

UNTESTED SEXUAL ASSAULT KITS AND SEXUAL ASSAULT SURVIVORS' DECISIONS TO RE-ENGAGE WITH  
THE CRIMINAL LEGAL SYSTEM

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## ABSTRACT

Sexual assault is a serious form of interpersonal violence that results in significant negative impacts to survivors' health, well-being, and sense of personal safety. Survivors may report the assault to police to pursue redress for this harm through the criminal legal system. However, police typically take few steps to investigate sexual assaults and routinely do not submit sexual assault evidence kits (SAKs) collected during post-assault medical forensic exams for forensic DNA analysis. Large stockpiles of previously unsubmitted SAKs have been discovered across the United States, which has prompted some police agencies to begin submitting these kits for testing and reopening sexual assault cases for prosecution. In a process referred to as victim notification, police may contact survivors years after they reported the assault to inform them that their SAK has now been tested and ask if they want to participate in the re-investigation of their case. Many survivors choose to re-engage with the criminal legal system following victim notifications; however, survivors' decision-making around this choice remains understudied.

In this study, I explored why survivors whose SAKs had been part of the backlog of untested kits in Detroit, Michigan, chose to re-engage with police following a victim notification. I conducted a qualitative secondary analysis of data collected via semi-structured interviews with 32 sexual assault survivors who received a SAK victim notification that their cases were being reopened. Participants were all women and most identified as Black or African American (88%). All survivors in this sample chose to participate in the reinvestigation and prosecution of their cases. Data were analyzed using Miles et al.'s (2020) qualitative analytic framework to answer three focal research questions: 1) what were survivors' motivations for re-engaging; 2) what were survivors' concerns about re-engaging; and 3) how did the reactions of other people, such as family and friends, influence survivors' decision-making regarding re-engagement?

Survivors described three key motivations for re-engaging with the investigation and prosecution of their cases: protection of others and prevention of future assaults; a desire for justice for themselves through acknowledgement of the harm done to them and incarceration of the assailant; and a desire for closure. Participants' concerns about re-engaging included fears for their safety, concerns about the emotional toll of participating, distrust of the police, and guilt about prosecuting the assailant years after the assault. Analyses also revealed an emergent finding regarding the influence of police's supportive responses during the notification on participants' decision-making. Whereas participants did *not* appear to be directly influenced in their decision-making by the reactions of friends and family members, they *did* appear to be impacted by the supportiveness of police, especially if that support helped to address some of their concerns about participating in the case.

Findings from this study expand upon prior research on survivors' experiences with SAK victim notifications and their decision-making regarding re-engagement with the criminal legal system. Despite substantial concerns regarding their safety, emotional wellbeing, and the criminal legal system itself, survivors were motivated to re-engage to prevent others from experiencing similar harm, as well as to seek justice and closure for themselves. This study has implications for future research on justice, accountability, and healing for survivors of sexual violence. Findings from the current study can also inform practice and policy related to SAK victim notifications in Detroit and other jurisdictions across the country. Results may be useful for informing the development of victim notification protocols and specialized training for investigators, as well as for policymakers and community activists seeking to enact systems change in how communities respond to sexual violence.

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## INTRODUCTION

Sexual assault is a serious form of interpersonal violence including rape, attempted rape, sexual coercion, and unwanted sexual contact<sup>1</sup> that affects approximately half of cisgender women, one third of cisgender men, and between 39-75% of transgender and genderqueer individuals in the United States (Basile et al., 2022; Sterzing et al., 2019). Sexual assault often results in significant negative impacts to survivors' health, well-being, and sense of personal safety. To address these negative consequences, survivors may turn to multiple systems for support in their communities. One option is to report the assault to police. Survivors may report to police for myriad reasons, including to pursue redress for this harm through the criminal legal system<sup>2</sup>, to try to keep oneself or others safe, or simply to seek help in an emergency (Brooks-Hay, 2020; Lorenz & Jacobsen, 2021; Patterson & Campbell, 2010).

Although police could ostensibly address these needs, more often than not survivors who report to police are met with, at best, a lack of compassionate, trauma-informed responses from police, and at worst, retraumatization and disbelief (Campbell et al., 2001; Filipas & Ullman, 2001; Lorenz et al., 2019). Law enforcement not only tend to discredit and disbelieve sexual assault survivors, but also frequently deprioritize sexual assault investigations and take few investigatory steps before closing cases (e.g., Patterson, 2011; Shaw et al., 2016). This has led to sexual assault being one of the most under-prosecuted crimes in the US (Shaw et al., 2016; Spohn, 2020). As a result, survivors are often left feeling

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<sup>1</sup> According to the National Intimate Partner and Sexual Violence Survey (NISVS), rape includes "any completed or attempted unwanted vaginal, . . . oral, or anal penetration through the use of physical force . . . or threats to physically harm and includes when the victim was too drunk, high, drugged, or passed out and unable to consent" (Basile et al., 2022, p. 1). Sexual coercion involves "unwanted sexual penetration that occurs after a person is pressured in a nonphysical way," and unwanted sexual contact includes "unwanted sexual experiences involving touch but not sexual penetration, such as being kissed in a sexual way or having sexual body parts fondled, groped, or grabbed" (Basile et al., 2022, p. 1). While the NISVS refers to these forms of sexual violence together as "contact sexual violence," many state criminal statutes use the term "sexual assault."

<sup>2</sup> Although the term "criminal justice system" is commonly used to refer to the US system of policing, prosecution, and incarceration, a growing number of scholars and activists have argued that this term is inaccurate, as this system does not provide justice but instead reinforces the oppression of marginalized communities (Bryant, 2021; Kaba, 2021). Therefore, throughout this proposal I use the term "criminal legal system."

unsafe in their communities, perpetrators of assault are not held accountable for the harm they have caused, and the broader concern of public safety is not addressed.

A key indicator of the extent to which sexual assault is not a priority among US law enforcement agencies is the routine failure of police to submit sexual assault evidence kits (SAKs) collected during medical forensic exams for forensic analysis and DNA testing (Strom et al., 2021). Many survivors undergo an invasive medical forensic exam after being assaulted so that any trace evidence left on their bodies during the assault can aid in a criminal investigation. The evidence in these kits can be analyzed for DNA, which may be useful for identifying the perpetrator(s) in stranger-perpetrated assaults, as well as identifying serial sexual offenders across cases (Campbell, Feeney, et al., 2018; Campbell, Feeney, et al., 2020; Johnson et al., 2012; Strom & Hickman, 2010). However, an estimated 300,000-400,000 SAKs have been discovered in recent years to be sitting in police storage facilities across the US, never having been submitted to labs for testing (Strom et al., 2021). In most cases, survivors do not know their kits were never tested – they may have never heard from police after reporting their assault, may have been told that there were no leads in the case or not enough evidence to investigate, or may have been labeled as “non-cooperative” by police after failed attempts to re-contact the survivor (Campbell & Fehler-Cabral, 2018).

The discovery of these so-called rape kit backlogs around the country prompted a wave of public outcry and activism, eventually resulting in local, state, and federal policy initiatives to fund the testing of backlogged kits and subsequent re-investigation and prosecution when possible (Campbell et al., 2017). However, if cases from these backlogs are being re-opened, police need to contact survivors and inform them that their kits have finally been tested. Researchers know little about the experiences of survivors who are being notified about their untested kits and asked to participate in the re-investigation of their assaults. Whereas a substantial body of research has documented survivors’ decisions to report to the police when they are first assaulted, there has been less research to date



about survivors' motivations for *re-engaging* with the criminal legal system after it has already failed to provide safety, accountability, or justice. In the current study, I explored survivors' decision-making surrounding re-engagement with the criminal legal system after being notified that their SAKs have been tested and their cases are being re-opened.

## **LITERATURE REVIEW**

To appreciate the complexity of survivors' decisions about re-engaging with the criminal legal system, it is important to first understand the overall process of reporting a sexual assault to police and having medical forensic evidence collected. Below, I describe how and why survivors may choose to report an assault to police. I then review literature on survivors' experiences interacting with police during an investigation, with particular attention to how these experiences vary according to survivors' identities and how police enact racism, sexism, classism, and other forms of oppression against survivors. Next, I present literature on the thoroughness of police investigations of sexual assault, as well as the ultimate outcomes of those investigations (i.e., whether assailants are arrested and prosecuted). I then examine the specific issue of untested SAKs in police custody. Finally, I review the emerging literature on survivors' responses to being notified about their previously untested SAKs and what factors survivors may consider when deciding whether to reengage with the criminal legal system.

### **Formal Reporting and Help-Seeking for Sexual Assault**

Approximately 65% to 95% of women who experience sexual violence eventually disclose what happened to them to their friends, intimate partners, and/or family members (Ahrens et al., 2007, 2009; Fisher et al., 2003; Starzynski et al., 2005; Ullman & Filipas, 2001). A much smaller proportion of survivors may seek immediate help from formal sources, such as from police, medical providers, mental health professionals, crisis centers and hotlines, or sexual assault-specific organizations (i.e., victim advocacy organizations, rape crisis centers; Kilpatrick et al., 2007; Zinzow et al., 2012, 2021). Regarding the criminal legal system specifically, approximately 19-36% of sexual assaults in the US are reported to police by the victim or someone else, such as friends, family members, or witnesses (Planty et al., 2013; Tjaden & Thoennes, 2006).

Reporting rape or sexual assault to police is more likely when the assault involves severe use of physical force, use or threat of a weapon, a stranger assailant and/or multiple assailants, or results in

serious physical injuries (Carbone-Lopez, 2006; Carbone-Lopez et al., 2016; Kilpatrick et al., 2007; Starzynski et al., 2007). Assaults characterized by these kinds of “aggravating” factors may be more readily recognized and labeled as sexual assault by the survivor and those to whom they disclose the assault, resulting in survivors being more likely to report the assault to police (Du Mont et al., 2003; Harned, 2005; Littleton et al., 2008, 2009). Once an incident of sexual assault has been reported to police, survivors are expected to participate in an initial interview and give a detailed recounting of the assault, during which police ask extremely sensitive information about the sexual nature of the violence (e.g., which orifices were penetrated or attempted to be penetrated; Campbell, 2008). If the survivor has reported to the police within the first 96 hours after an assault, they are likely still in a state of acute trauma during this initial interview; if the survivor is reporting the assault after this period, the interview is a reactivation of a traumatic memory and is likely to still be distressing (Cuevas et al., 2018; Kozłowska et al., 2015). In later sections of this review, I will describe the investigation process after this initial interview in more detail.

In addition to reporting to the police, survivors may also seek medical care after an assault. Approximately 21-43% of survivors seek post-assault medical care, and this is more likely if a survivor is seriously physically injured or assaulted by a stranger (Amstadter et al., 2008; Ullman & Lorenz, 2020; Zinzow et al., 2012). Post-assault medical care often involves what is known as a medical forensic exam (MFE), during which the survivor is assessed for physical injuries, offered emergency contraception if appropriate, and given prophylaxis for potential sexually transmitted infections (STIs; US Department of Justice [DOJ], 2013). MFEs are conducted in hospitals or community-based settings (e.g., sexual assault services agencies), and may be conducted by emergency department healthcare practitioners or, where available, by sexual assault nurse examiners (SANEs) who have been specially trained to provide sensitive post-assault medical care in a trauma-informed manner (International Association of Forensic Nurses, 2023; National Institute of Justice [NIJ], 2017).

As part of the MFE, health care practitioners can also perform a sexual assault kit (SAK, also known as a 'rape kit') to collect and preserve medical forensic evidence from the survivor's body (DOJ, 2013; NIJ, 2017). The collection of a SAK is highly invasive and involves thoroughly documenting physical injuries (including body and anogenital photography), as well as swabbing the survivor's mouth, genitals, and body surfaces (e.g., breasts/chest) to collect saliva, blood, semen, and/or other trace evidence (DOJ, 2013; NIJ, 2017). This evidence can be analyzed for DNA to assist in investigation and prosecution of reported assaults (see below). The collection of a SAK is optional for survivors, as the federal Violence Against Women Act (VAWA) specifically states that survivors can have a MFE without having a SAK collected or reporting the assault to the police (Zweig et al., 2021). This stipulation was added to VAWA in 2005 to ensure that survivors could receive health care (e.g., injury assessment, emergency contraception, STI medications) regardless of whether they want to have contact with the criminal legal system (Zweig et al., 2021).

To help survivors make an informed decision about whether to have a SAK collected, national protocols recommend that health care practitioners thoroughly explain what evidence collection entails and how evidence will be analyzed and used by police and prosecutors (DOJ, 2013; NIJ, 2017). However, health care providers are also encouraged to explain to patients the potential ramifications of declining any or all of the forensic examination, including the potential for this to have a negative impact on the criminal investigation, as well as the potential for defense attorneys to use the survivor's declination of parts of the exam/evidence collection against them if the case were to go to trial (DOJ, 2013). In fact, since MFEs and SAKs have become widely available, law enforcement has come to expect that survivors will consent to medical forensic evidence collection, even though by law they do not have to (Corrigan, 2013; Martin, 2005; Zweig et al., 2021). Police often view victims' willingness to have medical forensic evidence collected as a kind of "litmus test" they must pass to be viewed as a credible victim (Yu et al., 2022). Given this pressure, it is not surprising that a recent state-wide survey found that nearly all

survivors (99%) who had a MFE in a state-funded SANE program also consented to SAK collection (Campbell, Javorka, et al., 2021). After a SAK has been collected, the survivor is given the choice whether to release the kit into police custody as evidence (NIJ, 2017). In Campbell, Javorka, et al.'s (2021) study, 80% of survivors who had a SAK collected released the kit to the police; the remaining 20% asked the SANE program to hold the kit at their facility so they could have more time to make this decision.

Once a kit has been released to police, law enforcement personnel are supposed to submit the kit to a forensic crime laboratory for forensic DNA analysis (NIJ, 2017). During the testing process, the samples in the kit are screened for biological evidence and if there is such evidence present, the forensic technicians attempt to extract and develop a DNA profile (Butler, 2010). If a DNA profile is identified, it may be eligible for entry into the FBI's national criminal DNA database, CODIS (Combined DNA Index System), if it meets specified standards regarding biological quality of the sample and reasonable assurances that the forensic sample is most likely from the alleged perpetrator (Butler, 2010). Once uploaded into CODIS, the SAK samples are searched against reference DNA profiles from known arrested/convicted offenders, and if there is a matching profile, it is termed a "CODIS hit" (NIJ, 2017). CODIS hits may provide probative evidence for police investigating a sexual assault by identifying the person who perpetrated the sexual assault if the survivor did not know them, confirming their identity if known to the survivor, eliminating other potential suspects, and/or reducing the likelihood of a wrongful arrest (NIJ, 2017). In some cases, a DNA profile may match with profiles from one or more other sexual assault cases, pointing to a potential serial sexual offender. SAK DNA testing therefore has considerable utility to police and prosecutors, as this evidence could contribute to the specific investigation of the sexual assault case from which it is collected, as well as to the future identification of serial sexual offenders by linking DNA profiles across multiple cases (Campbell, Feeney, et al., 2018; NIJ, 2017).

## **Survivors' Experiences with Police and the Criminal Legal System**

Once a sexual assault has been reported to police, the survivor faces a complex and lengthy legal process that involves two distinct stages: investigation and prosecution (Campbell, 2008; Martin, 2005; Shaw et al., 2016). As described previously, an initial interview is conducted at the time of the report, typically by the patrol officer on duty. After the initial interview, the case is assigned to a detective to investigate further and determine if the case should be referred for prosecution. Detectives often conduct their own additional interviews with survivors, asking them to re-tell their story multiple times and questioning survivors about key details to make sure the story remains consistent (Campbell, 2008). While detectives may also take other investigatory steps during the investigation (see section below on Outcomes of Sexual Assault Investigations), here I review research on survivors' interpersonal interactions with police and detectives from their initial report through the investigation process.

A large body of literature has documented how survivors are treated by police during sexual assault investigations, with most survivors reporting negative experiences (Campbell et al., 2001; Filipas & Ullman, 2001; Lorenz et al., 2019; Patterson, 2011). Police often respond to survivor's stories by expressing disbelief that the assault occurred, questioning whether the assault was nonconsensual, and placing blame for the assault on the survivor (Campbell, 2005, 2006, 2008; Maier, 2008; Lorenz et al., 2019; Lorenz & Jacobsen, 2021; Patterson, 2011). For example, in a qualitative study of 28 survivors' experiences with police, survivors primarily reported negative experiences, such as dismissive statements from police about not having enough evidence to pursue the investigation or victim blaming questions such as why they accepted alcohol from the perpetrator prior to the assault (Lorenz et al., 2019). Quantitative research has also found that the vast majority of survivors have negative interactions with the police and experience police behaviors such as discouraging the survivor from making a report or being reluctant to take the report (Campbell, 2005, 2006). Even when survivors are not explicitly mistreated by police, they describe the reporting process as retraumatizing due to having

to recount what happened to them multiple times, being asked numerous, often invasive questions (e.g., being asked about their prior relationship with the perpetrator, questioning whether they resisted the perpetrator), and lack of sensitivity or understanding of trauma on the part of most police officers (Campbell, 2005, 2006; Campbell et al., 2001; Lorenz et al., 2019).

