

# Evaluation of a Victim-Centered, Trauma-Informed Victim Notification Protocol for Untested Sexual Assault Kits (SAKs)

Violence Against Women

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## Abstract

Throughout the United States, hundreds of thousands of sexual assault kits (SAKs) have not been submitted by the police for forensic DNA testing, which raises complex issues regarding how victims ought to be notified about what happened to their kits. In this project, we evaluated a victim-centered, trauma-informed victim notification protocol that was implemented in Detroit, Michigan. Most victims (84%) did not have a strong negative emotional reaction to notification, and most (57%) decided to reengage with the criminal justice system. Victims of nonstranger sexual assaults were less likely to reengage postnotification compared with victims of stranger rape.

## Keywords

sexual assault, rape kit, forensic testing, victim notification, criminal justice system

Sexual assault victims who seek postassault medical care are often advised to have a sexual assault kit (SAK) to preserve forensic evidence of the crime (Department of Justice, 2013).<sup>1</sup> A SAK (also termed a “rape kit”) requires collecting oral, anal, vaginal, and body surface swabs for semen, blood, saliva, hair, and other trace evidence,

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which can be analyzed for DNA. It is an arduous, retraumatizing experience for rape survivors (Campbell, 2008), but one they endure in hope that the evidence will be used by police and prosecutors to hold perpetrators accountable (P. Y. Martin, 2005; Parnis & DuMont, 2006; Patterson & Campbell, 2010). However, recent media stories and social science studies suggest that *at least* 200,000 rape kits have never been submitted by the police for forensic DNA testing. Instead, they were shelved in police property, untouched and forgotten for years (see Campbell, Feeney, Fehler-Cabral, Shaw, & Horsford, 2015; Human Rights Watch, 2009, 2010; Strom & Hickman, 2010). Large stockpiles of untested SAKs have been documented in over four dozen U.S. cities, sometimes totaling more than 10,000 untested rape kits in a single city (Campbell, Feeney, et al., 2015). Strom and Hickman (2010) argued that when rape kits are not tested, “justice [is] denied” (p. 382) because there is no opportunity for the DNA within those kits to help investigate and prosecute perpetrators or to exonerate those who have been wrongly accused.

In response to this growing national problem, the federal government has increased funding for DNA testing (e.g., the Debbie Smith Act & Backlog Reduction Grants, the Sexual Assault Forensic Evidence Registry Act), and 10 states (thus far) have passed laws mandating rape kit testing ([www.endthebacklog.org](http://www.endthebacklog.org)). Many cities with large numbers of untested SAKs have decided to test all their kits and clear their backlogs (e.g., New York, Houston, Detroit).<sup>2</sup> However, testing previously unsubmitted SAKs can raise complex issues for survivors. Emotionally, this is a painful reminder of the rape itself, and it might come as a shock to victims to learn that their kits had never been tested. Legally, victims could be expected to cooperate with police and prosecutors if testing produces new investigative leads and the case is reopened. Therefore, it is important to explore how victims ought to be notified about what had happened to their kits, what is currently happening, and what might happen in the future. To that end, the purpose of this article is to examine how one city that had large numbers of untested SAKs—Detroit, Michigan—created and evaluated a victim notification protocol. To set the stage, first, we will describe the scope of the problem of untested SAKs in Detroit and the formation of a multidisciplinary action research project tasked with developing long-term solutions; then, we will describe the components of the victim notification protocol that was evaluated in this study.

## **One City Among Many: Detroit’s Problem With Untested SAKs**

In August 2009, approximately 11,000 rape kits were found in a police property storage facility in Detroit, Michigan, with some SAKs dating back to the early 1980s. Initial estimates indicated that the vast majority of these kits had never been tested for DNA (Michigan Domestic and Sexual Violence Prevention and Treatment Board, 2011). A review of the police reports associated with untested kits found that these cases had not been investigated thoroughly; in many instances, there was virtually no investigation at all (Campbell, Fehler-Cabral, et al., 2015; Shaw, Campbell, & Cain, 2016). Based on the written documentation in the police reports, it was clear that many

law enforcement personnel held negative, victim-blaming beliefs about sexual assault victims (e.g., using derogatory names to refer to victims, stating in writing that victims brought the attack on themselves), which was instrumental in their decisions not to test rape kits (Campbell, Fehler-Cabral, et al., 2015; Shaw et al., 2016).

To address these problems, multidisciplinary stakeholders in Detroit convened to create systemic reform. Representatives from the local police department, prosecutor's office, the police department's victim advocacy program, the nonprofit community-based victim advocacy program, the forensic nurse examiner program, the state police forensic science division, the state prosecutor's association, and state and national victim advocacy organizations partnered with a research team led by the primary author of this article. With funding from the National Institute of Justice (2010), the collaborative conducted a 4-year action research project to develop and evaluate solutions to this problem. In the action research model, researchers are deeply embedded in the focal community and work side-by-side with local stakeholders to develop strategies and evaluate them in a rapid-turnaround process, feeding back the results so that new policies and practices are data driven and empirically informed (Greenwood & Levin, 2006; Kemmis & McTaggart, 2005; Klofas, Hipple, & McGarrell, 2010). At the beginning of this action research project, Detroit did not yet have funds to test all previously unsubmitted SAKs, so an initial sample of 1,600 SAKs were tested, and the collaborative partners developed comprehensive protocols for testing, case review, investigation, prosecution, and victim notifications for these cases (see Campbell, Fehler-Cabral, et al., 2015).

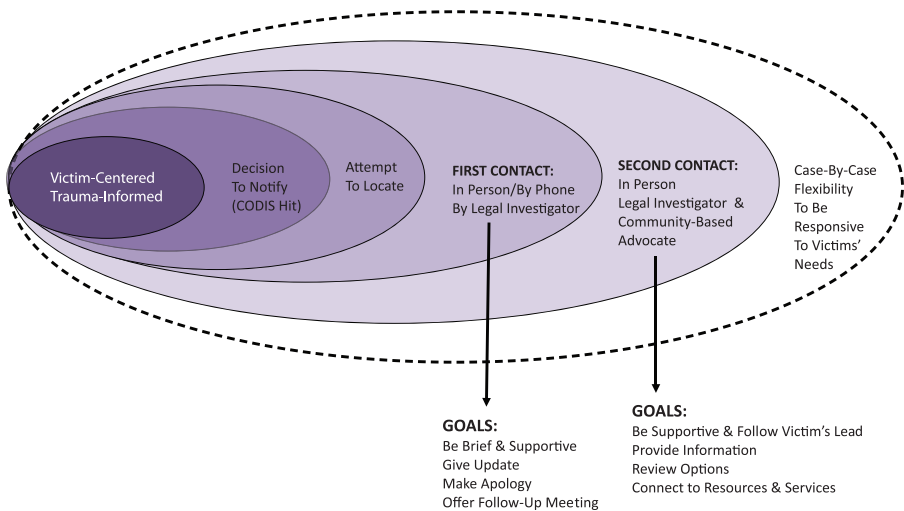
## **Development of a Victim-Centered, Trauma-Informed Victim Notification Protocol**

