 911 NOW

SEEK > SPEAK

ENGLISH ▾

HOW WOULD YOU LIKE TO GET STARTED?



CONNECT THROUGH THE WEB



GET THE MOBILE APP



CONNECT OVER TEXT



USE VOICE TO CONNECT

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Supportive Dialogue

Welcome to Seek then Speak. We are glad you found us.

When someone is sexually abused or assaulted, it can feel like there is nowhere to turn.

Seek Then Speak can help you gather information, make decisions, and take action. While you are using this system, you will remain anonymous for as long as you wish.

Everything you say will be kept confidential.

NEXT

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Seek Then Speak and Victim Link



Opening doors

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Not Just Reporting: What Happens Next?

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Is there any realistic possibility that cases will be thoroughly investigated and prosecuted, if the facts warrant?

If not, what can we do to make this a reality?

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Requires Interagency Coordination

- Law enforcement agencies
- Forensic examiner programs (SANE, SAFE)
- Other medical providers, especially ED staff
- Community-based advocacy (rape crisis center)
- System-based victim advocacy (Victim Services Unit of Police Dept., Victim-Witness Assistance)
- Prosecutors who will eventually receive cases
- Campus, military installations, tribal agencies ...

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Units Within Law Enforcement

- Communications / Dispatch (911 call takers)
- Property Room
- Records
- Crime Laboratory
- Patrol / Investigations
- Administration / Fiscal Management

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The Bottom Line

- Investigation and possible prosecution are more realistic if law enforcement and prosecution are involved in protocols.

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Policies and Protocols: Exams and Payment

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Policies and Protocols for Exams

- How are victims informed of options and rights?
- What is process for billing and payment?
- Is victim's private insurance billed?
- What elements of exam are covered?
- Any follow-up with victims after exam?
- Out-of-jurisdiction exams? Designated facilities?
 - Victims should not be sent long distances for exam

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Crime Victim Compensation

- May need to revise eligibility criteria (e.g., reporting requirement, timeline, payer of last resort, 'contributory misconduct,' etc.)
 - For example, medical forensic exam might be seen as meeting the reporting requirement
 - Training needed for professionals to ensure they have accurate understanding of laws, procedures

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EVAWI Resources

- SAFE Payment Map, with laws in each state or territory regarding exam payment
- EVAWI templates for informing victims, documenting consent to exam / reporting
- EVAWI Training Bulletin: *Responding to Victims Reporting from Another Jurisdiction*

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Policies and Protocols: Evidence Questions

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Policies and Protocols for Evidence

- Where is evidence stored? For how long?
 - Recommend storing at least 2 years
- Are standards for evidence storage met?
- What info are victims provided at time of exam?
- Are victims notified of pending destruction?
- Is evidence stored anonymously? Linked to exam?
- Is it submitted for testing without victim consent?
 - Strongly recommended not to submit for testing

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Resources: Evidence Retention

- EVAWI model policy on evidence storage, with template forms and other tools
 - Includes two sample evidence retention grids, including Arizona which passed legislation mandating that all sexual assault evidence be retained for a minimum of 55 years
 - New Jersey Attorney General Directive to store evidence for 5 years, to allow victims time to make decision about CJ participation

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Policies and Protocols: Victims Who Convert

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Policies and Protocols for Conversion

- How do victims "convert" to a standard report?
 - Research from 2011-2013, conversion rates of 5-15%
 - Typically within relatively short period of time (days/weeks)
- Are victims provided written info to take home?
- What investigative steps taken in converted cases?

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Resource: Recorded Webinar

- Recorded webinar on *Investigating and Prosecuting Converted Cases*, presented by Sgt. Joanne Archambault and Roger Canaff

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Policies and Protocols



Opening doors

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Pursuing Cases Without Victim Consent

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Open doors for victims ...
... Don't shove them through

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 **CAUTION**

- Cannot always guarantee victims that investigation will not be pursued
 - Especially with severe injuries, serial perpetrator, intimate partner, high profile case
 - Victims must have realistic information about options and consequences
 - See language in EVAWI templates for anonymous reporting protocol templates

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"It just seemed like it was the only option, you know, like 'Why won't you?' ... It was asked so many different times by so many different people that I just kind of felt like, 'Well, should I just give in and do it?' ... But I just felt like I needed to at least stand up for myself on that part, you know ... They said that they would keep it for six months, the evidence itself, and there would be a report made and the report on the evidence would be kept on file for a year. So, I have up to a year to report it."

- Victim in Urban Institute study (2014)

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Measuring Success

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Prosecution Not the Only Goal!

- Colorado report (2013): No “medical report” had been prosecuted at that point
 - Must not be framed as a failure!
 - Unknown how many victims “convert” during course of exam because of VAWA
 - Long-term positive outcomes of connecting victims with health care and other services

Opening doors



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“We feel that if we provide the environment that’s safe and healing for them, and we give them understanding and support, there is a chance that before they leave, we do not have to mark that kit as a non-report. Rather, it can be sent through to the authorities where it needs to be, and gone ahead and processed, and the report finalized and worked. That’s our whole goal: not to coerce, but to support, inform, and let them make an informed decision on what’s happening to them.”

- Professional in Texas study (2011)

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Need for Data Collection

- How many exams conducted without LE report?
- How many convert during the exam?
- How many later convert to a standard report?
- How long do most victims take to convert?
- Characteristics of victim, suspect and assault (e.g., stranger, intimate partner, non-stranger)
- How many are successfully prosecuted?

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Need for Data Collection

- What services do these victims access?
- What is the protocol for exam without LE contact and does it work as well as a standard report?
- What are victims’ perceptions of the barriers, professional responses, and outcomes?
- Are certain groups of victims less likely to report than others? (e.g., male victims, undocumented)

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Resources: Data Collection

- Colorado Forensic Compliance Evaluation Project (FCEP) Report
- Texas research on “Non-Report” Exams




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What good are free exams, or alternative reporting options if no one knows about them?

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Public Notification

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New Provision in VAWA 2013

- Public outreach required to notify victims that medical forensic exam is free and available without reporting to police
 - Compliance deadline was March 2016

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**STRENGTHENING THE SYSTEM
IMPROVING RESPONSES**

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Seek Then Speak and Victim Link provide victims and their support people with the tools they need to gather information, explore options, and take action.

Together they help to close gaps in service delivery and promote justice and healing.

Public Notification Strategies

- Communities use websites, brochures, media articles, PSA's, and other strategies
 - Translation for non-English speaking people
 - Accessibility for individuals with disabilities
 - Reaching out to underserved communities
 - Ensure consistency with written materials

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Public Notification Examples

- **Texas Department of Public Safety (DPS)**
 - Website explains the "Non-Reported Sexual Assault Evidence Program"
 - <https://www.dps.texas.gov/CrimeLaboratory/NRSA.htm>
- **Texas Association Against Sexual Assault**
 - Brochure on *Sexual Assault Examinations Without Police Involvement: A Guide to Texas' New Law*
 - http://taasa.org/wp-content/uploads/2015/05/BR_SA-Exam_Non-Report_2013.pdf

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Public Notification Examples

- **Public Service Announcement in Austin**
 - Aired on TV, designed to encourage reporting
 - Same message in Spanish-language newspaper
 - http://www.evawintl.org/images/uploads/AustinPD_PublicSvcAnnouncement.wmv

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Public Notification



Opening doors

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***What can you do to open
doors for sexual assault
victims in your community?***

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