Feminist scholars have long documented this pattern of disbelief and mistreatment of sexual assault victims by police during the reporting and investigation process. This is particularly likely when the assault does not fit mainstream patriarchal stereotypes of a “real rape” (i.e., a sudden, violent attack of a woman by an unknown man) or if police do not view the survivors as a “real victim” (i.e., often White, middle- or upper-class, perceived as morally upstanding and chaste, and both physically injured and visibly emotional/upset following the assault; DuMont et al., 2003; Estrich, 1987). For example, in interviews with police about sexual assault investigations, Spohn and Tellis (2014) noted that detectives described some survivors as “righteous victims” (p.54) who deserved legal protection and a full investigation; however, detectives viewed many women who reported sexual assault as not real or righteous victims because they were engaged in behaviors such as alcohol use at the time of the assault. These kinds of beliefs can lead to particularly retraumatizing treatment of survivors whose experiences do not align with stereotypes of “real rapes” and who are therefore subjected to invasive questioning, disbelieving attitudes, and lack of empathy from police and detectives (Spohn & Tellis, 2014).

While feminist theories about these stereotypes of “real rape” and “real victims” help to explain police responses to sexual assault in general, Black feminist scholars in the US have emphasized that Black women and other women of color (especially those who are economically marginalized and/or engage in criminalized behavior, as well as those with disabilities) face particular discrimination and mistreatment in their interactions with the legal system because they embody the intersections of multiple systems of oppression (i.e., based on race, gender, class, and/or ability simultaneously; Crenshaw, 1989). An intersectional analysis explains why survivors’ experiences with police and the legal

system may vary as a function of their perceived identities. In fact, in her foundational scholarship on intersectionality, Kimberlé Crenshaw (1989) highlighted rape as an example of how Black women's unique experiences have been systematically ignored by (White) feminism. Crenshaw described how White feminists' sole focus on "rape as a manifestation of male power over female sexuality" (p. 158) has glossed over the highly racialized dynamics of rape – in particular, that rape was and continues to be a form of racial terror practiced by White men against Black, Indigenous, and other women of color, and that for much of the US legal system's history, Black women were viewed as essentially "unrapeable" under the law. While these laws have changed, Crenshaw (1989) posited that police's treatment of Black women still reflects longstanding racist and sexist beliefs about who constitutes a "real victim" of rape.

Empirical research has borne out that these histories and systems of oppression do indeed continue to manifest themselves via police responses to sexual assault that are both gendered and racialized. Negative interpersonal interactions with police are often exacerbated for survivors who face marginalization based on race, class, and other factors such as engagement in criminalized behaviors (e.g., sex work, drug use; Campbell, 2017; Campbell, Fehler-Cabral, et al., 2021; Lorenz et al., 2019; Shaw et al., 2016). For example, in a qualitative study of survivors' and their informal support persons' experiences with police, participants described police as treating survivors in a discriminatory manner based on classist and racist biases (Lorenz et al., 2019). One participant attributed the lack of police response and assistance they experienced to their class/social status ("I can only describe as . . . that they felt these people deserved less police attention than other people do," p. 276); another participant attributed the dismissive response she received to the racial biases of the criminal legal system (Lorenz et al., 2019). Whereas women describe negative, sexist interactions with police *in general*, economically marginalized Black women have been shown to encounter *uniquely* oppressive treatment by police and the legal system that is simultaneously racist, sexist, and classist (e.g., Campbell, Fehler-Cabral, et al., 2021; Campbell, 2017). Survivors who were engaging in sex work and/or drug use at the time of a sexual



assault are also particularly likely to face disbelief from police (e.g., Shaw et al., 2016) and even face the potential for arrest. In sum, most survivors characterize their experiences during sexual assault investigations as negative, retraumatizing, and often discriminatory, and this is particularly the case for survivors who are multiply marginalized.

### **Outcomes of Sexual Assault Investigations**

In addition to police often treating survivors in negative, harmful ways, police also invest minimal investigative effort into sexual assault cases (Shaw et al., 2016; Shaw & Lee, 2019; Spohn, 2020). During the investigation of a sexual assault, there are multiple investigatory steps the detective could take, such as sending evidence technicians to the crime scene, taking victim and witness statements, submitting the victim's SAK to the lab for forensic analysis, or conducting suspect lineups or interviews (Shaw et al., 2016). However, police investigatory effort is often notably minimal in sexual assault cases. One study of 248 sexual assaults reported to police in Detroit, Michigan, found that on average, police only took approximately three of 10 possible investigatory steps (Shaw et al., 2016). In another study of 477 sexual assault cases reported to police in Houston, Texas, investigators made at least one attempt to contact the victim in 88% of cases; however, in the majority of cases, no sworn statement was taken from the victim (70%), no physical evidence was collected from the crime scene (83%), and no suspect was investigated (61%; Jurek et al., 2021). Furthermore, in 17% of cases, police took their first *and* last investigatory action on the case within the same day (Jurek et al., 2021). These studies demonstrate that in the majority of sexual assault investigations, police do not pursue all possible investigatory steps prior to "clearing" a case (i.e., closing the case or referring it for prosecution).

Just as survivors' interpersonal interactions with police are gendered and racialized, so too is the level of investigatory effort invested by police in sexual assault cases (Shaw et al., 2016; Shaw & Lee, 2019). In Shaw et al.'s (2016) study of police justifications for inaction, police tended to focus on victim

behaviors and characteristics, including circumstantial justifications (e.g., victim does not appear upset, victim is not injured; documented in 25% of cases), characterological justifications (i.e., victim is a drug user, sex worker, has a mental illness, or is otherwise deemed not credible; documented in 17% of cases), and investigatory blame justifications (i.e., victim is uncooperative, does not remember enough about the assault, or the case appears “weak”; documented in 41% of cases). Although race did not have a direct effect on the number of investigatory steps taken by police, police justifications varied by race, such that Black victims were more likely than White victims to be deemed “uncooperative,” which then resulted in less investigative steps being taken. An intersectional reading of these findings suggests that Black women are uniquely likely to be viewed by police as uncooperative and ultimately have no further action taken on their cases.

In summary, police typically invest minimal investigatory effort into sexual assault investigations (Jurek et al., 2021; Shaw et al., 2016; Spohn & Tellis, 2012). Furthermore, police tend to blame survivors for the lack of action in sexual assault cases, and these justifications are often racialized (Shaw et al., 2016). Ultimately, these patterns result in the majority of sexual assault survivors being left with no satisfactory resolution of their case. Recent studies indicate that only approximately one fifth to one quarter of all sexual assault cases reported to police result in an arrest (Morabito et al., 2019; Richards et al., 2019). Furthermore, even if an arrest is made, 73-93% of all sexual assault cases are never referred by police to the prosecutor’s office (Campbell et al., 2014; Lonsway & Archambault, 2012; Spohn & Tellis, 2014). In cases where an arrest is made *and* the case is referred for prosecution, prosecutors may still decline to file charges and prosecute the case, resulting in only approximately 7-27% of all reported sexual assault cases being prosecuted (Lonsway & Archambault, 2012). Taken together, these data suggest that the majority of sexual assault cases will never result in a conviction, and the key reason for this precipitous case attrition is that police close cases without conducting a full

investigation or using all available evidence (Jurek et al., 2021; Morabito et al., 2019; Shaw et al., 2016; Spohn & Tellis, 2012, 2014).

### **Untested SAKs and Victim Notification**

In recent years, it has become clear that police are particularly unlikely to utilize one specific type of evidence in their investigations of sexual assault cases: the sexual assault kits completed as part of medical forensic exams (Campbell et al., 2017). As described previously, the collection of medical forensic evidence can be particularly invasive and retraumatizing for survivors, yet SAKs hold great potential utility to a criminal investigation given that the DNA evidence in the kit could yield a CODIS hit. Given this, it is all the more concerning that recent research suggests police are unlikely to take the investigatory step of submitting SAKs for forensic analysis. In studies of sexual assault evidence submission in various regions of the US, approximately 38-62% of SAKs collected by police are *not* submitted for forensic testing (Patterson & Campbell, 2012; Shaw & Campbell, 2013; Valentine et al., 2019). Police may also delay testing of SAKs for significant periods of time, with one study of SAK submission in a Western state finding that only 23% of SAKs were submitted for testing within one year of the assault (an additional 15% were submitted after more than a year due to external pressure from media and community action; Valentine et al., 2019). This pattern of police failing to test SAKs is ubiquitous, despite research that has demonstrated the utility of DNA evidence for yielding CODIS hits in both stranger and non-stranger assaults, identifying perpetrators in stranger assaults, and matching cases to identify serial sexual offenders (Campbell, Feeney, et al., 2018; Campbell, Feeney, et al., 2020; Campbell, Pierce, et al., 2016; Johnson et al., 2012; Strom & Hickman, 2010). The lack of routine SAK testing therefore has significant ramifications for the ability of the criminal legal system to fully investigate and prosecute sexual assaults, as well as potentially prevent future violence from people who routinely commit rape and sexual assault. Researchers have thus described the practice of shelving SAKs without testing them as “justice denied” for survivors (Strom & Hickman, 2010, p. 382).

Starting in the early 2000s, police's failure to routinely submit SAKs for forensic testing and analysis began garnering media attention and public outcry after thousands of untested SAKs were discovered sitting in police evidence storage facilities in jurisdictions across the country (Campbell et al., 2017; Pinchevsky, 2018; Strom & Hickman, 2010; Strom et al., 2021). Researchers have now estimated that there were approximately 300,000-400,000 untested SAKs in police custody nationwide during the period of 2014-2018 (Strom et al., 2021). While untested SAKs have been found across geographical regions and in both rural and urban jurisdictions, some of the largest stockpiles of SAKs have been found in major urban centers in which large proportions of the population have faced systemic disinvestment and socioeconomic marginalization, such as New York, Detroit, Houston, Cleveland, and Los Angeles, among others (Campbell & Fehler-Cabral, 2018; Lovell et al., 2023; Strom et al., 2021). In these cities, most survivors whose SAKs were not submitted for testing have been women experiencing economic marginalization, a substantial proportion of whom are Black or other women of color (Campbell & Fehler-Cabral, 2018; Lovell et al., 2023). These demographics point to both the disproportionate impact of sexual violence on women of color and to systemic inequities in how sexual assault cases are handled by police depending on victim race, class, and gender. Untested SAKs have been concentrated in urban communities of color, which has been tied to individual-level oppressive factors (i.e., police biases in their perceptions of victims resulting in minimal investigatory effort; Campbell & Fehler-Cabral, 2018). Structural and historical factors at the city level also contribute to high rates of violence against women of color in these cities. For example, Lovell et al. (2023) outlined how racist zoning and redlining policies led to concentrations of poverty and infrastructure disinvestment in primarily Black neighborhoods of major US cities, and how this is associated with markedly higher crime rates – specifically including higher rates of rape – in such neighborhoods today. These oppressive individual, structural, and historical forces combine to contribute to Black women in cities with historical, intentional disinvestment of communities of color being disproportionately impacted by the issue of untested SAKs

(Campbell & Fehler-Cabral, 2018; Lovell et al., 2023). In other words, the burden of “justice denied” due to untested SAKs has in large part fallen on these communities.

As backlogs of SAKs were discovered and publicized around the country, the federal government began dedicating grant funding to the testing of kits (e.g., the Debbie Smith Act & Backlog Reduction Grants; the Bureau of Justice Assistance Sexual Assault Kit Initiative). Numerous states have also passed laws to mandate the timely testing of SAKs and have provided funding for testing of kits (Campbell & Feeney, 2023). Several large cities such as Los Angeles, Detroit, and Houston have undertaken major initiatives to test some or all of the kits. These testing initiatives have found that a high proportion of the kits (approximately 43-53%) contain viable DNA samples from which CODIS-eligible DNA profiles can be extracted (Campbell et al., 2015; Peterson et al., 2012; Wells et al., 2016). Furthermore, of kits with CODIS-eligible profiles, approximately 50-58% resulted in a CODIS hit. In Detroit, for example, of 1,595 unsubmitted SAKs randomly selected for testing, 785 yielded a CODIS-eligible profile and 455 ultimately resulted in a CODIS hit (Campbell et al., 2015). These and subsequent studies in additional jurisdictions (e.g., Campbell, Javorka, et al., 2020; Lovell et al., 2018) have demonstrated that previously unsubmitted kits do in fact hold potential forensic utility for police investigations of sexual assault cases, even when such cases were reported years or even decades earlier. Furthermore, these early studies indicated that, due to the new forensic evidence available from kit testing, a sizeable number of sexual assault criminal cases that had been closed could potentially be re-opened for re-investigation and prosecution.

While early research on untested SAKs indicated that sexual assault “cold cases” associated with the kits *could* be re-opened, the process for doing so would need to be developed in each jurisdiction. This has raised complicated questions across jurisdictions about how law enforcement could or should approach survivors who had reported their rapes years or decades earlier to tell them that their kits had not been tested until now (see, for example, Campbell, Shaw, & Fehler-Cabral, 2018). It has also raised questions about whether *all* survivors whose kits were not originally tested should be notified about

this, or whether police should only contact survivors whose SAKs had resulted in a CODIS hit and whose cases could be re-opened.

A handful of cities, including Detroit, Houston, and Cleveland, have developed and evaluated victim notification protocols regarding whether and how to notify survivors that their SAKs had been left untested but had finally been tested (Busch-Armendariz et al., 2015; Campbell, Shaw, & Fehler-Cabral, 2018). In these jurisdictions, practitioners decided to conduct active outreach victim notifications only if the SAK testing yielded a CODIS hit. These CODIS hit notifications were conducted to inform survivors that they now had the option to participate in the reinvestigation and prosecution of their sexual assault case (Busch-Armendariz et al., 2015; Campbell, Shaw, & Fehler-Cabral, 2018; Regoeczi & Wright, 2016). For example, Detroit's protocol specified that victim notification should only be conducted in cases with CODIS hits, and an early evaluation of this protocol indicated that survivors expressed a range of emotions in response to the notification (Campbell, Shaw, & Fehler-Cabral, 2018). The majority of survivors responded positively or with neutral emotions to the notification; however, a small proportion displayed strong negative reactions (Campbell, Shaw, & Fehler-Cabral, 2018). Notably, 57% of the survivors who received a CODIS hit victim notification decided to re-engage with the criminal legal system to pursue the investigation and prosecution of their case (Campbell, Shaw, & Fehler-Cabral, 2018). In other words, despite police failing to fully investigate their sexual assault cases and their SAKs having been literally shelved for years, a substantial proportion of survivors still wanted to pursue justice through the re-investigation of their case.

Similar to Detroit, Houston's multidisciplinary team developed a victim notification protocol in which detectives conducted outreach to survivors whose SAKs had been tested and had yielded a CODIS hit (Busch-Armendariz et al., 2015). Houston's evaluation involved in-depth interviews with a small subset of seven survivors. As in Detroit, survivors expressed a range of reactions. All seven survivors reported being treated sensitively and compassionately during the notification. However, all survivors

also reported having strong emotional responses to the notification and being frustrated about how long it had been from the time of their initial report to the time they were finally notified. Some survivors also reported experiencing a moral dilemma about whether to participate in the reinvestigation of their cases, weighing their reticence to revisit the trauma of their assault against wanting to protect others who could be harmed if their perpetrator was not held accountable and having the opportunity to achieve justice for what had been done to them.

In Cleveland's protocol, victim advocates were paired with police during victim notifications for cold case sexual assaults with untested SAKs (Luminais et al., 2020; Regoeczi & Wright, 2016). As part of an evaluation of this process, members of the prosecutor's office and victim advocates offered their perspectives on how victim notifications were conducted and survivors' decision-making processes regarding participation (i.e., re-engagement) in their case (Regoeczi & Wright, 2016). While the prosecutorial staff reported that most survivors ultimately decided to participate in the case and that survivors were generally satisfied that they "finally got justice" (p. 22), victim advocates reported a much wider range of reactions from survivors (Regoeczi & Wright, 2016). Advocates described several reasons that survivors chose *not* to re-engage in the process, including not wanting to bring up something from the past, being afraid of retaliation from the perpetrator, and the shame and self-blame many survivors still felt surrounding the assault. On the other hand, advocates reported several reasons for survivors choosing to participate in their case, including wanting to get justice and to see the perpetrator held responsible, wanting validation of their experience and the opportunity to speak their truth about what happened to them, and wanting a sense of closure.