To develop a victim notification protocol, the action research project team began by discussing the overall philosophy and approach they wanted for working with survivors. Drawing on the work of the Sexual Violence Justice Institute (2008), the team wanted the protocol to be *victim centered*, which means that the victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system; victim's choice, safety, and well-being are the focus; and the needs of the victim are everyone's concern and a collective effort (not just the task of one discipline, such as victim advocacy). Consistent with the work of the National Center on Domestic Violence, Trauma & Mental Health (2011), the action research team also wanted the protocol to be *trauma informed*, meaning that it must attend to victims' emotional safety, as well as their physical safety; strengthen victims' capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services, and support; and educate victims, service providers, and the general community about the impact of trauma on survivors' health and well-being.

The action research project held a 2-day, off-site retreat to discuss how to enact these principles and to develop a pilot victim notification protocol (see Campbell, Fehler-Cabral, & Horsford, 2017, for details regarding how the protocol was developed). Figure 1 summarizes the pilot victim notification protocol that was created at

this retreat. In the context of this action research project, victim notifications would only be considered if the SAK forensic testing results yielded a DNA match to a profile in the federal criminal database, CODIS (Combined DNA Index System, termed a “CODIS hit”; Butler, 2005; see Figure 1, second oval). A CODIS hit provides investigators with a promising investigational lead as to the identity of the offender (in stranger-perpetrated sexual assaults), possible corroboration of the offender’s identity (in nonstranger-perpetrated assaults), and/or the discovery of serial sexual offenders through DNA matches across multiple crimes (in all types of sexual assaults). During the retreat, the action research project team discussed how it could be valuable to notify victims even if forensic testing did not yield a CODIS hit (e.g., no DNA was found in the kit, a DNA profile was extracted and loaded into CODIS but there was no match/hit) because victims had a right to know what had happened to their kits, and this information might provide important emotional closure. However, once the sample kits were submitted for testing, a staggering number produced CODIS hits: The pilot testing of 1,600 SAKs yielded 455 CODIS hits (see Campbell et al., 2015). Given the resources available to Detroit stakeholders, it would be extremely challenging to notify all victims in cases in which there was a CODIS hit, so they could not expand victim notification at that time to contact all survivors whose SAKs had not been tested.

At the retreat, the action research project team decided that a multidisciplinary workgroup should be tasked with reviewing cases with CODIS hits and deciding which victims should be notified (the notification review team [NRT]; see Figure 1, second oval). It was expected that the NRT would decide to notify most victims whose



**Figure 1.** The Detroit sexual assault kit action research project pilot victim notification protocol.

Note. CODIS = Combined DNA Index System.

SAKs yielded a CODIS hit, but they considered possibilities in which notification may not be advisable (e.g., notification could pose significant safety threat to the survivor). The project team agreed that time-sensitive cases (e.g., those near statute of limitations expirations, identified offenders who were about to be released from prison) should receive priority review by the NRT.

Once the NRT had decided to notify a victim, law enforcement personnel affiliated with the prosecutor's office—not the focal police department—would begin trying to locate the victim (see Figure 1, third oval). Many large prosecutors' offices have an investigative unit, staffed by law enforcement officers who work with the prosecutors on cases that might be moving forward for prosecution. These investigators (i.e., those affiliated with the prosecutor's office) were chosen to conduct the notifications because, as noted previously, many victims had not had a positive experience with the focal police department at the time they made their original police report years ago (see Campbell, Fehler-Cabral, et al., 2015).

The prosecutor's office investigators would make an in-person attempt to contact each victim (or by phone, if in-person was not feasible), first to verify that they had in fact identified/located the correct person (Figure 1, third oval), and then, if it was feasible and safe for the survivor to talk with them, to proceed with the notification (see Figure 1, fourth oval). In this first contact with the victim, the goal was to keep the discussion brief and to set up a second, follow-up meeting for a more extended discussion of the case and possible next steps. At this first contact, the investigators would explain that they were part of a group working on old criminal cases and would then ask the victim whether she or he remembered making a report to the police (e.g., "*Do you remember making a report to the police in 2004?*"); the investigators would clarify, if needed and if it was safe to do so, that the case they were referencing was a sexual assault. Then, they would explain that the victim's rape kit had not been tested, but now it had been tested, and as such, they had additional information on the case that may allow the criminal justice system to proceed with an investigation and/or criminal charges. The investigators also apologized to the victim for the fact that the kit had not been tested; offering an apology directly to the survivor was a key issue discussed at the notification planning retreat, and stakeholders felt it was an essential component of a victim-centered, trauma-informed approach. The investigators would then ask the victim whether she/he would like to have a follow-up meeting with the investigators and a community-based advocate to discuss next steps; the victim would also be offered a comprehensive packet of community resources. There was considerable discussion in the planning retreat as to whether community-based advocates should also attend this first notification meeting, but there were strong concerns about protecting the physical safety of the survivors and notifying personnel, so the team decided that only law enforcement personnel should attend the first notifications; advocates were on-call to come on site, if the survivor wanted them and the investigators felt comfortable with the physical security of the setting.

If the survivor agreed, a second meeting would be scheduled, usually at the community-based advocacy organization, for an extended discussion about possible next steps and community resources and services (see Figure 1, fifth oval). At the second contact

meeting, the investigators and advocate would meet with the victim—and any support persons she or he wished to be present—to discuss the testing results and next steps for investigation and prosecution in more detail. At the conclusion of that discussion, the victim would be offered an opportunity to meet privately with the advocate in a confidential setting. A key reason why community-based advocates were selected to be part of this second meeting is that they could offer survivors confidential communication (i.e., the advocates would not be able to disclose anything the survivor said to the investigators or prosecutors, without written authorization from the survivor). If the victim wanted to have continued contact with the criminal justice system, the advocate would offer continued assistance and involvement, if desired by the survivor.