Taken together, these three evaluations of victim notification protocols in cities with large numbers of untested SAKs indicate that survivors express a wide range of emotions and reactions to being told that their SAK had finally been tested and their case was being re-opened or re-investigated. These studies also suggested that many survivors *do* still want to prosecute their cases if given the

opportunity (Campbell, Shaw, & Fehler-Cabral, 2018). However, little research to date has explored why survivors choose to re-engage, particularly given the negative interactions they likely had with police when first reporting and the fact that their SAKs had been shelved for years or even decades. To understand the complexity of this decision, in the next section I will explore survivors' potential motivations for re-engaging with the criminal legal system, despite the negative experiences and betrayal they have already faced.

### **Influences on Survivors' Re-Engagement Decisions After Victim Notification**

As described previously, survivors' experiences with police after reporting an assault are frequently harmful and retraumatizing, often involving sexist, racist, and/or classist treatment by police in addition to disbelief, invasive questioning, and lack of investigatory effort. For survivors whose SAKs were never submitted for forensic testing, these negative experiences may have been even more likely, given that police engage in victim-blaming to justify their lack of investigatory effort (Shaw et al., 2016). It is therefore even more striking that a sizeable proportion of survivors – over half in one study – decided to re-engage with police and pursue the investigation of their case when notified that their SAK was finally tested (Campbell, Shaw, & Fehler-Cabral, 2018). Why, then, might survivors choose to re-engage with this system? This is important to consider as more jurisdictions across the US test their untested SAKs, conduct victim notification, and consequently ask survivors whether they will re-engage in the investigation of their case.

As described above, only a handful of studies have examined why survivors with previously untested SAKs may choose to re-engage with the criminal legal system. These studies indicated that some survivors experienced a moral dilemma about whether to participate, weighing the personal costs of reactivating this trauma against wanting to protect others from their perpetrator (Busch-Armendariz et al., 2015; Regoeczi & Wright, 2016). Survivors' motivations for re-engaging also included achieving a sense of justice and closure, holding the perpetrator responsible, and validating the truth of what had



happened to them (Regoezi & Wright, 2016). While these two studies provide some indication of factors that may weigh into survivors' decision to re-engage, the primary goal of each study was to evaluate the overall victim notification protocol being used in each city; as a result, the studies do not provide an in-depth exploration and analysis of survivors' decision-making surround re-engagement with the criminal legal system.

Given the paucity of research on survivors' decision-making during victim notifications, below I draw on literature on survivors' decision-making regarding their report to police *when the assault occurred* to illuminate additional potential motivations for re-engaging with the criminal legal system, despite the negative experiences and betrayal they have already faced. Key factors that emerge from this literature include survivors' motivations to protect themselves and others from potential future assaults, as well as the influence of friends and family members on survivors. Understanding what prompts survivors to engage with the police at the time of the assault can help inform future research on why they may choose to *re-engage* with police following a victim notification regarding their untested SAKs.

### ***Seeking Safety for Themselves and Others***

Survivors may be motivated by a desire to protect the safety of themselves or others in their community, leading them to re-engage with police despite not achieving this outcome when they first reported the assault. Multiple qualitative studies have documented that some survivors are motivated to report their assaults to police in order to prevent the perpetrator from causing additional harm or out of a sense of moral or social responsibility (Carbone-Lopez et al., 2016; Brooks-Hay, 2020; Heath et al., 2011; Lorenz et al., 2019; Lorenz & Jacobsen, 2021; Patterson & Campbell, 2010). For example, in a study of 20 women in the Midwestern US who reported their rape to police, nearly half described reporting because they wanted to prevent the perpetrator from harming themselves or others in the future (Patterson & Campbell, 2010). Similarly, in a study of 24 women in Scotland who reported sexual

assault or rape to police, participants' sense of moral or social responsibility was a prominent theme in their reasons for reporting (Brooks-Hay, 2020). Participants describing reporting as "'the right thing to do'" (p. 185), despite concerns about the stress and personal costs of going through a criminal investigation; some explicitly described reporting their assault as a way to take action against the "'social problem'" (p. 184) of violence against women and girls (Brooks-Hay, 2020).

Even survivors who face oppression and stigma by the criminal legal system, such as women of color and those involved in criminalized activities, have reported similar motivations of seeking safety for themselves and others in reporting. For example, one mixed methods study of justice-involved women, over half of whom were Black, found that engaging in criminalized behaviors (e.g., sex work, drug use, or being involved in property crimes) during the month they were assaulted was *not* associated with likelihood of reporting the assault to police (Carbone-Lopez et al., 2016). When asked about their reasons for reporting the assault despite facing potential consequences themselves from the police, many survivors described experiencing particularly violent or degrading assaults, needing medical attention, or being robbed, abducted, or beaten in addition to the assault. In these cases, reaching out to the police was often automatic and perhaps instinctual because of the level of violence involved. Some survivors also indicated that knowing the perpetrator had also assaulted other women was a factor in their decision to report and cooperate with police (Carbone-Lopez et al., 2016). Thus, choosing to engage (or, in the case of victim notifications, *re-engage*) with the criminal legal system may be related to a survivors' sense of community and desire to see the perpetrator "brought to justice" or hope that by incarcerating the perpetrator, future harm will be prevented.

These studies primarily focused on survivors' motivations for reporting to police at the time of the assault. However, one recent study investigated how survivors' experiences with police might impact their willingness to report *another* sexual assault in the future, which may shed light on survivors' decisions to re-engage after a victim notification (Lorenz & Jacobsen, 2021). Despite having

negative interactions with police, 18 of the 21 participants in this study stated that they would likely report again in the future. As in prior research, participants described feeling an obligation or responsibility to report again in the future because it was the “right thing to do” to prevent future harm. Participants also stated they would report the assault in order to avoid feelings of guilt for not doing more to prevent future assaults; one participant described feeling guilty about waiting to report her assault initially, while another felt guilty for not cooperating with police after being treated poorly and finding out that her perpetrator ultimately raped multiple other women. Findings from this study suggest that many survivors may still be willing to engage with police, despite past negative experiences, because of this sense of obligation based in both altruistic motivations and in the pressure and guilt survivors may face for not reporting (Lorenz & Jacobsen, 2021). This aligns with initial findings from Houston regarding the moral dilemma that some survivors felt in deciding whether to re-engage after victim notification due to the responsibility they felt to help ensure the perpetrator was held accountable and could not harm others (Busch-Armendariz et al., 2015).

### ***Influence of Friends and Family***

Although studies of victim notification have not focused on the influence of friends and family members on survivors’ decision-making and reengagement with police, past research on survivors’ decisions to report to police at the time of the assault suggests close support persons can play a significant role in these decisions (Brooks-Hay, 2020; DePrince et al., 2020; Lorenz et al., 2019). When deciding whether to report an assault to police, friends or family may strongly encourage the survivor to report or may call the police of their own accord; conversely, friends or family may also discourage reporting (Brooks-Hay, 2020; Carbone-Lopez et al., 2016; Lorenz et al., 2019). For example, in a qualitative study of survivors and their informal support providers (i.e., friends, family members, or intimate partners), encouragement from informal supports almost always resulted in the survivor ultimately reporting their assault to police, with some friends or family even calling the police without

first consulting the survivor (Lorenz et al., 2019). On the other hand, some informal support persons in the same study discouraged survivors from reporting because of concerns about how they would be viewed or treated by police, or because of their own past negative police interactions (Lorenz et al., 2019).

In another qualitative investigation of survivors' reasons for reporting to police, many survivors cited "third party influences" (p. 185) including friends and family members as either strongly influencing their decision to report or making the report outright for the survivor (Brooks-Hay, 2020). Similarly, a mixed methods study of 42 women whose sexual assaults were reported to police found that approximately 19% of these incidents were reported by a third party as opposed to the survivor herself (Carbone-Lopez et al., 2016). These studies show that how informal support providers react when survivors disclose an assault to them may have a strong impact on whether survivors report to police, even when survivors are initially hesitant to do so; conversely, informal support providers may discourage reporting for a variety of reasons, ranging from past negative experiences or beliefs about police to minimization of the assault. While these studies were focused on survivors' reporting decisions at the time of the assault, it is conceivable that survivors' family and friends may also play a significant role in whether survivors choose to reengage with police after a victim notification.

## CURRENT STUDY

Current efforts across the US to test previously untested SAKs and re-open the associated criminal cases present an opportunity to understand survivors' decision-making regarding re-engaging with the criminal legal system. Most prior research on untested SAKs has focused on establishing the scope and causes of this issue (e.g., Campbell et al., 2017; Strom & Hickman, 2010; Strom et al., 2021) or on related legal and forensic issues, such as the investigatory utility of testing kits from these backlogs (e.g., Campbell, Feeney, et al., 2018; Campbell, Feeney, et al., 2020; Goodman-Williams et al., 2019). However, little research has explored the issue of untested SAKs from the perspective of survivors who are asked to re-engage with a system that has already betrayed them by not testing their kits (for an exception, see Busch-Armendariz et al., 2015). Given the racist, sexist, and classist treatment that survivors often experience from police when first reporting, it is particularly important to understand victim notifications and survivors' subsequent decision-making from the perspective of those who are most marginalized by the US criminal legal system – often Black women.

Though extensive research has been done on survivors' reasons for initially reporting an assault to police, survivors may have specific motivations and hesitations surrounding their decisions to participate in the re-opening of their criminal case years after the assault occurred. Limited research on how survivors' experiences with police after reporting an assault might impact their future willingness to report victimization suggests that many may still be willing to report, despite their negative experiences, because they feel it is the "right thing" to do in order to protect others from harm (Lorenz & Jacobsen, 2021). However, this research was not specific to survivors whose kits had not been tested for years. The limited research that has been conducted specifically on victim notification has involved very small samples (e.g., seven survivors in Houston; Busch-Armendariz et al., 2015) or has relied on proxy data from advocates, law enforcement, or prosecutors (Campbell, Shaw, & Fehler-Cabral, 2018; Regoeczi &

Wright, 2016). It is therefore important to hear directly from a larger sample of survivors about their decision-making process in agreeing to re-engage after a victim notification.

In this study, I used a qualitative research design to explore survivors' decisions to re-engage with the criminal legal system after a SAK CODIS hit victim notification. I used data collected in a predominantly Black/African American community that has faced high levels of disinvestment and resource depletion (Campbell et al., 2015). Informed by prior research that has shown survivors often elect to report their assaults to police despite having misgivings about how they will be treated (e.g., Lorenz & Jacobsen, 2021; Lorenz et al., 2019), in this study I examined both motivations and hesitations surrounding re-engaging among those who chose to move forward with the reinvestigation and prosecution of their case. I also explored the impact of how aspects of the assault itself and of the victim notification meetings with the police may have affected survivors' re-engagement decisions. Additionally, I examined how others, such as friends and family members, may influence survivors' decision-making regarding re-engagement. Specifically, I sought to answer the following exploratory research questions:

1. What were survivors' motivations for re-engaging with the investigation and prosecution of their case after being notified about their previously untested SAK?
  - a. How did assault and notification characteristics influence these motivations?
2. What were survivors' concerns about re-engaging with the investigation and prosecution?
  - a. How did assault and notification characteristics influence these concerns?
3. How, if at all, were survivors' decisions influenced by the reactions of friends, family, or other support persons to the notification?

## METHOD

### Researcher Positionality

In qualitative inquiry, it is important to situate myself as a researcher in relation to the research topic and participants (O'Brien et al., 2014). My life experiences are notably different from those of the participants in this study, who are predominantly low-income women from Detroit, nearly all Black or African American. I am a White cisgender woman, born and raised in a predominantly White town on the occupied lands of the Séliš-Qłispé people in so-called Kalispell, Montana. I am trained in community psychology and community-engaged modes of scholarship, including community-based participatory research, participatory action research, and participatory evaluation. These methodologies are rooted in constructivist and critical epistemologies, in which knowledge is not limited to what is produced through positivistic research methods but encompasses individuals' lived experiences. I most comfortably situate myself as a feminist researcher-activist, drawing on theories that are explicitly political and action-oriented such as intersectionality theory (Buchanan & Wiklund, 2021; Crenshaw, 1989). My orientation as a researcher-activist involves engaging in community-based and grassroots political action alongside my scholarship. For me, this has included volunteering as a sexual assault victim advocate, as well as engaging in labor organizing and other forms of collective action in my community.

A critical feminist orientation toward my research prompts me to understand that my own perspective is necessarily limited by my life experiences as a White, middle class, highly educated woman. In the context of this research project, these identities mean that there was a notable incongruence of identities and power differences between me and the research participants. As a research team, we explicitly discussed these power dynamics as part of our training in feminist, trauma-informed interviewing and research methods (Campbell et al., 2019). Without denying that these dynamics existed, we took steps to provide survivors with as much agency as possible throughout the recruitment and interviewing process, including meeting survivors in locations where they felt

comfortable, prompting survivors to share as much or as little as they wanted about their assault, and providing compensation prior to the interview so that survivors would not be pressured to continue the interview to receive financial remuneration (see Procedures).

As a qualitative analyst, it is also important for me to acknowledge that my analysis will be shaped by my own academic background, the research literature I have been steeped in, and the fact that, despite working closely with our community partner during this project, I am an outsider to the community and participants in this study. I have been involved with state-level research on untested SAKs in Michigan since 2016, in which our primary collaborative partner was the Michigan State Police. I have also been involved with the current Detroit-based Victim Notification Study that provided the data for this dissertation since the study's inception, from assisting with developing the overall study research questions, interview guide, and recruitment methods through conducting interviews with sexual assault survivors. I have been a visitor to Detroit for meetings with our community partner and for many of the interviews, tucked into the welcoming space of the sexual assault services organization. However, I do not share in these women's realities of systemic abandonment, interpersonal violence, racial violence, and state violence, nor in their realities of survival, coping, and attempting to heal. My analysis is undoubtedly shaped by this distance from the participants' lived experiences. It is also shaped by my commitment to working towards collective liberation from violence. It is my hope that sharing women's reasons for engaging in the criminal legal system, as well as their experiences within it, can demonstrate the need for community alternatives to this system and support the work of those who are imagining and creating new futures. This is a crucial part of my subjective lens as an analyst, having witnessed the harms of the criminal legal system through my time as a victim advocate and through the well-documented academic literature on the subject. Finally, I acknowledge that this dissertation is part of my own development and academic achievement, and that my personal stake in this work is tied to both my values and the pursuit of my own academic goals.



## **Research Design**

The research design for this dissertation involved a secondary analysis of qualitative interviews conducted as part of a larger study with  $N = 32$  sexual assault survivors who were assaulted in Detroit, had previously untested SAKs, were notified about their SAKs finally being tested, and chose to re-engage with the criminal legal system in the reinvestigation and prosecution of their cases. The original study employed a qualitative transcendental phenomenological research design, which was an appropriate design for seeking to understand the “common meaning” (p. 75) of these survivors’ lived experiences with SAK victim notifications (Creswell & Poth, 2018). A qualitative transcendental phenomenological design is useful for identifying commonalities across research participants’ experiences of a particular phenomenon (in this case, a SAK CODIS hit victim notification), as well as capturing the unique variations in participants’ experiences. The research design involves conducting qualitative unstructured or semi-structured interviews with participants who have experienced the phenomenon under investigation, then analyzing these data to create a rich description of the phenomenon in the form of themes and quotes (Creswell & Poth, 2018). Below, I detail the methods for the original study as well as the specific analytic approach used for my secondary analysis.

## **Community Partner**

This research project was conducted in collaboration with Avalon Healing Center (formerly Wayne County SAFE), a sexual assault services organization located in Detroit. The study was a continuation of a larger, long-term community-based participatory action research project in Detroit, Michigan that began in 2010 with the Detroit Sexual Assault Kit (SAK) Action Research Project (ARP). As I described in the Literature Review, community stakeholders and researchers created the Detroit SAK ARP in response to the discovery of approximately 11,000 untested SAKs in police storage in Detroit. The project brought together a multidisciplinary team of police, prosecutors, forensic scientists, sexual

assault victim advocates, forensic nurses, and researchers to investigate what had led to so many kits being untested.

In this project, an initial sample of 1,600 SAKs from the backlog were submitted for testing and the multidisciplinary team created a SAK CODIS hit victim notification protocol (Campbell et al., 2015; Campbell, Shaw, & Fehler-Cabral, 2018). For the cases selected for notification, detectives from the Wayne County Prosecutor's Office would attempt to locate the survivor and make initial contact in person whenever possible, or by phone if necessary. During their initial contact, detectives were to explain to the survivor that their SAK had not been tested originally, that it had now been tested, that the DNA had matched to an offender profile in CODIS, and that there was a possibility of re-opening their original sexual assault case for reinvestigation and prosecution. Detectives were instructed to offer support in these interactions, apologize for failing to test the SAK originally, and offer a follow-up meeting with detectives and a community-based advocate from Avalon Healing Center if the survivor was interested in participating in the re-investigation of the case (without pressuring the survivor to make a decision about participation during that initial contact). If the survivor was interested, they would be contacted to schedule a follow-up meeting.

Avalon Healing Center has been involved in this long-term action research project since its inception and was actively involved in the creation of the victim notification protocol followed by the Wayne County Prosecutor's Office. Victim advocates from Avalon Healing Center were not present when victim notifications occurred due to the prosecutor's office concerns about advocates' physical safety. However, advocates were on call should survivors need immediate help. Shortly after detectives conducted a victim notification, advocates called the survivor to see if they wanted to schedule a follow-up meeting at Avalon Healing Center, during which detectives would be present to take a new statement from the survivor and provide information about the case. Advocates were present during these notification follow-up meetings, and many survivors chose to work with an advocate throughout

the reinvestigation and prosecution of their case. Advocates worked closely with survivors who re-engaged in their legal cases, often over a prolonged period of time and in some cases this relationship continued after the legal case was resolved.

## **Recruitment**

In the original research project, our goal was to interview sexual assault survivors about their SAK CODIS hit victim notification experiences and their subsequent re-engagement with the criminal legal system. Survivors were eligible to participate in an interview if: 1) they were 18 or older at the time of the interview; 2) they were sexually assaulted in Detroit, filed a police report, and had a SAK collected; 3) the SAK was part of the backlog of untested SAKs discovered in Detroit that were eventually submitted for testing; 4) testing resulted in a CODIS Hit Re-Engagement Victim Notification, meaning their case was eligible for reinvestigation and prosecution; 5) the survivor had agreed to participate in the re-investigation and prosecution of their legal case; and 6) their case had been adjudicated and closed at the time of the interview. Recruitment for this study took place over 20 months from 2019-2020, prior to the outbreak of the COVID-19 pandemic. 112 survivors met the eligibility criteria during this period.

The survivors' names and contact information could not be shared with the research team because of our community partner's confidentiality requirements. Instead, given that advocates employed by Avalon Healing Center had already worked closely with these survivors, the research team contracted with these advocates to conduct all outreach and recruitment for this study. The research team developed a detailed recruitment protocol for advocates to follow, which included contacting survivors using the preferred method the agency had on file for each survivor (typically via phone), explaining the study details, leaving voice messages as appropriate, and scheduling an interview. Interviewers provided available times during and after business hours to best accommodate

participants' schedules, and participants could choose either an in-person interview conducted at the sexual assault services organization or a phone interview (see Procedures).

The group of eligible study participants was hard to reach due to factors such as address and phone number changes, inconsistent phone service, and possibly having had negative experiences during their legal cases in the past. Despite multiple attempts at contacting survivors, advocates were unable to contact 68 survivors (61% of all eligible survivors). There was a significant difference in advocates' ability to contact survivors depending on the outcome of the survivor's legal case. Survivors whose cases ended in an acquittal/not guilty verdict were significantly less likely to be reachable than those whose cases ended in a conviction or guilty plea,  $\chi^2(2, 112) = 7.85, p < .05$ ). Specifically, 13% of the eligible survivors whose case ended in an acquittal were reached, as compared with 44% of the eligible survivors whose cases ended in a conviction or plea. Of the 44 survivors who advocates successfully contacted,  $N = 32$  agreed to participate and completed an interview (29% of all eligible survivors). No significant differences in participation emerged between those with acquittals (5% of survivors who were contacted) and those with convictions (95%) among these 44 survivors,  $\chi^2(2, 44) = 1.86, ns$ .

### **Sample**

The final sample for the original study consisted of 32 sexual assault survivors. All participants identified as women, including one transgender woman. The majority of participants were Black or African American ( $n = 28, 88\%$ ); three participants were White (9%), and one participant identified as multiracial (3%). Participants' ages ranged from 25 to 60 years old (median age = 41 years old). Because the focal population was survivors with previously untested SAKs, on average, participants had been assaulted 18.4 years prior to recruitment for the study (range: 6 to 28 years).

### **Procedures**

Survivors who agreed to participate were scheduled for either an in-person interview held at Avalon Healing Center's main office in Detroit or a phone interview. During recruitment, advocates

informed participants that they would receive \$50 in compensation and that the interview would last approximately one to two hours. Once an advocate scheduled an interview, the interviewer contacted the advocate to receive the participant's name, preferred mode of interview, and if it was a phone interview, the participant's phone number.

At the beginning of the interview appointment, the interviewer reviewed the study's informed consent document and obtained verbal consent from the participant. Interviewers also obtained consent to audio record the interview; all participants consented to audio recording. If the interview was held in person, the interviewer provided the \$50 cash compensation prior to starting the interview to ensure participants did not feel pressured to complete the entire interview in order to receive the compensation. Participants who were interviewed via phone were asked prior to the interview whether they preferred to receive compensation via Western Union, with all fees covered by the research team, or if they preferred to pick up cash at Avalon Healing Center after the interview. Transportation for in-person interviews or to pick up compensation was provided to participants via Lyft. All participants were also offered a copy of Avalon Healing Center's community resource guide and advocates were always available in person or via phone if participants became distressed during the interview; no participants requested to meet or talk with an advocate during or after an interview.

All interviews were conducted by advanced graduate research assistants who had been trained in trauma-informed and culturally competent qualitative interviewing. Research assistants also received information on the study context, the history of SAKs and police responses to sexual assault in Detroit, and the history of racialized poverty in Detroit. Research assistants conducted mock interviews with one another and with advocates from Avalon Healing Center prior to conducting study interviews. The research team met weekly throughout the data collection period to review interview transcripts, receive interviewing feedback from the principal investigator, and debrief on emotional responses to interviews as well as emerging topics for analysis.

Research assistants audio recorded the interviews and uploaded the audio files to Rev.com, an online transcription service, for transcription. Interviews lasted 80 minutes on average (SD = 29; range 36 to 171 minutes). All transcripts were reviewed for accuracy by study interviewers and personal identifying information was redacted prior to analysis. All study procedures were reviewed and approved by the Michigan State University IRB.

### **Interview Guide**

A semi-structured qualitative interview protocol was used to guide the interview with study participants. There were 10 sections of the interview protocol: (1) Introduction and participants' reasons for participating, (2) Background about the assault, (3) Post-assault disclosure experiences immediately after the assault, (4) Experiences with victim notification, (5) Decision-making around re-engagement with the criminal legal system, (6) Experiences with reinvestigation and prosecution (i.e., reengagement), (7) Experiences with advocacy, (8) Global reflections and recommendations for victim notifications, (9) Demographic questions, and (10) Interview closing.

For the current study, I focused on participants' responses to Section Four of the interview guide related to decision-making around re-engagement with the criminal legal system, although relevant data from other interview sections was also included in my analysis (see Data Analysis Plan). Key questions in this section were *"How did you feel about moving forward with an investigation right after you were notified?"*, *"What factors helped you to decide to re-engage in the investigation and prosecution?"* and *"What were your concerns about participating? How were those concerns addressed?"*, with additional probes used as appropriate to understand participants' feelings, motivations, and concerns regarding their decision to re-engage with the criminal legal system.

In addition to reviewing data segments related to these focal questions, I also examined sections of the interview pertaining to the assault and victim notifications. I extracted and dichotomized four key characteristics that may have influenced survivors' decision-making: *victim-offender relationship* (i.e.,

whether the assailant was a stranger or was known by the survivor), *serial sexual assailant* (whether the survivor was told the assailant had committed additional sexual assaults), *assailant already incarcerated* (whether the assailant was incarcerated at the time of the notification), and *time since the assault* (whether less than 10 years or more than 10 years had passed between the assault and notification). In this sample, 23 survivors (72%) were assaulted by strangers and 9 survivors (28%) were assaulted by someone they knew. Twenty-five survivors (78%) were assaulted by a serial sexual assailant. Fifteen survivors' assailants (47%) were already incarcerated at the time of the notification. Nine survivors (28%) were notified within 10 years after the assault, whereas 23 survivors (72%) were notified more than 10 years after the assault.

### **Data Analysis Plan**

To answer my three focal research questions, I selected Miles et al.'s (2020) analytic framework. This framework takes a pragmatic and technical approach, meaning that it delineates a set of analytic steps and processes that can be used within different qualitative epistemological approaches. In so doing, Miles et al. (2020) offer a methodology grounded primarily in a realist epistemology that can be adapted for use in critical and constructivist inquiry. As described in the Literature Review and Current Study section, my inquiry is rooted in a critical theory – specifically, I am informed by intersectional feminist theory, which centers an understanding of the intersecting systems of power and oppression by which individuals' experiences are shaped (Buchanan & Wiklund, 2021; Crenshaw, 1989). Through this lens, I sought to identify survivors' key motivations and concerns about re-engaging with the criminal legal system, and needed a clear, rigorous, flexible methodology for doing so. I therefore selected Miles et al.'s (2020) framework because it outlines a three-step process for this kind of analysis that involves identifying and verifying patterns both within and across cases (i.e., participants). For this analysis, I served as the primary coder and conducted all three phases using the qualitative analytic software Atlas.ti (version 22), as well as Microsoft Excel as needed for data visualization and synthesis.

### ***Data Condensation***

The first phase of Miles et al.'s (2020) framework involves data condensation, with the goal of selecting, focusing, and synthesizing the data relevant to the planned analysis through iterative coding processes. During analyses conducted as part of the original study, I worked with another advanced graduate student to group all text across the 32 participant interviews into large "chunks" with broad category codes (e.g., "reactions to victim notification," "re-investigation experiences," "prosecution experiences"). In preparation for the current analysis, I identified all data that pertained to the broad category code of "factors in decision to re-engage," which was the code applied to survivors' responses to interview questions about decision-making regarding re-engagement with the criminal legal system. This data formed the "data corpus" for the current study (Braun & Clarke, 2006).

Working with this data corpus, the next step in the data condensation phase was to create and apply descriptive codes across relevant text segments from all 32 interviews. Descriptive codes are inductive codes that briefly summarize the basic content of a data passage (see Table 1 for examples of how text segments were coded into descriptive codes). After I completed descriptive coding of all text segments, I then categorized, summarized, and synthesized these descriptive codes into pattern codes. Pattern codes are "inferential or explanatory codes . . . that identify a 'bigger picture' configuration" (p. 79) and are one level removed from the data itself (Miles et al., 2020; see Table 1 for an example of how descriptive codes were synthesized into pattern codes). Pattern codes for this analysis were guided by Research Questions 1 and 2 outlined in the Current Study and focused on primary factors in survivors' decisions to re-engage with the investigation and prosecution of their case, including both motivating factors as well as hesitations or concerns about re-engaging.



**Table 1.*****Data Condensation Phase***

Data Segment	Descriptive Code(s)	Pattern Code(s)
<p>Interviewer: <i>How did you feel when they asked you to participate in the investigation process?</i></p> <p>Participant: It was sort of a relief, but at the same time, it wasn't because I still didn't want to look at the person that did this to me. It just felt like he took something from me that I still can't get back.</p>	hesitant about seeing assailant	concerns about emotional distress of re-engaging
<p>Interviewer: <i>You said right after you were notified you weren't sure that you wanted to participate?</i></p> <p>Participant: Because, it was back in my past and I didn't want to deal with that again because it was just a very unpleasant experience and it's like do I really want to go through this again? Remunerate it in my mind. . .</p>	reliving the assault	concerns about emotional distress of re-engaging
<p>Interviewer: <i>Did you have any concerns about participating in the investigation?</i></p> <p>Participant: The fact that I would have to say something in a pretrial, something about seeing his face and actually seeing it in daylight. . .</p>	hesitant about seeing assailant	concerns about emotional distress of re-engaging

***Data Display***

The second phase of Miles et al.'s (2020) analytic framework is termed "data display" and involves organizing and comparing the data (i.e., codes) in visual displays that allow for more nuanced analysis, as well as noting convergent and divergent patterns across and within cases. For the current study, data displays were used to explore how factors such as characteristics of the assault and victim notification influenced survivors' decision-making. To investigate these factors, I used data matrices in order to "see differences that might otherwise be blurred or buried" (Miles et al., 2020, p. 281) by separating and comparing descriptive and pattern codes as a function of these key contextual variables.

For example, to explore the impact of factors such as characteristics of the assault, I partitioned the data according to these characteristics (e.g., whether the perpetrator of the assault was a stranger

vs. known to the victim) and used data matrices like the one displayed in Table 2 to determine whether patterns in survivors' reasons for re-engaging in the investigation varied as a function of these characteristics. These data matrices were used to understand nuances in overall analytic themes. For example, if a data matrix showed a difference in the *frequency* of a given pattern code as a function of victim-offender relationship, I conducted further analysis by going back to the data segments themselves to understand whether there were also qualitative nuances or slight differences in the *meaning* of that pattern code among cases involving strangers vs. known perpetrators.

**Table 2.**

*Example Data Matrix – Concerns about Re-engaging by Victim-Offender Relationship*

Relationship	Theme 4: Fears about safety	Theme 5: Emotional distress	Theme 6: Distrust of police	Theme 7: Guilt about prosecuting
not stranger	6 of 9 cases	2 of 9 cases	3 of 9 cases	0 of 9 cases
stranger	10 of 23 cases	8 of 23 cases	5 of 23 cases	6 of 23 cases

I also used data matrices to explore how survivors' friends and family responded to the notification, and the influence these responses had on the survivor (i.e., Research Question 3). Table 3 presents a data matrix called a "concept table" (Miles et al., 2020, p. 166) that was used to understand the variability in how family and friends responded to the victim notification and the influence this had on the survivor. As I conducted these analyses, I also noted an emergent finding regarding the influence of police responses to survivors on their decision-making regarding re-engagement. I therefore conducted similar analyses to examine variability in how police acted toward survivors during their decision-making process and the influence this had on the survivor.

### ***Drawing and Verifying Conclusions***

Finally, the third phase of Miles et al.'s (2020) analytic framework, drawing and verifying conclusions, involves "generating meaning from the data [and] testing or confirming findings" (Miles et al., 2020, p. 273). This phase corresponds with Lincoln and Guba's (1985) concept of "trustworthiness," or the extent to which the researcher can be confident in the analysis and the resulting findings.

**Table 3.***Example Data Matrix – Response of Family/Friends to Victim Notification*

Relationship	Response Valence	Participant Quotes	Influence of Response
husband	supportive	Participant: I talked to my husband about it and he asked me, 'How do you feel about it? Do you want to do it? If you don't want to do it, you don't have to. But if you really want to do it, go ahead and do it.' So he was my biggest support when I went throughout my rape trial, he was there, my support, my rock. Yes. And I know it was hard for him, I know he probably had emotions. But he never treated me no different, he always comfort me at the end, made me feel good at the end.	Empowered survivor to make own decision
husband	unsupportive	Participant: My ex was like, 'No, you don't want to go through this. You don't want to live through this again.' He was trying to make that decision for me, as with most things. I looked at [REDACTED: Detective] and I said, 'Yes. This is my closure.'	Survivor made own decision despite friend/family member's attempted control
mother	neutral	<p>Interviewer: <i>How did your mom react when you were finally notified about your kit?</i></p> <p>Participant: I don't feel like she had any specific reactions.</p> <p>Interviewer: <i>Okay. Did you feel like she was supportive of you during that period?</i></p> <p>No, I mean, I don't, my family's just like, people don't, I don't think nobody supports anybody. It's just kind of like, 'Oh they did? That's good.' And that's it, that's the end of it.</p>	No discernable influence on survivor decision

Miles et al. (2020) provided numerous tactics that may be used for testing or confirming findings by evaluating the quality of the data itself, looking at exceptions or outliers to patterns, and testing the researcher’s explanations and analysis. In this phase, I used several of these tactics to review my preliminary conclusions and assess the trustworthiness of my analysis. I relied on Lincoln and Guba’s (1985) four criteria for trustworthiness, which include credibility, transferability, dependability, and confirmability. Table 4 includes a summary of the definition of each of these criteria and the specific strategies I used to establish that my final analysis met each criterion.