Throughout each step of the notification protocol, investigators would have the flexibility to modify strategies to be responsive to the specific needs of each victim (see Figure 1, sixth oval). For example, there was extended discussion at the planning retreat as to whether a “two step/two meeting” approach would work for all survivors; some might want time to absorb what they had learned, but others might prefer more extended discussion at the first contact. Therefore, the protocol was flexible to be responsive to the wishes of each victim, and if she or he wanted more in-depth discussion at the first contact, then the investigators would page the advocate on-call to join them/meet them at a specific location (if so desired by the victim).

All members of the action research project and the NRT completed a full-day training on trauma-informed practice prior to the implementation of this protocol. Training included both dyadic and interactive instruction on the neurobiology of trauma; working with individuals in crisis; strategies for conveying complex information about DNA, CODIS, and the legal system in ways that are accessible for survivors; working with survivors from marginalized communities; and methods of self-care for notifying personnel.

## The Current Study

Consistent with the action research model, the research team was responsible for conducting rapid feedback evaluations of all initiatives stemming from the project so that community stakeholders could make data-informed decisions about their policies and practices (Beebe, 2001, 2014). At the victim notification protocol development retreat, the evaluators worked collaboratively with Detroit stakeholders to craft the three main questions that guided this evaluation:

**Research Question 1:** Is it possible to find sexual assault victims years after they had a medical forensic exam/SAK and reported the assault to the police?

**Research Question 2:** How would victims react when they were told their SAKs had not been tested at the time they were collected, but had finally been tested years later, and it produced new information that could reopen their case?

**Research Question 3:** Would victims decide to reengage with the criminal justice system and participate in the reinvestigation and possible prosecution of their cases?

In addition to collecting descriptive information on these three questions, we also wanted to explore how victims' reactions and reengagement decisions varied in relation to three variables that the literature has indicated could have bearing on the notification experience. First, the length of time that had passed since the assault to the notification may affect how victims respond. In general, sexual assault victims' distress levels decrease over time (see Koss & Figueredo, 2004; Steenkamp, Dickstein, Salters-Pedneault, Hofmann, & Litz, 2012), but prior research has not examined how survivors react to an unexpected reactivation of the traumatic memory and how that might affect their subsequent help-seeking decisions. Second, child/adolescent victims differ from adults in postassault mental health sequelae, coping behaviors, and help seeking (see Campbell, Greeson, & Fehler-Cabral, 2013; Fry et al., 2013; C. E. Martin, Houston, Mmari, & Decker, 2012; Zinzow, Resnick, Barr, Danielson, & Kilpatrick, 2012). Although survivors may now be adults at the time of notification, we wanted to explore whether reactions to notification and decisions about reengagement varied as a function of their age at the time of the assault. Finally, victim-offender relationship may also affect how survivors respond to notification. Prior research has found that victims of stranger-perpetrated sexual assaults are more likely to report to the criminal justice system in the first place and to stay engaged in the lengthy process of investigation and prosecution (Chen & Ullman, 2010; Felson & Paré, 2005; Fisher, Daigle, Cullen, & Turner, 2003), and this may also affect decisions regarding reengagement with the system as well. In addition, the potential meaning of a CODIS hit is different for victims of stranger and nonstranger rape. For victims of stranger-perpetrated sexual assaults, a CODIS hit offers new information (i.e., the possible identity of the offender), which is qualitatively different from what a CODIS hit means for victims of nonstranger assaults (i.e., possible confirmation of the offender's identity), which could have bearing on their emotional reactions to notification and their willingness to reengage with the criminal justice system.

## Method

### Sample

Over the 1-year time frame for the evaluation of the victim notification protocol, three multidisciplinary NRT meetings were convened. A total of 40 cases were presented by the prosecutor's office to the NRT for discussion. This number reflects the maximum caseload Detroit stakeholders could manage so that each victim who was notified would have investigators and advocates ready to help them immediately if they decided to reengage with the criminal justice system (unless a delay was requested by the survivor). The decision to notify a relatively small number of victims was a *deliberate choice* on the part of the action research project team and the NRT. Certainly, more victims could have been notified within 1 year, but given current staffing levels in Detroit organizations, it would not have been possible to reopen more cases and actively work with more survivors on reinvestigation and prosecution (if survivors decided to reengage). Detroit stakeholders did not want to notify victims and then

subject them to a (another) lengthy delay while waiting for police and prosecutors to have availability to pick up their cases. In addition, consistent with methodological recommendations in formative evaluation projects (Davidson, 2005), the team wanted to try the protocol with a relatively small number of cases to assess its strengths and limitations prior to wide-scale implementation.

All cases that were presented to the NRT for consideration had CODIS hits. In the vast majority of these cases, the NRT decided to notify the victims, but there were three instances in which the team unanimously decided not to contact the survivors. All three were domestic violence–related intimate partner sexual assaults and there were multiple indications in the case records that the survivors had not wanted to pursue prosecution years ago; in addition, there were *specific* safety concerns documented in the records and team members were concerned that recontacting the victims would jeopardize their safety.<sup>3</sup>

Four cases were selected for notification at the discretion of the prosecutor's office (i.e., these cases were not brought before the NRT for review). In all four cases, the prosecutors felt immediate notification was necessary based on the CODIS hit information (e.g., the CODIS hit was to an offender currently in prison, who was about to be released on parole, and the new DNA match could be relevant in the parole hearing). These four cases were presented to the NRT (after the fact) so that all members of the team were aware of what had happened; in all four cases, the NRT unanimously agreed that the victims should have been notified and that emergency action had been warranted. Therefore, the total sample of cases selected for notification was 41 (37 cases approved by the NRT + four direct notification decisions made by the prosecutor's office).

### *Data Collection Procedures*

It was not possible for the research team to observe the notifications (either the first or the second contact notifications) to collect independent data regarding what happened in these interactions. Practically, the physical safety of the survivors and notifying personnel was a primary concern, so the NRT did not want any non-law enforcement personnel on site. Legally, if the research team had been allowed to observe the notifications, we would have become party to the case and we could have been called to provide testimony in subsequent legal proceedings; though we could not and would not provide any information (per research confidentiality), the prosecutors were concerned that this would significantly complicate already complicated cases.<sup>4</sup> Because these were open, active legal cases, our institutional review board (IRB) did not want the data collection procedures to interfere in any way with case proceedings. Ethically, it was also not in the best interest of the survivors and their right to privacy to have an unknown outside party witnessing the notifications. For all these reasons, the research team, the NRT, and our IRB agreed that only proxy data collection was appropriate. Therefore, we developed procedures for training notifying staff to collect relevant data and for monitoring data completeness and quality.