**Table 4.**  
*Key Criteria and Strategies for Evaluating Trustworthiness*

Criterion	Definition	Strategies for Assessing Criterion
credibility	The researcher’s confidence about the truth of the findings; demonstrating that the data have been accurately represented in the analysis	<ul style="list-style-type: none"> <li>• Representativeness – I checked that no one participant or theme is overrepresented in the final analysis and write-up</li> <li>• For each pattern code, I checked for disconfirming evidence or “negative cases” that do not support my conclusions about that pattern</li> <li>• I checked the meaning of “outliers” or extreme cases. For example, in this study only four participants discussed justice in an explicitly retributive manner, whereas most participants did not explicitly define justice as punishment. I noted these four cases and looked at characteristics of their assaults and notifications to determine potential explanations for this difference.</li> </ul>
transferability	How well the findings from this study may apply in different contexts; providing the reader with enough detail to assess the extent to which the results may apply in other contexts and to other populations	<ul style="list-style-type: none"> <li>• I provided a detailed description of the study context, our partnering agency, and the sample for this study in the Methods section</li> <li>• I included thorough description of the findings with exemplar participant quotes and thick description of patterns and themes</li> <li>• The Discussion includes a thorough description of the limitations of the study in terms of transferability to other contexts and to other populations (e.g., survivors in other jurisdictions who have been/are being notified of their untested SAKs)</li> </ul>

**Table 4 (cont'd)**

Criterion	Definition	Strategies for Assessing Criterion
dependability	The overall rigor and reproducibility of the analysis; the analysis has been conducted systematically and that other researchers could follow the analytic process and logic to similar conclusions	<ul style="list-style-type: none"><li>• Throughout my analytic process, I kept thorough documentation of coding procedures, code definitions, analytic memos, and audit trails of key decisions</li><li>• I have included several key data matrices in the write up of this study, including both at the participant level and in aggregated form, to demonstrate transparency regarding the findings and analysis</li></ul>
confirmability	The study's conclusions represent participants' perspectives faithfully and without undue bias from the researcher	<ul style="list-style-type: none"><li>• I thoughtfully reflected on my positionality as a person and scholar (see Researcher Positionality) throughout my analysis, noting ways in which my lived experience differs from that of the study participants as well as describing potential areas of bias and the analytic lens through which I approach this research</li><li>• I have kept reflexive memos throughout my involvement in the original study from which this data is drawn to bracket my emotional reactions to and subjective interpretations of the data. I continued this practice throughout the formal analyses</li><li>• High-level results of the original study were shared with victim advocates from Avalon Healing Center as a form of member-checking; advocates did not note any differences in interpretation or request any edits to the results</li></ul>

## RESULTS

This study explored sexual assault survivors' decisions to re-engage with the criminal legal system to investigate and prosecute their case after finding out that their SAK had not been tested years earlier. As described previously, I explored three focal research questions: 1) what were survivors' motivations for re-engaging with the investigation and prosecution of their case after being notified about their previously untested SAK, and how did assault and notification characteristics influence these motivations; 2) what were survivors' concerns about re-engaging and how did assault and notification characteristics influence these concerns; and 3) how were survivors' decisions influenced by the reactions of friends, family, or other support persons to the notification? Below, I present the results of each research question sequentially. For Research Questions 1 and 2, I describe key themes and how these themes were influenced by assault and notification characteristics. For Research Question 3, I present the results in two sections: first, how family and friends reacted to the notification and the influence this had on survivors' decision-making; second, an emergent finding regarding police behaviors while survivors were deciding whether to re-engage and the influence this had on such decisions.

### **Research Question 1: Motivations for Re-Engaging with the Criminal Legal System**

Participants described a range of motivations for re-engaging with the investigation and prosecution of their cases, which comprised three themes: 1) wanting to protect others from additional harm from the assailant(s); 2) seeing this as an opportunity to get justice for what happened to them; and 3) seeking healing, closure, or to move on from the assault. These themes are not mutually exclusive, as most participants described having multiple motivations for re-engaging with the criminal legal system (see Tables 5 and 6 for a breakdown of themes by participant and the co-occurrence among these themes). Some themes were more frequently mentioned than others, which is noted below as I describe each theme.

**Table 5.***Participants' Motivations for Re-engaging with Investigation/Prosecution (N = 32)*

Participant ID	Theme 1: Protecting others (n = 24, 75%)	Theme 2: Seeking justice (n = 22, 69%)	Theme 3: Seeking closure (n = 9, 28%)
1	X	X	
2		X	
3	X		
4	X	X	
5	X	X	X
6	X		
7		X	X
8	X	X	
9	X	X	X
10	X		
11	X	X	
12	X	X	
13	X		
14		X	
15		X	
16	X		
17	X	X	
18	X		
19	X	X	
20	X	X	X
21		X	
22	X	X	X
23			X
24		X	
25	X		
26	X	X	X
27	X		
28	X		
29		X	
30	X	X	X
31	X	X	X
32	X	X	

**Table 6.***Co-Occurrence of Motivations for Re-Engaging Among Participants (N = 32)*

	Theme 1: Protecting others (n = 24)	Theme 2: Seeking justice (n = 22)	Theme 3: Seeking closure (n = 9)
<b>Theme 1: Protecting others</b>			
co-occurrence with Theme 2 only	8	-	-
co-occurrence with Theme 3 only	0	-	-
co-occurrence with Themes 2 and 3	7	-	-
<b>Theme 2: Seeking justice</b>			
co-occurrence with Theme 1 only	-	8	-
co-occurrence with Theme 3 only	-	1	-
co-occurrence with Themes 1 and 3	-	7	-
<b>Theme 3: Seeking closure</b>			
co-occurrence with Theme 1 only	-	-	0
co-occurrence with Theme 2 only	-	-	1
co-occurrence with Themes 1 and 2	-	-	7
Total co-occurring with at least one other motivation for re-engaging	15 (63%)	16 (73%)	8 (89%)

***Theme 1: Protecting Others and Preventing Additional Harm***

The most common reason survivors gave for participating in the reinvestigation of their case was to prevent the assailant(s) from causing additional harm or assaulting other women (24 of 32 participants, 75%). For nine of these participants, protecting others was the sole reason they gave for re-engaging; the other 15 survivors gave multiple motivations for re-engaging that are detailed later in this section. Participants described wanting to prevent their assailant from harming more people and wanted to “*get him off the streets so he can't hurt nobody else*” (Participant 12). The potential for future violence from assailants, especially against a loved one or someone else in their community, weighed heavily on participants:

*I said, okay, do I really want this man to come across someone I love? No, I don't. One of these days, he's going to go up to somebody at gunpoint and say, hey, I want you, and they're going to say, no. He's going to use that gun, and I don't want that on me if I can stop it.* – Participant 18

Survivors felt a strong need to “*do [their] part*” to prevent the assailant from committing additional violence. Assailants commonly used extreme physical force, weapons, abduction, and other severe



violence during their assaults against the women in this study; because of this, participants expressed concerns that assailants' use of violence would continue to escalate: *"Because I felt like if he's still doing it, he's going to continue to do it and he going to wind up killing somebody or somebody going to wind up killing him"* (Participant 12). Survivors fiercely wanted to protect others from experiencing the same violence and trauma.

The sense of protectiveness that survivors felt was often gendered and focused on protecting other women from sexual assault. As one woman explained: *"I don't want him to hurt anybody else like he hurt me. . . I don't want that to happen to any other female"* (Participant 27). Five survivors explicitly mentioned having daughters, nieces, or other girls or women in their family who they wanted to protect from being assaulted or who were their motivation for participating. A participant stated that her primary reason for re-engaging was *"mainly, really my daughters because I got young adult daughters. . . I would hate for that same man to approach them out here on the streets. That was really my only reason"* (Participant 16). Similarly, another participant cited concerns about her family members as her motivation for participating: *"I knew that I had nieces and I have little cousins, and I have little sisters out there, and I would hate for, you know?"* (Participant 3). For most of these survivors, their concern about potential future violence towards girls and women in their family was the key motivation for them to re-engage with the case. A participant explained, *"I didn't know if I wanted to deal with it all, but then I have a daughter and I have cousins and nieces that are of age, and I just didn't want him on the streets with them"* (Participant 18). As seen in this prior quote, the motivation to protect other women and girls in their family was often enough to overcome survivors' hesitations about going through the legal process.

**Influence of Other Factors: Victim Offender Relationship.** There did not appear to be an association between victim-offender relationship and Theme 1; this theme was equally represented

among survivors who had been assaulted by a stranger and survivors assaulted by someone known to them.

**Influence of Other Factors: Serial Sexual Assailant.** Theme 1 was more frequently described by participants whose assailants had committed additional sexual assaults than those whose assailants had not committed additional assaults (that the participants were aware of). Specifically, 20 of the 25 participants who were assaulted by serial sexual assailants described Theme 1, compared with four of the seven who were not assaulted by serial sexual assailants. As part of the notification process, detectives often provided details about the assailants' additional crimes when explaining that DNA evidence from the survivor's SAK had matched with DNA from a known offender in CODIS. Survivors' desires to prevent future violence against others from their assailant(s) were particularly salient for those who learned during the notification process that the person or people who assaulted them had gone on to commit additional crimes. Nine participants stated that learning from police or prosecutors that the assailant was a serial rapist (seven participants) or had committed other violent crimes (e.g., homicide; two participants) was a motivating factor in participating in the investigation of their assault, as this survivor explained:

*After he raped me, he raped other women around Detroit, too. I wasn't the only one he raped like that, you know, so I had to get him off the streets. I had to for myself as well as everybody else. – Participant 4*

For participants who were initially hesitant about re-engaging with the legal system or prosecuting their case, learning about the assailant's subsequent crimes motivated them to re-engage. For example, a survivor described how she felt more confident in moving forward with the case after learning of the assailant's additional assaults: ". . . knowing this person who had did this had obviously no remorse, but I wasn't the only person. He did it to multiple people. I felt like he needed help. He needed to be off the street" (Participant 19).

To some survivors, the sense of wanting to protect others or prevent the assailant from committing more violence was so strong that participating in the case felt like a moral imperative. Eight survivors, all of whom were assaulted by serial sexual assailants, described feeling this sense of “*social obligation*” (Participant 3) or responsibility to engage in the investigation and prosecution of their case. Participants explained that they felt an obligation to society, their community, or other survivors to re-engage because so few people get the opportunity to pursue justice for sexual assault and because “*rape is trivialized a lot of times*” (Participant 28). One survivor described how this sense of obligation motivated her to re-engage even after detectives reminded her that she had a choice in the matter:

*They did tell me, ‘If you don’t want to go through with it, you don’t have to.’ But like I said, I felt it was a need for me to do so, because this [sexual assault] is something that happens almost every day, you know, and sometimes it’s very unnoticed. Sometimes nobody finds out about it, because the people don’t want to speak up and talk about it. Like I said, I had the opportunity and the chance to, I will. – Participant 6*

This woman was well aware that few survivors get the chance to pursue prosecution through the criminal legal system, and because she was being given that chance to protect others from potential future harm, she felt like she *had* to re-engage.

Some survivors whose assailants committed additional assaults felt an undeniable sense of moral obligation to move forward with their case because they were the only ones who could or would – in other words, the assailant’s other victims were unwilling or unable to engage (e.g., if their cases were past the statute of limitations). For example, one participant’s sense of moral obligation was so strong that she did not feel she could say no to participating and that it was her “civic duty”:

*I don’t feel that morally I had a choice. I don’t know that I would do it again knowing what I know, but. . . just morally I didn’t, especially when I heard that other [survivors] were not willing to go through with it. . . I thought it would be worth it, so then at least [the assailant] can’t do*

*this to anybody else. If it's 20 years later, this is still what they're doing. . . I just never wish that on anybody ever. . . I just didn't personally feel that I could let it go. . . and I also sort of felt like it was my civic duty.* – Participant 25

This survivor felt an overwhelming sense of responsibility to the public to help incarcerate a known serial sexual assailant, particularly because the assailant's other victims could not or would not engage in the case. It is not clear how the survivor learned that others “*were not willing to go through with it,*” but it is clear that this had a marked impact on the survivor's motivations to re-engage. Another woman used nearly identical language to describe her motivations for participating in the case:

*Sorry, I actually never felt like I had a choice. I felt almost obligated, especially when I found out that he was a serial rapist, and I was his only victim that could prosecute him. So I felt put in the position of obligation to try and get justice for not only myself, but for his other victims. And also to get him off the street so he wouldn't have any more potential victims. So honestly I never felt I had a choice.* – Participant 1

Survivors who were aware that they were the only one of the assailant's victims who could prosecute him felt that they had to pursue justice on behalf of the others, regardless of their own fears and concerns. A participant stated that she felt she “*took one for the team*” by participating in the investigation and prosecution of her case, despite her own misgivings:

*But I think I felt like I took one for the team . . . the ones who didn't have a voice in this, that I went through it all, and it wasn't just for me. . . . I think if it was just me that I might've thought twice about getting involved in it. Actually, I know I would've just said no. And that's also the only reason to go when I was heading down there, because I was like, 'I don't know if I want to be there.' I kept saying it over and over again, and my husband and my friend are like, 'It's up to you.' And I told myself, I said, 'I have to do it. I just have to.'* – Participant 13

For the participants who described this sense of moral obligation to society and particularly to other survivors who could not pursue prosecution for their cases, this was an extremely powerful motivation for re-engaging with a process and system they might otherwise have chosen not to engage with.

**Influence of Other Factors: Assailant Already Incarcerated.** There did not appear to be an association between whether the assailant was already incarcerated and Theme 1; this theme was nearly equally represented among survivors whose assailant was already incarcerated and survivors whose assailant was *not* already incarcerated.

**Influence of Other Factors: Time Since Assault.** Theme 1 appeared to be somewhat more salient for participants who were assaulted within 10 years of the notification than participants for whom more than 10 years had passed since the assault. Eight of nine participants who were assaulted within 10 years of the notification described Theme 1, compared with 16 of 23 participants who were assaulted more than 10 years before the notification. In other words, survivors who were assaulted more recently were more likely to describe being motivated by wanting to protect others. While there was a difference in the *frequency* of Theme 1 according to the length of time from the assault to victim notification, participants assaulted more recently did not describe Theme 1 in qualitatively different ways than those assaulted more than 10 years prior to the notification.

### ***Theme 2: Personal Desire for Justice***

The second most common reason participants gave for wanting to re-engage in the investigation of their case was to pursue a personal sense of justice for the assault (22 of 32 participants, 69%). For seven participants, this was their only motivation for re-engaging with the criminal legal system. Fifteen participants described both wanting to protect others (Theme 1) *and* seeking justice (Theme 2) as motivating factors for re-engaging. For participants who described Theme 2, the prospect of their case finally moving forward in the criminal legal system after so many years was exciting: “*I was excited. Yeah, I was very anxious to see him brought to justice*” (Participant 9). Survivors described feeling like it

was worth *“whatever I had to go through”* (Participant 2) to ensure the assailant would be incarcerated and to achieve justice via the legal system; as another participant stated, *“I was willing to do whatever that they needed me to do, in order to I guess finally get justice for what was done”* (Participant 11). The desire for justice was also frequently intermingled with survivors’ desire to protect others (i.e., Theme 1), as this participant summarized: *“I wanted to tell my story, get him off the street and to see him not harm nobody else, and have some justice of my own and some peace in my life”* (Participant 26). The combination of wanting to seek justice for themselves and also wanting to protect others was a strong motivation for many participants.

Survivors who mentioned Theme 2 noted that they were motivated to re-engage with the criminal legal system because they wanted to seek justice, but survivors had differing views on what “justice” meant to them. For example, 14 of the 22 participants who described Theme 2 defined justice as wanting the perpetrator to be incarcerated. Many of these participants did not necessarily view incarceration as a form of retribution or punishment, but rather as a form of accountability and a means of removing a dangerous, violent person from society or as the appropriate consequence for the assailant’s actions.<sup>3</sup> Survivors often used phrases like *“get him off the streets”* and *“make sure he went to jail”* when describing their motivations for participating in the case. For example, a survivor described her desire for the assailant to be incarcerated:

*I just wanted him to get locked up for what he did, so he didn't think that he can get away with it and do it again. That was my factor in [deciding to re-engage], just put him where he needs to be.* – Participant 4

Although this participant wanted the assailant to be *“locked up,”* she did not describe this outcome in an expressly punitive way; rather, she saw prison as where the assailant *“needs to be,”* both for the sake of

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<sup>3</sup> For these survivors, accountability referred to consequences for the assailants’ actions, but did not include sentiments of wanting revenge or retribution. However, a handful of survivors *did* desire retributive punishment for the assailant, which is described below on p. 51.

accountability (“so he didn’t think he can get away with it”) and to prevent him from “do[ing] it again.” Another woman was excited at the opportunity to engage in the legal case and ensure the assailant’s incarceration:

*. . . knowing that I could help put his ass away, excuse my French. That was exciting to me. To know that I could be a part of this. And then more, like I keep saying that there were other cases. He needed to be locked up. And I hate that he'll never see the light of day again, but that's his fault.* – Participant 32

Although she described disliking the fact that the assailant would be incarcerated for most or all of his life, this survivor felt that the assailant brought this upon himself by committing multiple sexual assaults.