To collect data regarding how the investigators found survivors for notification, each detective kept daily electronic tracking logs that recorded (a) date and time of each action taken, (b) type of action (e.g., database search for last known address/phone number, phone call, in-person visit to address), (c) number of times each action



was taken (e.g., number of databases searched, number of calls made to each phone number), (d) the outcome of each action taken (e.g., phone disconnected, no one at residence when visited), and (e) next steps to be taken in an effort to find the victim (e.g., return to address at different time of day). These records were maintained for every action taken to find each victim, up to and including the point at which the investigator was able to make successful contact with the victim and verify that she or he had indeed found the correct person. Members of the evaluation team monitored these logs to ensure that they were completed in a timely and thorough manner.

To collect data about what happened during the first contact notification (i.e., once the investigators had established that they had found the correct person), the investigators kept electronic tracking logs that recorded (a) date, time, and personnel in attendance for each notification; (b) location of the notification (e.g., on the phone, at victim's residence); (c) a narrative description of what occurred in the notification (e.g., information provided to the victim, questions asked by the victim); (d) narrative description of the victim's emotional and physical demeanor during the notification, noting any changes in demeanor over the course of the interaction (including verbatim quotes from the survivors); (e) whether the victim agreed to a follow-up second meeting to discuss the case in more detail; and (f) overall reflections on the notification (e.g., what went well, issues to bring back to the NRT for discussion). The investigators were responsible for recording these data fields within 48 hr of each notification. Before the first notification, we trained the investigators on how to complete these logs, which emphasized the importance of writing behaviorally focused descriptions of what happened in the interactions, without attributions, labels, interpretations, or analysis. Investigators were specifically instructed to provide detailed descriptions of what they directly observed and what victims stated in their interactions. We reviewed/practiced what would and would not be considered appropriate data collection. For example, a log entry that stated "victim was mad" would not be acceptable; investigators needed to provide specific descriptions of behaviors and statements made by the victim (i.e., what did the victim say/do that indicated anger). The evaluation team monitored these logbooks throughout data collection and provided corrective feedback to ensure consistent high-quality data collection.

To collect data regarding what occurred during the second contact notification (i.e., the more detailed meeting with the investigators and the community-based advocates), the detectives continued to keep electronic tracking records, noting the same information as listed above for the first notification meeting, plus a new field regarding whether victims wanted to reengage with the criminal justice system for the reinvestigation and possible prosecution of their cases. Again, investigators were trained prior to starting data collection on the importance of logging detailed, behaviorally specific descriptions of these interactions. These records were also monitored throughout the evaluation to ensure timely completion and data quality.

### *Data Analysis Plan*

Given the exploratory nature of this study, we selected Miles, Huberman, and Saldaña's (2014) approach for coding and analyzing the data, which is a rigorous, multiphase process for identifying regularities within qualitative/mixed methods data.<sup>5</sup> In the first

phase of analysis (data condensation), one research assistant computed descriptive statistics (frequencies, means, medians) for all quantitative data (e.g., number of strategies used to find each victim). For the qualitative data (e.g., descriptions of victims' emotional reactions to notification), the research assistant reviewed the logbooks and then tagged and labeled content. For example, from a logbook entry that said, "*After I [the investigator] told her it was about the report she got tears in her eyes . . . she stated she saw the news on the kits and thought hers was thrown out,*" the research assistant applied the tag "victim cried." Other common tags included "victim surprised," "victim showed no emotion," and "victim visibly angry."

Also in this first phase of data analysis, the research assistant and the project's principal investigator (PI) reviewed these descriptive tags to identify higher order codes. We identified three common themes/types of victims' emotional reactions to the notification. The code "strong negative reaction" was applied to cases in which victims raised their voices to the investigators, exhibited physical signs of anger (e.g., slammed doors, stomping feet, harsh gestures), stated that they felt physically ill discussing the matter, and/or expressed that they did not want to discuss the assault (reasons for that varied, such as having current health concerns that survivors felt were more pressing in their lives right now than a prior sexual assault from years ago). The code "strong positive reaction" was applied to cases in which victims directly stated that they were happy to have been contacted, were pleased investigators had found them, expressed gratitude that the case was being reexamined; these victims typically welcomed investigators into their homes, offered them hospitality (e.g., something to drink), and sometimes hugged notifying staff. It was not uncommon that victims in this group cried during the notification discussions, and they told investigators that they were crying because they were happy something was finally happening in their cases. The code "absence of a strong negative or positive reaction" was applied to cases in which the victims did not have much by way of a demonstrable reaction to the notification. In these cases, victims were wary and hesitant to answer investigators' questions, did not show anger or happiness, and typically spoke in flat/monotone voices without emotional inflection. Investigators often characterized these survivors' reactions as "*reserved,*" "*calm,*" and "*matter-of-fact.*" Some victims in this group did cry during notification, but in contrast to those with strong positive reactions, the crying was brief and survivors did not state why they were crying. The two coders reviewed the data multiple times to verify consistent application of these three higher order codes, paying particular attention to instances in which a particular tag (e.g., "victim cried") occurred in multiple higher order codes (e.g., different reasons for crying, different duration of crying).

In the second phase of analysis (data display), the research assistants and the PI worked together to create data display matrices to explore associations within the data. We assessed whether there were discernable patterns between the effort required to find victims (low, medium, high effort), victims' emotional reactions to the notification (strong positive, strong negative, absence of strong emotional reactions), and victims' decisions whether to reengage with the criminal justice system for reinvestigation and possible prosecution. We also explored how these features of the notification related to three variables that the literature has indicated could have bearing on victims' reactions, namely, how much time had elapsed between the assault and

notification (<9 years, 9 years [median/*M*], >9 years), victims' age at the time of the assault (<16 years old [age of consent in Michigan], 16-24 years old, >24 years old),<sup>6</sup> and victim-offender relationship (stranger vs. known perpetrator). We created data display matrices "crossing" these variables to look for patterns in the data (Evergreen, 2014; Henderson & Segal, 2013), and supplemented these visual analysis methods with nonparametric statistical tests, given the small sample size in this project (Kitchen, 2009). Associations between two ordinal variables were evaluated with the gamma (*G*) statistic, those between nominal and ordinal variables with the eta ( $\eta$ ) statistic, and those between two nominal variables with the phi ( $r_\phi$ ) statistic (Garson, 2012; Pett, 1997; Siegel & Castellan, 1988).