**Impact of Other Factors: Victim Offender Relationship.** There did not appear to be an association between victim-offender relationship and seeking justice; this theme was equally represented among survivors who were assaulted by a stranger and survivors assaulted by someone known to them. However, some participants who were assaulted by a stranger *and* whose assailant was already incarcerated described justice differently than other participants (described later in this section).

**Impact of Other Factors: Serial Sexual Assailant.** Overall, seeking justice appeared to be less salient as a motivation for re-engaging for participants were assaulted by a serial sexual assailant compared with participants whose assailants were *not* known serial sexual assailants. Specifically, 15 of 25 participants who were assaulted by a serial sexual assailant described Theme 2, whereas all seven participants who were *not* assaulted by a serial sexual assailant described wanting to seek justice as a motivation for re-engaging. This difference appears to be due to the fact that for many women assaulted by serial sexual assailants, wanting to protect others (Theme 1) from someone who was known to have a continual propensity for sexual violence was more salient than wanting to achieve a sense of justice for themselves.

**Impact of Other Factors: Assailant Already Incarcerated.** There did not appear to be an association between whether the assailant was already incarcerated and Theme 2; this theme was equally represented among survivors whose assailant was already incarcerated and survivors whose assailant was *not* already incarcerated. However, some participants whose assailant was already incarcerated *and* who were assaulted by a stranger described justice differently than other participants (described later in this section).

**Influence of Other Factors: Time Since Assault.** There did not appear to be an association between the frequency with which survivors mentioned Theme 2 and how much time has passed since the assault. However, survivors' definitions of "justice" did seem to vary by how much time had elapsed. For example, 11 of the 22 participants who described Theme 2 defined justice as a chance to have the harm they experienced be heard and acknowledged; of those 11 survivors, 9 of them (nearly all) had been assaulted more than 10 years ago at the time they were notified. These participants' desires for justice were tied to a sense that justice was long overdue: *"When they asked me did I want to [participate] I told them yeah, because I felt like justice needed to be done in some way or another. Even though it's 13 years later, it still needed to be done"* (Participant 24). Even if the assailant was in many cases already incarcerated for other crimes by this time, participants still wanted a chance to have their own experience validated and to have time added to the assailant's sentence specifically for their assault:

*But I found out he was incarcerated, but I still wanted him to get time for what he did for me. I found out he did other people like that. I said I wanted to go through this because I wanted to get this person off the street. I wanted justice for me and I wanted to let it be known this happened to me. – Participant 29*

As this survivor explained, justice meant finally receiving a formal acknowledgment of the assault: *"I just wanted people to know that it did happen"* (Participant 29). For some participants, particularly those



whose assaults happened more than 10 years prior, engaging in the investigation and prosecution was an opportunity to finally prove to police and others who had initially disbelieved them that what they had experienced was real – the assault did occur, it was not consensual, and the survivor had not been lying.

**Influence of Other Factors: Victim Offender Relationship *and* Assailant Already Incarcerated.**

For four survivors who mentioned Theme 2, their definition of justice was explicitly retributive – they wanted the assailant to be punished for what he had done to them. All four of these women were assaulted by strangers, and interestingly, all four of their assailants were already incarcerated at the time of the notification. These survivors were motivated to re-engage with the legal system because they believed incarceration was a just punishment. For example, a participant stated matter-of-factly: *“You did something to me. I did nothing wrong to you. You need to be punished for what you did”* (Participant 5). Another explained that incarceration was what the assailant *“deserved”*: *“Like, let’s go get the SOB. Let’s get this done, let’s get him in jail or prison just so he can serve the time that he deserved”* (Participant 21). While the desire for retributive justice was not named as a motivating factor by the majority of participants, for these four survivors, the opportunity to punish the assailant for the harm he caused was part of their motivation to re-engage with the criminal legal system.

***Theme 3: Wanting Closure, Healing, and to Move On***

In addition to wanting to protect others from future harm (Theme 1) and wanting to pursue a sense of justice for themselves (Theme 2), some participants were motivated to move forward with the case as a way of seeking closure about the assault and moving on in their lives. This theme was expressed by nine of the 32 participants (28%). Only one survivor described Theme 3 as her sole reason for participating. Seven participants described Themes 1, 2, and 3 as motivations for re-engaging, and one participant described Themes 2 and 3 (but not Theme 1). Some women said that they were motivated to re-engage because they did not want to *“live in fear”* anymore. Others had worked for

years to cope with the assault by avoiding thinking about it; these women simply wanted the process “to get over with” so they could put the assault behind them. As one participant described:

*When [the detectives] called me, I was happy, I was ready for it to be over with. So it can go back to the back of my mind. I was just happy to go in there and help them and do whatever they needed me to do to make sure he wouldn't be able to do it. I just wanted to get back to where I was at in my life, trying not to think about it, just leaving it in the back. – Participant 30*

Putting the assault “in the back” of their minds and “trying not to think about it” were common coping mechanisms among survivors in this study. The victim notification forced these women to dredge up their past trauma, and for some, engaging with the legal system seemed like the best way to move forward and return to their lives.

**Impact of Other Factors: Victim Offender Relationship.** There did not appear to be an association between victim-offender relationship and feeling motivated to re-engage as a way of seeking closure. This theme was equally represented among survivors who had been assaulted by a stranger and survivors assaulted by someone known to them.

**Impact of Other Factors: Serial Sexual Assailant.** There did not appear to be an association between whether participants had been assaulted by a serial sexual assailant and wanting closure. Theme 3 was nearly equally represented among survivors who had been assaulted by a stranger and survivors assaulted by someone known to them.

**Impact of Other Factors: Assailant Already Incarcerated.** Theme 3 appeared to be somewhat more salient as a motivation for re-engaging for participants whose assailants were already incarcerated at the time of the notification, as compared with participants whose assailants were *not* already incarcerated. Specifically, six of 15 participants whose assailants were already incarcerated described being motivated because they wanted to seek closure, compared with three of 17 participants whose assailants were *not* incarcerated. This difference in the frequency with which Theme 3 was mentioned

may be because, for survivors whose assailants were already incarcerated, re-engagement offered an opportunity for both justice and closure, whereas for survivors whose assailants had not yet faced any legal consequences, seeking justice was more salient.

**Impact of Other Factors: Time Since Assault.** Theme 3 was more salient for participants who were notified more than 10 years after the assault compared with those for whom less time had passed since the assault. In fact, all but one of the participants who described Theme 3 were notified more than 10 years after the assault. The theme of moving forward with the case in order to seek closure was related to, but distinct from, wanting to pursue a sense of justice. Survivors drew a connection between their desire for closure and how much time had passed since the assault. Those who had been assaulted more than a decade before the notification were motivated to re-engage because it might help them leave the assault in the past and move on in their lives. A participant described her emotions when the detectives contacted her to notify her about her SAK:

*I cried, because I didn't ... I finally had a chance to get closure and a sense of ... like, that part of my life has always been open and bothering me, and I'd sit it on my shoulder. I had a chance to finally get over that and move past that and not let it affect me. – Participant 5*

As this quote indicates, women who endorsed this theme believed that participating in the prosecution of their cases so many years after the assault would bring them emotional closure.

For some survivors, this theme also touched on seeking redemption for their past. Survivors described wanting to heal from self-blame they had internalized or to forgive their younger selves for what they perceived as failures to stand up for themselves. One participant's self-blame had been reinforced by the victim-blaming treatment she received when she first reported the assault to police. For this survivor, the opportunity to move forward with her legal case felt like a chance to try to forgive herself:

*Participant: I guess this gave me, since my past did come back to haunt me over 20 years ago, I say well this gave me something to maybe forgive myself on something, or to move on.*

*Interviewer: Okay. Why do you say forgive yourself?*

*Participant: Because it's how I was treated with them, with the police. . . . They said a lot of stuff. The most thing that stuck with me [was] when they told me I deserved it, or I brought it on myself. – Participant 20*

Another participant's motivation for re-engaging with her case was based in regaining a sense of self-worth that was damaged when she was assaulted:

*Needed a piece of my self-esteem back. That damages your self-esteem, when you let people do things to you or you don't stick up for yourself. That's something you have to live with yourself every day, that you could have did something different. If I have the opportunity to help myself, I'm going to take it. – Participant 7*

This participant saw engaging in the case as a chance to “stick up for” herself in a way that she did not feel she had been able to during the assault. A third participant shared that she felt like she would have been too scared to go to court when she first reported the assault; she saw re-engaging with the case years later as a chance to face these fears:

*I remember thinking back then I was almost glad they didn't find him, so I didn't have to go to court. As years went on, I felt bad about that. Like, "So, you rather he'd get away with it? You that scared? You rather him get away with it?" This is my time. I had asked for it, prayed for it, and that was the time. – Participant 23*

This survivor felt that she was now more capable of engaging in the arduous and retraumatizing process of the prosecution, saying, “I couldn't do it then, but I'm grown now. I got to do it for myself now” (Participant 23). As seen in these examples, choosing to re-engage with the criminal legal system felt like an opportunity for some survivors to finally have agency in response to an act (the assault) and an

institution (the criminal legal system) that had violently taken away their agency and sense of self-worth in the past.

## **Research Question 2: Concerns about Re-engaging with the Criminal Legal System**

Although all survivors interviewed in this study ultimately chose to re-engage with the criminal legal system, many also had apprehensions about participating in the legal process. In fact, only seven participants (22%) did *not* describe any concerns about re-engaging in their case.<sup>4</sup> Participants' concerns about re-engaging centered around four themes: 1) fears for their safety; 2) concerns about the mental/emotional toll of participating; 3) distrust of the police and legal system; and 4) guilt about prosecuting the assailant years after the assault. Participants may have had multiple concerns about re-engaging (see Tables 7 and 8. Below, I describe each theme and the assault and notification factors that influenced participants' concerns. At the end of this section, I also describe how participants' concerns about re-engaging co-occurred with their motivations for re-engaging.

### ***Theme 4: Fears about Safety***

Survivors' most common concerns about re-engaging were related to fear for their safety during the reinvestigation and prosecution, with 16 participants (50%) indicating they were worried about their safety. Eleven of these 16 participants had additional concerns as well (see Themes 5-7 below) and five only expressed concerns about their safety. Survivors were often afraid to participate in the case and felt like it was a risk, but one that they needed to take because they were motivated to re-engage by other factors. For example, one participant noted feeling like she could have "*been in danger*" from the assailant and/or from his family members. However, she said she "*just took the risk*" despite her concerns and that she was "*really too mad to be scared of what could happen... I'm too mad not to have wanted to see it go through*" (Participant 9). For her and other survivors who were afraid for their safety,

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<sup>4</sup> These seven participants had varied reasons for re-engaging (see Table 5). All were assaulted by serial sexual assailants, six were assaulted by strangers, and six had been assaulted more than 10 years prior to the notification.

re-engaging with their case meant weighing these concerns against their other motivations for participating.

**Table 7.**

*Participants' Concerns about Re-engaging with Investigation/Prosecution (N = 32)*

Participant ID	Theme 4: Fears about safety (n = 16, 50%)	Theme 5: Emotional distress (n = 10, 31%)	Theme 6: Distrust of police (n = 8, 25%)	Theme 7: Guilt about prosecuting (n = 6, 19%)
1			X	
2				
3			X	
4		X		
5		X		
6	X	X		
7	X			
8				
9	X			
10	X	X	X	X
11	X			
12		X		
13	X	X		
14	X			
15	X		X	
16	X		X	X
17	X		X	
18		X		X
19	X			X
20	X		X	
21		X		
22				
23				
24	X		X	
25				
26		X		
27	X	X		
28	X			X
29	X			
30				
31				X
32				

**Table 8.***Co-occurrence of Concerns About Re-Engaging Among Participants (N = 32)*

	Theme 4: Fears about safety (n = 16)	Theme 5: Emotional distress (n = 10)	Theme 6: Distrust of police (n = 8)	Theme 7: Guilt about prosecuting (n = 6)
<b>Theme 4: Fears about safety</b>				
co-occurrence with Theme 5 only	3	-	-	-
co-occurrence with Theme 6 only	4	-	-	-
co-occurrence with Theme 7 only	2	-	-	-
co-occurrence with Themes 6 and 7 only	1	-	-	-
co-occurrence with Themes 5, 6, and 7	1	-	-	-
<b>Theme 5: Emotional distress</b>				
co-occurrence with Theme 4 only	-	3	-	-
co-occurrence with Theme 6 only	-	0	-	-
co-occurrence with Theme 7 only	-	1	-	-
co-occurrence with Themes 4, 6, and 7	-	1	-	-
<b>Theme 6: Distrust of police</b>				
co-occurrence with Theme 4 only	-	-	4	-
co-occurrence with Theme 5 only	-	-	0	-
co-occurrence with Theme 7 only	-	-	0	-
co-occurrence with Themes 4 and 7 only	-	-	1	-
co-occurrence with Themes 4, 5, and 7	-	-	1	-
<b>Theme 7: Guilt about prosecuting</b>				
co-occurrence with Theme 4 only	-	-	-	2
co-occurrence with Theme 5 only	-	-	-	1
co-occurrence with Theme 6 only	-	-	-	0
co-occurrence with Themes 4 and 6 only	-	-	-	1
co-occurrence with Themes 4, 5, and 6	-	-	-	1
Total co-occurring with at least one other concern about re-engaging	11 (69%)	5 (50%)	6 (75%)	5 (83%)

Survivors highlighted different concerns about how their safety could be compromised by re-engaging in the investigation and prosecution of their cases. Some survivors feared retaliation from their assailants and were afraid to see them in court. For example, a participant whose assailant had taken her cell phone and stolen her vehicle after the assault described her fear that the assailant would find her during the case: *"He had my phone, all my personal information in it, where I lived. He had that anyways by the paperwork in the car, my license, and I was worried about it for sure, definitely"* (Participant 13). Another participant who was assaulted by two strangers was particularly concerned for her safety because only one of the assailants had been identified:

*I wanted to participate to help, but I didn't want to participate because of the fact that they only identified one of the men. Like I told [the detectives], I don't know if he's still out here, dead. If he walked right past right now, I wouldn't know him. . . And if those two people, if they still know each other, however the situation, let him know ... I didn't want all that to occur. – Participant 16*

Because the police had not been able to identify and prosecute both assailants, this survivor was afraid of what might happen to her if the unidentified assailant found out about the case. Some participants were worried about what might happen if the perpetrator was not convicted and whether they could face retaliation. Likewise, some expressed concerns about whether their safety would be jeopardized once the perpetrator was eventually released from jail. As this participant explained:

*I had concerns. I was like, "After he get locked up is he going to try to find me and hurt me after he get out? Is they going to notify me?" Stuff like that. Am I safe, and stuff like that. – Participant*

20

In addition to fears about retaliation from the assailant(s), several survivors were specifically fearful about the potential for retaliation by the assailant's family members or friends. One participant was so nervous about the assailant's family members learning her identity as a result of participating in court proceedings that she nearly chose not to continue with the case:

*I mean, I was relieved [to be notified], but I was still kind of scared, because I'm like, you know how people come to court? They got family members. . . I don't know who they is. They see who I am in court. That was one thing that did terrify me because I'm like, I have kids now. Because I was going to back out at one point, because that was something that really got to me, because I'm like, I don't know who these people were. Anybody could be sitting in the courtroom for him. . . And they could see who I am, and it was just like a bad deal. – Participant 6*

This survivor was not only afraid for herself, but also for her children, and these fears very nearly prevented her from continuing with the case. Another participant had similar concerns about the



assailant's mother or sister retaliating against her, stating, *"So that really had me nervous because I want justice, but at what cost?"* (Participant 7). However, she described overcoming those fears in order to engage in the prosecution as empowering and *"liberating"*: *"That's why I said I felt liberated, because I was afraid. I did all of this, and I was very afraid. The whole thing. And I did it. I found power to do it, strength to do it"* (Participant 7). Survivors had to contend with these questions of physical and emotional safety when making the decision to re-engage with the reinvestigation and prosecution process.