Finally, the third phase of analysis (drawing and verifying conclusions) addresses the trustworthiness of the conclusions drawn about the data. Consistent with the standards outlined by Lincoln and Guba (1985) for the use of qualitative methods in evaluation projects, we used multiple strategies to assess the credibility, transferability, dependability, and confirmability of our work (see Campbell, Fehler-Cabral, et al., 2015, for details). Briefly, the research team had prolonged engagement with all organizations represented in the NRT, conducted ongoing observation of the NRT meetings and all other action research project team meetings for more than 4 years, triangulated data sources, conducted member checks of our findings with members of the action research project team, practiced memoing throughout the project, and maintained audit trails throughout data collection and analysis.

## Results

### *Is It Possible to Find Victims Years After They Reported the Assault to the Police?*

Overall, of the 41 cases selected for notification, eight notifications were still pending at the time the evaluation concluded. Of the 33 cases that were resolved during the evaluation period, the investigators were able to locate and notify 31 victims (95% find rate).<sup>7</sup> Thirty of these 31 victims were female (97%); one was male (3%). Most were African American ( $n = 24$ , 77%), six were White/Caucasian (19%), and one was Hispanic (3%). On average, these victims were 29 years old at the time they were sexually assaulted ( $SD = 12.18$  years), with a range of 12-54 years old. At the time of notification, they were on average 38 years old ( $SD = 12.20$  years), range 20-62 years old. On average, the notifications were made 9 years after the victim had been sexually assaulted and made a police report. Most of these survivors had been sexually assaulted by a stranger ( $n = 24$ , 77%) and seven had been raped by someone known to them (23%). Most of these notifications were made by female investigators affiliated with the prosecutor's office (79%); there were no differences in victims' emotional reactions or decisions to reengage with the criminal justice system as a function of the gender of the notifying investigator ( $\eta = .04$ , non-significant [NS], and  $r_\phi = .11$ , NS, respectively).

To find these victims years after the assault, investigators first searched three law enforcement databases (LEIN—Law Enforcement Information Network; TLO Online Investigative Services; NEXIS/LEXIS) to find the victims' last known addresses and

phone numbers, and then initiated contact to verify whether they had in fact found the right person. On average, investigators made three contact attempts (range = 1-16 contacts) on each case, leading up to and including the contact in which they confirmed they had found the correct individual. Investigators averaged two in-person visits per case (range = 0-6 attempts). Sometimes investigators were successful in locating victims on the first attempt, but typically, investigators had to return to the same home on multiple occasions before they were able to speak with the victim, or had to visit a series of addresses, ruling them out one by one. To protect victims' privacy and safety, the investigators never left any information disclosing that the reason they were trying to reach the victim was in reference to a sexual assault case. For victims whose most current addresses were outside the Detroit metro area or out of state, phone contact was the sole strategy used. Investigators averaged one phone call per case (range = 0-12 calls).

Although there was considerable variability in the number of in-person and phone contact attempts that were necessary before investigators were successful in finding each victim (zero to six and zero to 12, respectively), in *most* cases, survivors could be located with relatively low investigational effort: 65% ( $n = 20$ ) were found by conducting database searches, plus zero to four phone calls, plus zero to one in-person visit to one address. The remaining cases required more extensive investigational effort to locate the victims: 19% ( $n = 6$ ) required an additional one to two in-person visits (to one to two addresses); and 16% ( $n = 5$ ) required extensive efforts (six to 12 phone calls and four to six in-person visits to multiple addresses). There was no significant relationship between the effort necessary to find the victim (low, medium, high) and survivors' emotional reactions to notification and their decisions regarding reengagement with the criminal justice system ( $G = .006$ , NS, and  $\eta = .19$ , NS, respectively). In other words, survivors who were difficult to find were no more or less likely to have a strong emotional reaction to notification, and were no more or less likely to reengage with the criminal justice system for the reinvestigation and possible prosecution of their cases.

### *How Did Victims React When Notified That Their Rape Kit Had Finally Been Tested?*

We identified three common themes/types of victims' emotional reactions to notification (see "Method" section): *strong negative reactions* (e.g., victims raised their voices to the investigators, exhibited physical signs of anger, and/or expressed that they did not want to discuss the assault), *strong positive reactions* (e.g., victims directly stated that they were happy to have been contacted, were pleased investigators had found them, expressed gratitude that the case was being reexamined), and *absence of strong emotional reactions* (e.g., victims were wary and hesitant to answer investigators' questions, did not show anger or happiness, and typically spoke in flat/monotone voices without emotional inflection).

We examined whether victims' emotional reactions varied as a function of time since the assault to the notification, victim's age at time of the assault, and victim-offender relationship. In Figure 2, the rows represent the time since the assault; the columns, victims' age at time of the assault; and the cell divisions, victim-offender relationship. The symbols inside the cells represent the victims' emotional reactions:

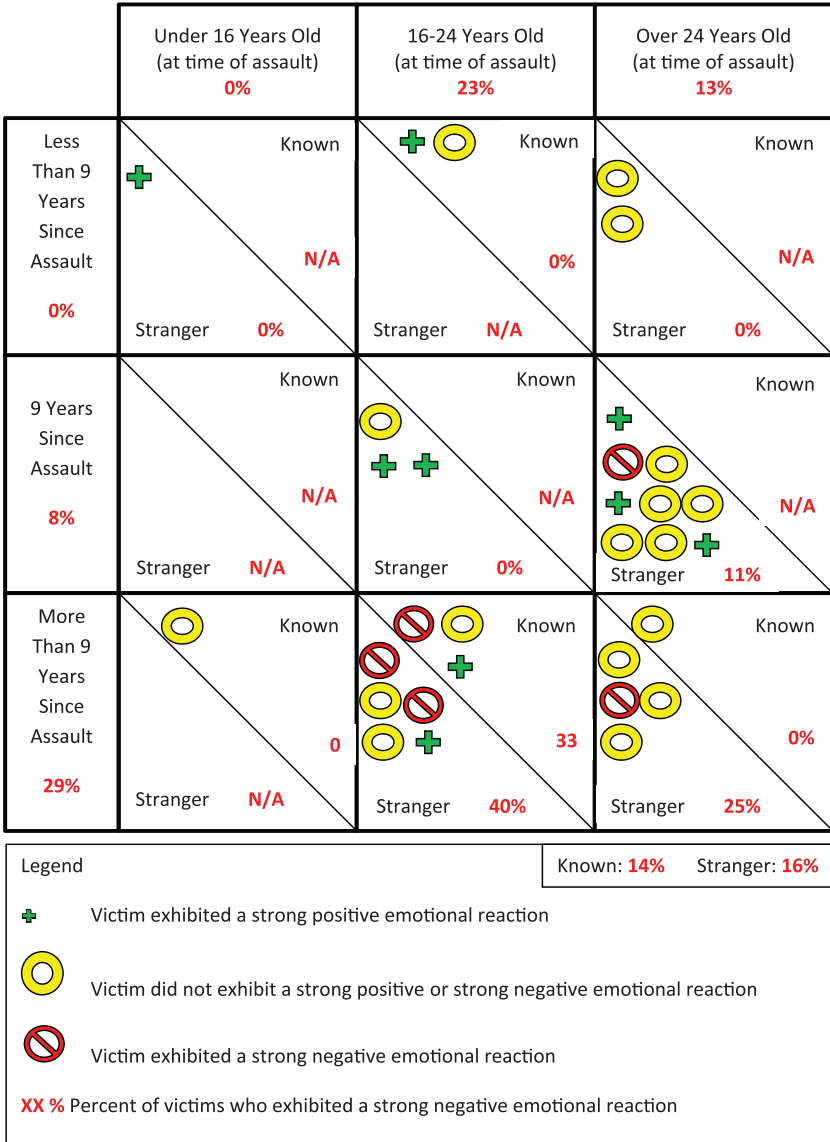
strongly positive (plus sign), strongly negative (strikethrough sign), absence of a strong reaction (open circle). The number of symbols in each cell reflects how many victims had that pattern of associations; for example, in the upper most left cell, there was only one survivor who was assaulted when she or he was less than 16 and was notified less than 9 years after the assault; this individual had been sexually assaulted by a stranger, and she or he exhibited a positive reaction to the notification.

As seen in Figure 2, how victims reacted was associated with how long ago the assault occurred. On average, 9 years had passed since the assault and notifications, and 29% of victims who were notified more than 9 years after the assault had a strong negative reaction to the notification. By comparison, only 8% of the victims notified at the 9-year point and 0% of the victims notified less than 9 years after the assault had strong negative reactions. The longer the period of time between when the assault occurred and when the kit was tested and the victim was notified, the more likely it was that a survivor had a negative reaction to the notification ( $G = -.52, p < .05$ ). Strong negative reactions were also somewhat more common among victims who had been 16-24 at the time of the assault (23%, compared with 13% of victims above 24 years old and 0% of victims below 16), but this effect was not significant in the non-parametric tests ( $G = -.22, NS$ ). Victims' emotional reactions to the notification did not vary as a function of victim-offender relationship. Those assaulted by known perpetrators did not have different emotional reactions to the notification as those who had been raped by a stranger (14% of known perpetrators had strong negative reactions vs. 16% for stranger perpetrators;  $\eta = .01, NS$ ). However, only seven of the notifications were made in cases of nonstranger-perpetrated sexual assaults, so there may not be enough cases in this evaluation to detect a pattern.

### *Did Victims Decide to Reengage With the Criminal Justice System?*

In the first contact meeting, the investigators asked victims whether they would like to have a follow-up second meeting to discuss the case in more detail, review options, and meet with a community-based advocate. In three cases, it became clear at the first contact that there was no need for a second follow-up meeting: In one case, the statute of limitations had already expired<sup>8</sup>; in the second case, the CODIS hit turned out to be a match to the victim's consensual partner (not the assailant), so there was no legal case (as of yet) to be pursued; in the third case, the victim was in a group home for individuals with serious mental and physical disabilities, and she had no memory of the assault (and so no legal case could be considered). In all three instances, the investigators provided victims with their contact information (if they had any follow-up questions or concerns) and a booklet of community resources. Given the circumstances of these three cases, the sample size for the evaluation shifted from  $N = 31$  to  $N = 28$  (i.e., there were only 28 cases in which a second contact was possible and legal action could be considered).

Eighteen of the 28 victims who had first contact notifications (and there was reason to have a follow-up meeting) had a secondary meeting (64%). At the second follow-up meeting, the investigator(s) and community-based advocates (all were females) worked



**Figure 2.** Victims’ emotional reactions to notification, as a function of time since assault, victim age at time of assault, and victim–offender relationship.

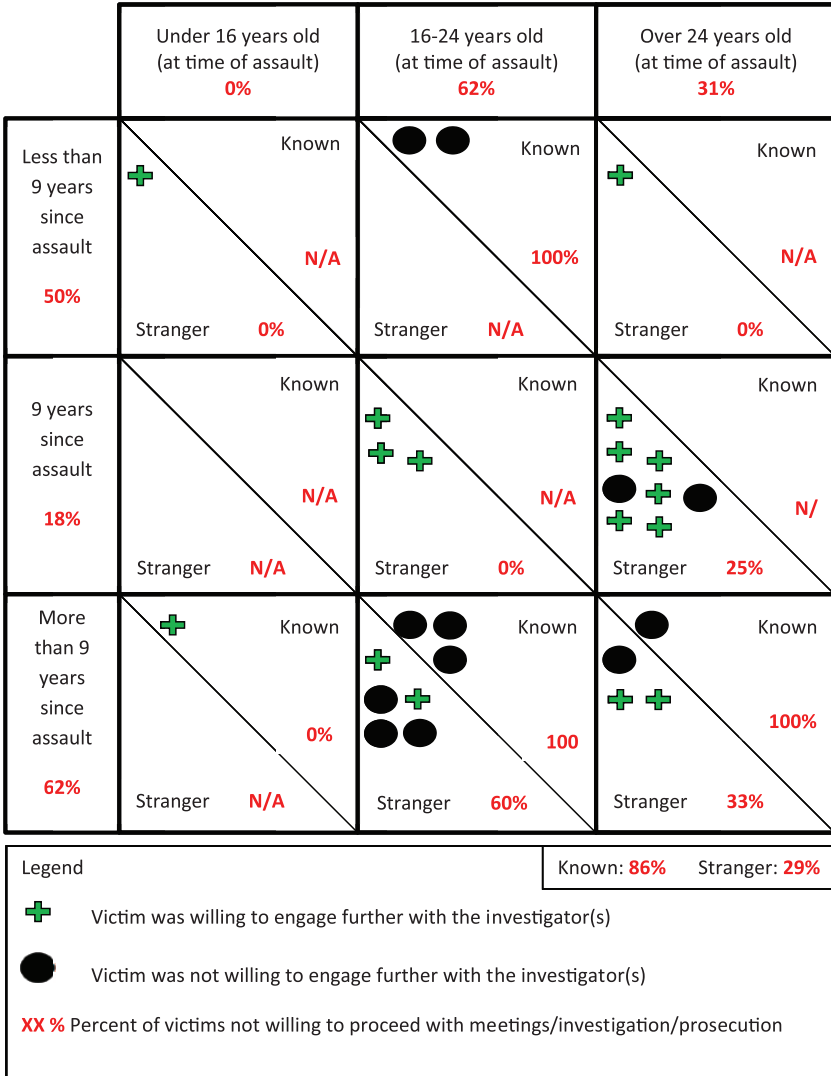
together to explain the next steps in the investigation and ascertained victims’ willingness to participate in that process. Overall, 16 of the 28 victims decided that they *did* want to have continued participation in the investigation and possible prosecution of their cases (57%). As might be expected, victims’ emotional reactions during the notification were related to their willingness to engage in further contact with the criminal

justice system. All victims who had a strong negative emotional reaction did not want any further contact (100% of those who had a negative emotional reaction). Most victims who had a strong positive reaction were more likely to agree to further contact with the criminal justice system (78% of those who had a positive emotional reaction). Survivors who did not have a strong positive or negative emotional reaction also typically decided that they did want continued contact with the criminal justice system (64% of victims who did not have a strong emotional reaction;  $\eta = .55, p < .05$ ).

We also examined how victims' willingness to have continued contact with the criminal justice system was related to the time since the assault, the victims' age at the time of the assault, and victim-offender relationship (see Figure 3). Time since the assault was associated with victims' willingness to have continued contact with the criminal justice system. Specifically, 62% of victims who had been assaulted more than 9 years prior to the notification were unwilling to engage further with the investigator(s), whereas only 18% of victims who were notified 9 years after the assault and 50% victims notified less than 9 years after the assault were unwilling to continue their participation ( $\eta = .41, p < .05$ ). In other words, the more time that had elapsed since the assault and the notification, victims were less willing to reengage with the criminal justice system. Victims who were between 16 and 24 years old at the time of the assault were somewhat less willing to interact further with the investigator(s) as compared with victims who were older or younger at the time of the assault (62% unwilling for 16- to 24-year-olds, 31% unwilling for victims above the age of 24, 0% for victims below 16 years old), but this was not significant in nonparametric tests ( $\eta = .38, p = .11$ ). Finally, the nature of the relationship between the victim and the perpetrator was related to victims' willingness to participate in the reopening of their cases. Most of the victims assaulted by someone they knew (86%) were unwilling to engage further, whereas only 29% of victims assaulted by a stranger were unwilling to have continued contact ( $r_{\phi} = -.50, p < .01$ ).

## Discussion

The Detroit sexual assault kit action research project used a multidisciplinary team approach to develop a victim-centered, trauma-informed notification protocol, which was implemented with a small sample of 41 cases. Detroit practitioners wanted to ensure that once a survivor had been notified, she or he would not have to wait for an "opening" with police and prosecutors to move forward with the case (unless requested by the victim), so the sample size in this project was determined by how many cases the investigators, advocates, and prosecutors could feasibly handle (based on organizational staffing levels at the time this evaluation was conducted). Of the 41 cases evaluated in this study, most victims were successfully located and notified (95% at end of evaluation period, 90% overall). Detroit has faced population shrinkages due to severe economic downturns (see Campbell, Shaw, & Fehler-Cabral, 2015), so investigators were concerned that it could be challenging to find survivors, but most (~65%) could be located with relatively low investigational effort (e.g., database searches and one in-person visit to one address). This finding is noteworthy because communities with large numbers of unsubmitted SAKs may be concerned about the labor expenditure of notifying victims,



**Figure 3.** Victims’ decisions to reengage with the criminal justice system, as a function of time since assault, victim age at time of assault, and victim–offender relationship.

and our data suggest that most victims could be located with minimal staff effort. However, it is also clear from these data that Detroit organizations needed *substantial* staffing increases to notify more victims much more quickly, as 41 notifications/reinvestigations per year are not tenable given the number of SAKs that produced CODIS hits. Detroit stakeholders knew as much at the beginning of the project, and evaluation data provided empirical guidance as to what staffing levels would be commensurate with the



scope of work to be completed. Several Detroit-area organizations have since received increased funding from county, state, and federal sources to speed up their efforts in resolving previously untested SAKs/cases.

The results of this evaluation also allayed some fears regarding how victims might react to being notified that their kits had never been tested. Most survivors did *not* have a negative reaction to notification. However, victims were more likely to react negatively the more time that had elapsed between the assault and the notification, which underscores the importance of timely testing of SAKs. Survivors' emotional reactions to notification did not vary as a function of the victims' age at the time of the assault or victim-offender relationship. However, we do not know how survivors were feeling days or weeks later, or how their emotional reactions may have changed over the course of subsequent contacts, beyond these notification meetings.

Most survivors (64%) decided that they would like to have a follow-up meeting with investigators and a community-based advocate to consider whether they wanted to reengage with the criminal justice system, and in the end, most victims (57%) decided that they did want to participate in the reinvestigation and possible prosecution of their cases. There are no prior studies in the literature on victim notification in previously unsubmitted SAKs, so it is difficult to evaluate whether this rate of 57% is "typical." Most of these survivors experienced victim-blaming treatment from law enforcement personnel at the time they made their original report (Campbell, Fehler-Cabral, et al., 2015; Shaw et al., 2016), and prior studies have shown that victims who experience secondary victimization from the legal system are disinclined to seek any further help (80% on average do *not* want any further contact/help, see Campbell, 2008, for a review). The fact that 57% *did* want further contact is, in our view, an encouraging finding. Those who had negative emotional reactions to notification and those who were assaulted quite some time ago (>9 years) were more likely to choose not to reengage with the criminal justice system. Victims who knew their offenders were also less likely to want to participate in the reinvestigation and possible prosecution of their cases. This is consistent with prior research indicating that victims who knew their offenders are less likely to engage with the criminal justice system (see Chen & Ullman, 2010). For victims of nonstranger rape, the DNA testing and CODIS hit did not reveal new information (it confirmed what had previously been known about the identity of the assailant), and most of these survivors told investigations they did not want to pursue the matter again.