**Impact of Other Factors: Victim Offender Relationship.** Participants who were assaulted by someone known to them (i.e., a friend, intimate partner, or acquaintance) were somewhat more likely to have safety concerns than women who had been assaulted by strangers (six of nine survivors of non-stranger assaults expressed fears about their safety). Participants' fears were heightened by the fact that the assailant(s) already knew them and had personal information about them, such as where they lived or how to find them. One survivor was particularly afraid because she lived near her assailant's family: *"I was scared. I was very nervous. Always watching over my back. . . I didn't stay far from my rapist's family members. . ."* (Participant 24). Another participant who was assaulted by a friend/former intimate partner and his friends described her fears about being followed and retaliated against as a result of her participation in the case:

*They didn't do anything all this time but, I don't know. I was just scared. I didn't want them to follow me. They already knew where I lived, but I forgot about that and I just didn't want them to follow me back to my house. – Participant 14*

Whereas her assailants had left her alone since the assault, this participant was afraid that re-engaging with the criminal legal system would cause the assailants to now retaliate against her. For participants whose assailants knew them and had personal information about them, safety concerns were particularly acute.

**Impact of Other Factors: Serial Sexual Assailant.** There did not appear to be an association between fears about safety and whether participants were assaulted by a serial sexual assailant; this theme was equally represented among survivors who had been assaulted by a serial sexual assailant and those who were not.

**Impact of Other Factors: Assailant Already Incarcerated.** Survivors whose assailants were already incarcerated for another crime were just as likely to describe fearing for their safety as participants whose assailants were not already incarcerated. This is notable because even though the assailant potentially had fewer opportunities to harm them (due to being incarcerated), survivors nevertheless feared for their safety. A participant described how learning that her assailant was incarcerated assuaged some of her initial concerns, but her fears about the potential for retaliation remained:

*I was scared of what's going to happen if he found out and come and get me. Or found where I live and stuff. That's until I finally found out better. I found out he was in jail, but I was like, what if he escape or not? What his family was going to... I was afraid of that, but I still wanted to do it.*

– Participant 29

As seen in this quote, participants were afraid of assailants' potential for violence, either directly or through their families, regardless of whether the assailant was currently incarcerated.

**Impact of Other Factors: Time Since Assault.** There did not appear to be an association between fears for safety and time since the assault, as this theme was equally represented among survivors who were assaulted within 10 years of the notification and those who were assaulted more than 10 years prior to the notification.

### ***Theme 5: Concerns about Emotional Distress of Participating***

Ten survivors (31%) were hesitant to re-engage with the criminal legal system because of the potential emotional impacts of participating in the investigation and prosecution process. Five of these

participants were solely concerned about emotional distress, whereas the other five had additional concerns about participating (i.e., safety concerns and/or guilt about prosecuting the assailant years later; see Theme 7). Survivors described their concerns that re-engaging would mean reliving the assault when they had already done so much to put that trauma behind them. For example, a survivor explained the hesitation she felt about re-engaging, knowing that this would mean reliving “*the worst day of [her] life*”:

*It was back in my past and I didn't want to deal with that again because it was just a very unpleasant experience and it's like, 'Do I really want to go through this again? Renumerate it in my mind?'* – Participant 26

Another woman echoed these hesitations about having to recount details of the assault again: “*I didn't want to do it. I didn't want to go. I kind of buried it, to a certain extent, but really I didn't. And I didn't want to have to say it verbally all over again*” (Participant 13). These survivors had already had to share the highly sensitive details of their assault when they first reported it to police. Several participants were nervous and hesitant about the prospect of having to “*think about everything that had happened and relive it*” (Participant 12) as a result of re-engaging in the legal process.

Survivors’ concerns about the emotional costs of re-engagement also included resurfacing trauma they had managed to bury as the years passed after the assault. For some women, the victim notification itself brought this trauma back to the forefront and placed them in the difficult position of having to decide what to do, as this participant explained:

*I didn't agree to it at first. I had to think about it. I had to do a lot of soul searching and crying before I did it. I wanted to go back to not thinking about it but then I couldn't.* – Participant 18

Others echoed these concerns about having to unearth memories they had buried and felt that they had finally put the assault behind them, only to have to re-engage with it years later.

**Impact of Other Factors: Victim-Offender Relationship.** Participants who were assaulted by a stranger were somewhat more likely to be concerned about the emotional distress of re-engaging compared to those who were assaulted by someone they knew. Eight of the 23 participants assaulted by a stranger described being concerned about emotional distress, compared with two of the nine participants assaulted by a known assailant. In addition to having to resurface past trauma and relive the assault, these survivors were worried about the emotional impacts of the prosecution process given that they had not seen their assailant since the assault. For example, a survivor said she was “*hesitant*” and “*unsure*” about moving forward with her case knowing that she would have to see her assailant again for the first time: “*Because. . . when the process came for the court date, I didn't know how I would respond if I ever saw this person again*” (Participant 21). Another woman explained her mixed emotions in response to the victim notification and option to re-engage:

*It was sort of a relief, but at the same time, it wasn't because I still didn't want to look at the person that did this to me. It just felt like he took something from me that I still can't get back. –*

Participant 10

Having to see her assailant in court felt like a reminder of the harm he had inflicted on her during the assault, and she described being very conflicted about participating as a result. Compared to survivors who knew their assailant(s) – and in some cases, who had already had to see the assailant(s) again since the assault– survivors who did not know their assailant were particularly worried about the emotional distress this aspect of the prosecution might cause them.

**Impact of Other Factors: Serial Sexual Assailant.** There did not appear to be an association between concerns about the emotional distress of participating in the reinvestigation and whether participants were assaulted by a serial sexual assailant; this theme was equally represented among survivors who had been assaulted by a serial sexual assailant and those who were not.

**Impact of Other Factors: Assailant Already Incarcerated.** Participants whose assailants were already incarcerated were somewhat more likely to describe being worried about experiencing emotional distress (six of 15 participants) compared with those whose assailants were not already incarcerated (four of 17 participants). While there is a difference in the *frequency* of Theme 5 depending on incarceration status of the assailant, the qualitative descriptions of this theme were consistent across survivors.

**Impact of Other Factors: Time Since Assault.** There did not appear to be an association between length of time since the assault and participants' concerns about the emotional distress of re-engaging, as this theme was equally represented among survivors who were assaulted within 10 years of the notification and those who were assaulted more than 10 years prior to the notification.

#### ***Theme 6: Distrust of Police and the Criminal Legal System***

Eight participants (25%) described their distrust of the criminal legal system as a key concern regarding re-engagement. These participants had hesitations about participating because they had a hard time believing that law enforcement would actually pursue their case given how they had been treated when they first reported the assault. Only two participants described Theme 6 as their sole concern, whereas six participants had additional concerns (primarily relating to Theme 4, fears for their safety). Survivors described feeling a sense of disbelief that the case would move forward because of their past negative experiences with police, as a participant explained:

*I went in and got interviewed so many times and it was going nowhere. I was like, "Why are they contacting me? They're not going to do shit about it. Come on now." That's how I felt. That's where my mindset was at, because every time it was like, "Oh, well." I felt like, honestly, they didn't take it seriously. – Participant 3*

As she noted, this survivor had already given multiple interviews with police without any progress being made on her case, which led her to question whether the detectives who notified her about her SAK took the case “seriously” or whether they would show a similar lack of action.

Participants’ distrust of police appeared to shape their expectations about what might happen in their case:

*When I said yes, I still was at disbelief that they were really going to do anything and catch the guy because the last detectives, they went through all those motions and still nothing happened. . . . They weren't going to catch him. . . in the back of my mind, I'm thinking, "They ain't going to catch the man. They ain't going to do nothing." – Participant 17*

As seen in this quote, survivors who had already gone through the process of reporting to police after the assault felt betrayed by the legal system (“*they went through all those motions and still nothing happened*”). Participants were therefore highly skeptical that this time would be any different from their past experiences with the police, but nevertheless were resigned to trying one more time to engage with the legal system.

Some survivors who described Theme 6 not only expressed doubt but also anger at the police. For example, a participant described her sense of incredulity at being contacted more than 20 years after she was assaulted:

*[The detectives were] just asking me questions I didn't want to really answer, because number one I was like, “Y'all waited these many years, why would y'all come now? Y'all should have did it back then. Y'all had the man, y'all let him go. Now what am I going to do?” . . . I was kind of pissed and curious at the same time, because I had trained myself to forget about things because they didn't do their job anyway so I just said, “Okay, whatever. Let me see.” I wanted to know what they trying to do. – Participant 20*

In this case, the survivor's anger was not enough to dissuade her from participating because she was "curious" about what would happen in the case. She continued to have doubts about participating, noting, *"I just went on ahead and did what I had to do. Went to court, everything. At one point I had still wanted to give up but I said no, he out there doing too much."* This participant's decision-making process demonstrates how angry and betrayed several women felt in response to the notification about their SAK, as well as how their distrust of the legal system was in tension with their desire to prevent others from being harmed. One participant asked an important and pointed question about whether survivors should trust police and their sincerity to re-investigate these cases:

*I just felt were they're doing this for the victims? Were they doing this for us or were they doing it for them? Because they had slipped on doing their job. Were they doing this for us or doing it for them?* – Participant 10

**Impact of Other Factors: Victim Offender Relationship.** There did not appear to be an association between victim-offender relationship and distrust of the legal system; this theme was nearly equally represented among survivors who had been assaulted by a stranger and those assaulted by someone known to them.

**Impact of Other Factors: Serial Sexual Assailant.** There also did not appear to be an association between survivors' distrust of the legal system and whether they were assaulted by a serial sexual assailant. Theme 6 was equally represented among survivors who had been assaulted by a serial sexual assailant and those who were not.

**Impact of Other Factors: Assailant Already Incarcerated.** This theme appeared to be somewhat less salient for participants whose assailant was already incarcerated at the time of notification than for those whose assailant was not already incarcerated. Only two of the 15 participants whose assailants were already incarcerated described feeling distrustful of police, whereas six of the 17 participants whose assailants were *not* already incarcerated described this sense of distrust and doubt. Although

survivors did not explicitly describe having greater trust of police if their assailant was already incarcerated, the fact that police and the legal system had already acted to incarcerate their assailant in the past may have helped these survivors feel less concerned that police would not take action in *their* case. By contrast, survivors whose assailants had not already been incarcerated may have had more reason to doubt whether police would finally take action.

**Impact of Other Factors: Time Since Assault.** There did not appear to be an association between length of time since the assault and participants' distrust of police, as this theme was nearly equally represented among survivors who were assaulted within 10 years of the notification and those who were assaulted more than 10 years prior to the notification.

***Theme 7: Feeling Guilty about Prosecuting Assailant Years Later***

A less prevalent yet distinct concern shared by six participants (19%) focused on feelings of guilt and uncertainty about prosecuting the assailant. These participants had reservations about re-opening the legal case and felt guilty about disrupting the perpetrator's life:

*At first my thought was, I am not kidding, this was my thought. I said, "I will be putting a damper on somebody's life." I'm thinking in my mind, what if he got a family? What if he got kids and ... locking somebody away, I never had to do that. – Participant 31*

Despite the harm they had experienced, these participants felt the weight of their decision to move forward with the case, not just for themselves but also for the assailant and his family.

Participants who described a sense of guilt about pursuing prosecution commented on how long it had been since the assault took place and wondered if it was still the "right thing" to move forward, as this participant explained:

*I felt, as strange as this is going to sound, I felt guilty because after they told me about this man, I actually went on Facebook and looked him up and he had a family, children, he got married, which doesn't mean he's reformed or a great person but I felt like, am I doing the right thing*



*after all these years? And I've kind of moved on past this and, am I doing the right thing by basically taking time out of his life for something that happened so long ago and taking him away from his kids?* – Participant 28

This quote shows the moral dilemma that participants faced regarding whether they were “*doing the right thing*” by pursuing incarceration as a form of justice many years after the assault, especially when the assailant now had an intimate partner and/or children. One participant summed up the difficult position she was put in when having to decide whether to pursue prosecution for an act of violence that had taken place long ago: “*That’s the problem with delayed justice*” (Participant 18).

**Impact of Other Factors: Victim Offender Relationship.** All six survivors who described this theme were assaulted by strangers. There also appeared to be a combined association of victim-offender relationship *and* time since assault with feeling guilt about prosecuting, which is described below.

**Impact of Other Factors: Serial Sexual Assailant.** There did not appear to be an association between guilt about prosecuting the assailant and whether participants were assaulted by a serial sexual assailant; this theme was nearly equally represented among survivors who had been assaulted by a serial sexual assailant and those who were not.

**Impact of Other Factors: Assailant Already Incarcerated.** Unsurprisingly, participants whose assailant was already incarcerated were less likely to describe feeling guilty about prosecuting the assailant compared with participants whose assailant was not already incarcerated. Only one of the 15 participants whose assailant was already incarcerated described a feeling of guilt, whereas five of the 17 participants whose assailant was not already incarcerated described this theme. This association could be expected because survivors’ hesitations about re-engagement centered on incarceration and potentially removing the assailant from his family members or children.

**Impact of Other Factors: Time Since Assault.** All six participants who described feelings of guilt about prosecuting their assailant had been notified more than 10 years after the assault. There also appeared to be a combined association of victim offender relationship *and* time since assault with feeling guilt about prosecuting, which is described below.

**Impact of Other Factors: Victim Offender Relationship *and* Time Since Assault.** Theme 7 is notable in that it was *only* described by participants who were assaulted by strangers and who were recontacted by law enforcement more than 10 years after the assault. In other words, this theme was salient only for those who did not know their assailant *and* for whom more than a decade had passed since the assault. As seen in the quotes above from participants describing this theme, the combination of not knowing the assailant and many years (or decades) having passed since the assault may have contributed to survivors' feelings of guilt and uncertainty about re-engaging.

***How were Concerns about Re-engaging Outweighed by Motivations for Participating?***

Because all participants in this sample chose to move forward with the reinvestigation and prosecution of their cases, it is worth considering the co-occurrence of motivations for and concerns about re-engaging – or in other words, how survivors’ concerns were ultimately outweighed by their motivations for re-engaging. Table 9 provides an overview of how participants’ motivations for and concerns about re-engaging overlapped. This table can be interpreted by examining the proportions of participants in each row *across* the columns (i.e., concerns about re-engaging, Themes 4-7) and comparing these to the proportion of participants in the *total sample* who endorsed each motivation (i.e., Themes 1-3, listed in the first column). For example, reading across the first row indicates that 75% of survivors in the total sample were motivated by protecting others (Theme 1). In comparison, 69% of survivors who expressed fears about safety (Theme 4) were *also* motivated by protecting others, followed by 90% of survivors with concerns about emotional distress (Theme 5), 75% of survivors who described distrust of police (Theme 6), and 100% of survivors who felt guilt about prosecuting the

assailant (Theme 7). Reading vertically *down* the columns also gives an indication of the relative salience of each motivation for survivors who expressed a given concern; for example, among participants who expressed concerns about safety, 69% were motivated by protecting others, 63% were motivated by seeking justice, and 19% were motivated by seeking closure.

**Table 9.**

*Co-Occurrence of Motivations for and Concerns About Re-Engaging Among Participants (N = 32)*

	Theme 4: Fears about safety (n = 16)	Theme 5: Emotional distress (n = 10)	Theme 6: Distrust of police (n = 8)	Theme 7: Guilt about prosecuting (n = 6)	No concerns (n = 7)
Theme 1: Protecting others 75% of total sample	11 (69%)	9 (90%)	6 (75%)	6 (100%)	5 (71%)
Theme 2: Seeking justice 69% of total sample	10 (63%)	5 (50%)	5 (63%)	2 (33%)	5 (71%)
Theme 3: Seeking closure 28% of total sample	3 (19%)	2 (20%)	1 (13%)	1 (17%)	3 (43%)

Table 9 indicates that women who had fears about their safety (Theme 4) or were distrustful of police (Theme 6) had similar motivations for re-engaging as the full sample. Specifically, among these participants, most were ultimately motivated to re-engage because they wanted to protect others (Theme 1) or seek justice (Theme 2), in similar proportions to participants in the full sample. In contrast, among participants who had concerns about experiencing emotional distress (Theme 5) and/or who felt guilty or hesitant about prosecuting the assailant (Theme 7), the motivation of wanting to protect others (Theme 1) seemed to be more compelling. A greater proportion of women who had concerns about experiencing emotional distress were motivated by wanting to protect others (90%) compared to the total sample (75%), whereas the motivation to seek justice was lower among these women (50%) than the total sample (69%). These participants described weighing their own emotional discomfort against wanting to help other women. Ultimately, they decided that protecting others was more important, as this participant explained:

*"To me I was like, 'It would have been better for [the detectives] to leave me alone.' But I did it because . . . I found out he was in prison out of town and he had raped another female, so I was figuring I can help her."* – Participant 20

This participant noted that she would likely not have engaged with the police had it not been for learning about the assailant's additional assaults, and in fact would have preferred to not be notified at all because of the emotional impacts this had on her. However, her desire to help the assailant's other victim prompted her to participate in the case.