We acknowledge multiple limitations of this project that temper the strength of the conclusions and generalizations that can be drawn from this work. First, the community context in which this protocol was developed, implemented, and evaluated must be considered, as Detroit is a unique city with respect to its racial composition (82% Black in the 2000 Census, 83% in the 2010 Census), violent crime rate (second highest rate in the nation in the 2000 FBI Uniform Crime Report [UCR], highest rate in the nation in the 2010 UCR), and economic hardships (see Campbell, Shaw, & Fehler-Cabral, 2015). Decisions about how and when to notify victims were strongly influenced by these contextual factors. For example, whereas it is likely that law enforcement personnel would be involved in notifying victims in many jurisdictions, the decision that *only* investigators could be present for the first contact was based entirely on

physical safety concerns in the Detroit neighborhoods in which the notifications were taking place. If advocates could have been present, the team would have preferred them to be there, and this may be more feasible in other communities. Similarly, the decision to notify only those victims whose cases might be reopened due to a DNA CODIS hit was a decision based entirely on resource capabilities. The multidisciplinary action research project team believed there was merit in notifying all survivors whose SAKs had not been tested, but it was not feasible to do so, and as a result, this evaluation does not offer insight into how victims might react to notifications in cases in which there was no DNA found in the kit or there was no CODIS hit in the case. These are critical areas to be examined in future research to inform policy and practice for victim notifications across more diverse circumstances.

Second, for practical, legal, and ethical reasons, we had to use proxy data sources to evaluate this protocol, namely, the investigators' electronic logbooks regarding how they found victims and what transpired in the notification meetings. We acknowledge that these data could be subject to bias, such as minimizing victims' negative reactions to the notification. Although we cannot rule out this possibility, we note that the investigators who conducted the notifications were under no pressure or expectation from the prosecutor's office or the action research project team to "produce" certain outcomes or "convince" survivors to participate in the legal process. There were lengthy discussions in the notification planning retreat that it was to be expected some victims would have negative reactions, and in the preimplementation training, investigators role-played how to respond to those situations with empathy and compassion. In addition, the team explicitly discussed that they did not expect a 100% reengagement rate because a victim-centered approach means that survivors' decisions—whatever they may be—must be respected.

The more problematic limitation of proxy data is that we do not know how the notifications were experienced by the survivors themselves. The investigators could only make note of victims' external reactions and for the 55% who did not have a visibly negative or positive reaction, we do not know what they may have been thinking or feeling. If we had been able to talk with survivors, we could have explored these issues and assessed whether victims had a far more negative (or positive) reaction to notification than what they visibly expressed. Similarly, for the survivors who had a strong negative reaction to notification, we might have been able to disentangle whether their response was due to how the notification was handled or whether it was due to prior negative experiences with the criminal justice system. But, it was not possible for the evaluators to work directly with survivors—either at the notifications themselves or thereafter. These were open, active legal cases, and it is quite rare that researchers are permitted to interview rape survivors *during* pending legal cases, and our IRB was concerned about possible negative iatrogenic effects of the research on case proceedings.

Despite these limitations, this evaluation can help inform policy and practice regarding untested sexual assault kits and victim notification. For other communities facing the challenge of developing victim notification guidelines, this evaluation sheds some light on the multitude of factors that need to be considered in the planning and implementation process. The results of this project highlight how characteristics of the victim (age at the time of the assault), the assault (victim–offender relationship), and

initial reporting experience (how long ago it occurred and the degree of secondary victimization experienced) may affect later decisions regarding reengagement (see also Human Rights Watch, 2013). Whether notification procedures need to be specifically tailored to each case circumstance is not clear yet, but at a minimum, these results highlight that these are salient issues multidisciplinary teams need to consider. Reestablishing trust with survivors is critical, and in this project, the issuance of an apology to each survivor notified seemed to be well received. It is, as one Detroit stakeholder noted, “*a big ask*” of survivors to reopen old wounds and to try again to participate in a process that was not necessarily “*fair or kind*” to them the first time. Providing survivors with choices, resources, and support is essential for reengaging them in the investigation and prosecution process.

### Authors’ Note

The opinions or points of view expressed in this article are those of the authors and do not reflect the official position of the U.S. Department of Justice.

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### Notes

1. Throughout this article, we will be using terms “victim” and “survivor” interchangeably to reflect that sexual assault is a violent crime that takes tremendous strength and courage to survive (see Campbell & Townsend, 2011).
2. It is beyond the scope of this article to review current debates regarding whether all previously untested sexual assault kits (SAKs) should be submitted for forensic DNA testing, particularly in cases of nonstranger sexual assault (because the identity of the offender is not in question). In Campbell, Fehler-Cabral, et al. (2015), we reviewed these issues in depth and empirically compared forensic testing outcomes of SAKs associated with stranger and nonstranger sexual assaults, which found statistically equivalent rates of Combined DNA Index System (CODIS) hits across victim–offender relationship. We also empirically examined how widespread testing of SAKs can help identify serial sexual offenders. In this article, our focus is limited to issues pertaining to victim notification.
3. To be clear, the notification review team (NRT) did decide to notify some victims of intimate partner sexual assaults, so the concern was not that all domestic violence-related assaults were too unsafe to warrant victim notification. In these three cases, there were *specific* documented issues in the case files that informed the decision not to notify the victims.
4. This is also why it was not possible for the evaluation team to interview survivors about their notification experiences; we could collect data directly from survivors *after* their cases had been adjudicated (but not while they were still pending), but all cases were still in progress for the entire 1-year duration of this evaluation.

5. Given the dearth of literature on victim notification for untested SAKs and the size/scope of our evaluation project, more theoretically driven qualitative data analytic methods, such as grounded theory methods, were not appropriate in this instance.
6. There was a natural break in the distribution of the data at age 24, forming the 16-24 age group and the >24 age group.
7. In this article, we will be focusing on the 33 cases that were successfully located during the evaluation project; however, we were curious whether the locating rate changed once the pending cases were resolved. We recontacted the investigators, who informed us that six of those eight victims were eventually located, so the overall rate for this sample of cases was 90% (37 of 41).
8. Given the high volume of cases with CODIS hits and the number of survivors who needed to be notified, the NRT decided to defer notifying victims in cases in which the statute of limitations had expired on the case; however, this was decided after the first NRT review meeting and one victim whose case was statute of limitations (SOL) expired was notified during the evaluation time frame.

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