Similarly, 100% of the six participants who initially felt guilty about prosecuting the assailant (Theme 7) described being motivated to re-engage in order to protect others, with fewer wanting to seek justice (33%) or closure (17%). Survivors described overcoming their initial hesitations about moving forward with the prosecution once they were aware of the assailant's additional crimes. For example, one woman explained how she was reassured in her decision to re-engage once the detective told her that the assailant had committed additional crimes after he assaulted her:

*I had explained to [the detective] exactly how I was feeling. Would I be putting a damper on this man's life? He's like, "No, because he was already in jail for doing something else." I'm like, "Wow, he really out here still doing stuff." . . . Once [the detective] described all the crimes he had done afterward it's like, yeah. . . He needs to stay [in prison].* – Participant 31

Other participants who initially felt guilty about pursuing prosecution described a similar sense of validation and reassurance after finding out about the assailant's additional crimes:

*I felt a number of different ways. I wasn't sure if this guy had made a mistake, but then I found out later that he never stopped [perpetrating sexual assault], he continued to do it and even after 10 plus years, he did it again once he got out [of prison]. It wasn't a one-time mistake. At that point, I didn't feel guilty so I felt... I guess I was relieved that they had found the person who did this and make sure he's not out doing it to other women or people period.* – Participant 19

As this quote demonstrates, knowing about assailants' additional crimes was not only motivating for many participants (as described in Theme 1), but also helped participants to overcome a sense of guilt or uncertainty about whether they should participate in the assailant's prosecution and incarceration. In summary, for survivors who had certain concerns – specifically, concerns for their own emotional well-being and worries about whether the assailant was still deserving of prosecution and incarceration – the desire to protect others appeared to be more influential than personal motivations for re-engaging, such as seeking justice or closure.

### **Research Question 3: Influence of Others' Reactions on Survivors' Decision-Making**

In Research Questions 1 and 2, I explored survivors' motivations and concerns about re-engaging with the criminal legal system; however, survivors interacted with others as they were debating whether to participate in the re-investigation of their cases. In Research Question 3, I examined how these other interpersonal interactions may have affected survivors' re-engagement decisions. Below, I outline the range of reactions that participants received from friends and family who they told about the victim notification (or, in some cases, who were also present during the notification), as well as how, if at all, these reactions impacted participants' motivations for or concerns about re-engaging. Additionally, I present an emergent finding regarding police's supportive responses and behaviors during the notification, as well as the influence of these responses on participants' decision-making. Whereas participants did *not* appear to be directly influenced in their decision-making by the reactions of friends and family members, they *did* appear to be impacted by the supportiveness of law enforcement, especially if that support helped to address some of their concerns about participating in the case. I describe this novel finding in detail below.

#### ***Reactions of Close Others and Influence on Survivors' Decision-Making***

Participants described a range of reactions from close others (i.e., friends, family members, and/or intimate partners) who they told about the notification or who were present when the

notification occurred. Twelve participants (38%) characterized these reactions as exclusively supportive, seven participants (22%) characterized them as exclusively unsupportive, and six (19%) described a mix of both supportive and unsupportive reactions. In addition, seven participants (22%) did not explicitly describe the reactions of others or did not characterize these reactions as either supportive or unsupportive.

**Supportive Reactions.** In response to telling friends, family members, or intimate partners about the victim notification and opportunity to move forward with their case, 18 survivors (56%) described some or all reactions they received as supportive. Survivors felt it was supportive when their friends or family members expressed concern and empathy about them, agreed with their desire to pursue justice, and/or checked in with the survivor throughout the reinvestigation and prosecution. For example, one survivor described how multiple people in her life supported her desire to re-engage in the case and offered to accompany her to court:

*I had told my boyfriend, my girlfriend and people that I live with, my landlord and I had talked to the people in the neighborhood that I still keep in contact. And they was like, they want to go to court because they wanted him, to make sure he got put away. So I had a lot of support. –*

Participant 12

Another woman described how her friends supported her during the legal process: “[They] talked to me every day, uplifted me, tried to keep me in better spirits and stuff” (Participant 22). Similarly, a participant noted that her adult children checked on her throughout the reinvestigation and prosecution process: “They would call me every day, all night, ‘Mom you okay? You okay? You okay? We’re coming over.’” Survivors explained that they valued these expressions of concern from family members, friends, and intimate partners during the reinvestigation and prosecution process.

**Unsupportive Reactions.** Conversely, 13 participants (41%) described receiving unsupportive responses from some or all of the friends, family members, or intimate partners they told about the

notification. Survivors indicated that they felt unsupported when others did not extend compassion or empathy to them, as this participant described: *"I called [my mom], silly me, and she was like, 'Your business is your business. I don't want to know, just don't have [the detectives] call me.' That was her response"* (Participant 1). Other survivors had never disclosed to others in their life that they had been assaulted, but the notification forced them to disclose, either because someone else was present when they were notified or because of the survivor's involvement in the reinvestigation and prosecution. One participant who had not previously disclosed the assault noted that she felt alone after *"carrying that burden"* for so many years and felt like her family members could not relate to what she was going through: *"My children are boys, my husband is a man. I don't think they really get it. I don't think they understand what it's like, and I don't want to have to explain it. . . There was nobody there"* (Participant 18).

For some survivors, telling others about the notification even led to lost relationships or friendships. For example, a participant who was forced to disclose the assault to her fiancé described his reaction and the consequences for their relationship:

*And I was with [my fiancé] at the time I was talking to [the police], I never told him because I didn't want that conflict. So for him to find out almost eight years after the fact because I'm having a conversation with the police... It caused a rift in our relationship that we're no longer even together. – Participant 1*

Another participant had been assaulted at her friend's house; when she called her friend to explain that she had the opportunity to move forward with the case, her friend was angry and unsupportive:

*I actually called the girl, whose house it happened at. She was angry with me. As if I did something wrong. She thought that I set her up. I'm like, how? But she thought I set her up and she stopped being my friend, again. You know, because we had got back connected. . . Right, so she ended up not being my friend no more, because I was going through with it. – Participant 9*

Overall, unsupportive and angry responses from friends and intimate partners were not common among the survivors we interviewed but were painful and difficult for those who experienced such reactions.

### **Influence of Friends, Family Members, and Intimate Partners on Survivors' Decision-Making.**

Overall, participants whose friends and family members were supportive gave similar motivations for re-engaging (i.e., Themes 1-3) as those whose friends and family members were unsupportive (see Table 6). For example, 15 of 18 participants who received supportive reactions and 9 of 13 participants who received unsupportive reactions cited protecting others (Theme 1) as a reason for re-engaging; these proportions are not notably different from those who cited Theme 1 in the full sample. Similar patterns can be seen in Table 10 for Themes 2 and 3.

**Table 10.**  
*Frequency of Themes by Reactions from Others*

Theme	Number of Participants (N = 32)		
	Close Others: Supportive (n = 18)	Close Others: Unsupportive (n = 13)	Supported by Police (n = 8)
Theme 1: Protecting others (75%)	15 (83%)	9 (69%)	6 (75%)
Theme 2: Seeking justice (69%)	14 (78%)	9 (69%)	5 (63%)
Theme 3: Seeking closure (28%)	6 (33%)	5 (38%)	3 (38%)
Theme 4: Fears about safety (50%)	8 (44%)	7 (54%)	5 (63%)
Theme 5: Emotional distress (31%)	8 (44%)	3 (23%)	4 (50%)
Theme 6: Distrust of police (25%)	1 (6%)	4 (31%)	1 (13%)
Theme 7: Guilt about prosecuting (19%)	3 (17%)	3 (23%)	1 (13%)

Of the 18 participants who received supportive responses, several noted that friends or family members reiterated that the decision whether to re-engage was up to the survivors and supported their agency in making those decisions. One survivor described how her husband supported her to make her own decision about re-engaging:

*I talked to my husband about it and he asked me, "How do you feel about it? Do you want to do it? If you don't want to do it, you don't have to. But if you really want to do it, go ahead and do it." So he was my biggest support when I went throughout my rape trial, he was there, my support, my rock. – Participant 27*



This woman's husband did not directly influence her decision regarding re-engagement, but rather supported and empowered her in that decision-making process. Other participants described feeling similarly supported by family members who made sure to reiterate that the participant had a choice and did not have to engage with the criminal legal system:

*[My parents] always told me, "Well you know, if there's something that you feel like you don't want to do, you don't have to." And I told them like I'm telling you now, "I got the opportunity, so I'm going to go ahead and take it." – Participant 6*

Even though these participants ultimately chose to move forward with the prosecution of their case, knowing that their family members and intimate partners would support them in whatever choice they made was meaningful for survivors who received this kind of support. As a participant described, *"I just made it between me and my husband and my friend. They both said, 'You do whatever you want. And if you don't want to do it, you're right. And if you do want to do it, you're right'"* (Participant 13). These kinds of supportive reactions from others did not appear to directly impact participants' choices about re-engagement but rather reassured them that no matter their decision, their loved ones would see it as the "right" choice.

Survivors who received *unsupportive* responses from others did not describe this lack of support and empathy as influencing their motivations for re-engaging. Even when one participant's husband tried to convince her not to re-engage in the case, she ultimately made her own decision to move forward:

*My [husband at the time] was like, "No, you don't want to go through this. You don't want to live through this again." He was trying to make that decision for me, as with most things. –*

Participant 21

Although this survivor saw her husband's reaction as protective – he did not want her to experience the emotional toll of reliving the assault—she did not appreciate his controlling reaction. In fact, she noted

that her desire for closure (i.e., Theme 3) prompted her to override him: *“I looked at [the detective] and I said, ‘Yes. This is my closure’”* (Participant 21). While only one participant described this kind of reaction from others, her perspective shows how controlling reactions can feel disempowering, in contrast to those described above whose responses empowered participants to make their own choice. However, this survivor did not let her husband’s reaction deter her from choosing to re-engage to seek the closure that she desired.

Survivors also had similar concerns about participating (i.e., Themes 4-7) regardless of whether they received supportive or unsupportive responses from close others (see Table 10). The only slight exception to this pattern involved those who described feeling distrustful of police (Theme 6). Only one participant who received supportive responses from friends and family described distrust of police as a concern, compared with four participants who received unsupportive responses. While these numbers are small, they suggest that participants who received unsupportive responses from their friends and family were also more likely to describe feeling distrustful of law enforcement.

Overall, while the reactions of friends, family members, and intimate partners contributed to participants feeling supported or unsupported during the reinvestigation and prosecution process, these reactions did not appear to play an influential role in survivors’ decision-making. Reactions that empowered participants to make that choice for themselves were described as particularly supportive, but no instances arose in which a participant cited reactions of close friends or family as either a key motivating factor for participating or as raising concerns/hesitations about participating that appeared to substantially impact the participant.

### ***Support from Law Enforcement and Influence on Survivors’ Decision-Making***

Some survivors noted that the positive, supportive treatment they received from law enforcement during the victim notification did influence their decisions to re-engage with the criminal legal system. A full exploration of how detectives conducted victim notifications and survivors’

perspectives on the notification process is beyond the scope of this study. However, below I briefly review what survivors found helpful and supportive during the notifications and how that ultimately affected their decisions.

**Supportive Police Behaviors.** Eight participants (25%) described receiving support or encouragement from the police while they were deciding whether to re-engage. Several participants described how detectives reassured them that police would be looking out for their safety during the reinvestigation and prosecution process. For example, a survivor noted:

*The detective and the prosecutor, they both assured me that I would always have somebody with me and that they would just be with me, and just assured that I would be okay, and always made sure I had somebody with me at all times so I wasn't by myself.* – Participant 5

Survivors also appreciated when detectives reiterated that they did not have to participate in the case and that they had a choice in whether to re-engage, as a participant explained:

*She just gave me the basics and gave me a number, she told me what they wanted from me and let me know that it was optional and let me know to contact her if I wanted to proceed or if I didn't want to be bothered anymore, to let her know that.* – Participant 28

Survivors described receiving honest information from detectives as particularly supportive while they were determining whether to re-engage. For example, one survivor was initially very hesitant to re-engage because of the emotional impact it might have on her. However, detectives emphasized that her assailant, who was already incarcerated for another crime, could “walk” (i.e., be released) if she did not re-engage with the criminal legal system:

*I didn't want to do it. I didn't. I didn't want to do it. [The detectives] called me, they asked, they came out to the house. Actually, they was helpful. They was like, "If you don't do it, do this. He may walk." And they was being honest, and I liked that about them. They was being honest.*

This survivor felt the detectives were being supportive and honest by providing her with information about the potential consequences if she did not re-engage; she did not perceive this to be pressuring or coercive.

**Influence of Supportive Police Behaviors on Survivors' Decision-Making.** The support that participants felt from detectives was influential in their decisions to re-engage. Table 10 shows the motivations for and concerns about re-engaging among the eight survivors who described police support as a factor in their decisions to re-engage. For example, six of these eight survivors were motivated by protecting others, which is the same proportion as the survivors in the total sample who were motivated by protecting others (i.e., 75%). Participants' motivations for re-engaging (i.e., Themes 1-3) did *not* appear to be influenced by receiving support from police during their decision-making process; as seen in Table 10, approximately the same proportions of these participants were motivated by protecting others, seeking justice, and seeking closure as in the full sample.

However, participants' *concerns* about re-engaging did differ somewhat among those who received police support as compared to the full sample. Specifically, the proportion of participants who described fears for their safety (Theme 4) was somewhat higher among those who reported receiving supportive responses from police (63%) than among the total sample (50%). Similarly, the proportion of participants who expressed concerns about emotional distress (Theme 5) was higher among those who received supportive police responses (50%) than among the total sample (31%). These results suggest that police may have offered noticeably *more* support to these survivors who had significant fears for their safety and/or concerns about the emotional impacts of re-engaging with the criminal legal system.

Regarding Theme 4, detectives' reassurances about protecting these survivors during the reinvestigation and prosecution helped to assuage the concerns of several participants who had fears for their safety. One woman who was initially afraid for her safety noted:

*[The detective] did assure me that the guy was kept away to where I wouldn't be harmed, or anything. They did tell me, "If you don't want to go through with it, you don't have to." But like I said, I felt it was a need for me to do so. –Participant 6*

Participants who feared for their safety may have received extra assurances from the police that they would be protected, which – in combination with their motivations for wanting to re-engage – convinced them to move forward with the case.

Survivors who had concerns about the emotional distress of participating (Theme 5) described how detectives addressed their hesitations by providing emotional support and giving them time to make the decision about whether to re-engage. Several survivors noted that being given time to make the decision was particularly supportive; as one described, *"And they gave me time to think about it. They didn't rush me. They gave me time to think about it"* (Participant 27). Another participant described how police went out of their way to make her feel *"comforted"* and *"special"*:

*They made me feel safe and calm and they comforted me. . . They gave me hugs and was like, "We'll be there every [time you] testify, we'll be there with you every step of the way." So they made me feel comfortable. They made me feel like I was a human being. So I loved that about them. I felt special, I felt like somebody do care, they made me feel like they care about the whole situation about my rape and why it was done. – Participant 27*

For this survivor and others who had concerns about the emotional costs of participating, the support they felt from the police was enough to outweigh the concerns. One participant also noted that seeing how invested the detective was in pursuing the case convinced her to re-engage:

*[The detective] really wanted to get that guy off the street. I'm like okay. I looked her in the eye like yes I will. She was really desperate. She was really desperate to get that guy off the street. I'm like okay. I thought about it and I'm like okay I'll do it. – Participant 26*

While this survivor was initially hesitant about the emotional impacts of going through the legal process, she saw the detective's eagerness to pursue the assailant, and this convinced her to re-engage with the criminal legal system.

Overall, for the eight participants who talked about police's role in relation to their decision-making about re-engagement, police appeared to facilitate their decisions to re-engage through a combination of addressing participants' hesitations, providing emotional support, and giving survivors time to make up their own minds about whether to re-engage. In fact, one participant noted that she did not have any concerns about re-engaging precisely *because* law enforcement pre-emptively addressed any concerns she might have during the notification: “[*The detectives*] told me that I would be good. I didn't have to worry about anything. He was already locked up, and that he wasn't getting out. They assured me that he wasn't getting out” (Participant 32). Because the detectives shared with her during the notification that her assailant was already incarcerated, this participant's potential concerns were assuaged. While most participants did not specifically mention having support from law enforcement as a factor in their decision-making about whether to re-engage, for these eight participants, law enforcement was able to address some of their initial hesitations and facilitate their decision to re-engage.

## DISCUSSION

Victim notification following the testing of unsubmitted sexual assault kits is a relatively new practice in the criminal legal system. To date, researchers have not examined how survivors weigh the potential benefits and costs of re-engaging with a system of policing that failed to fully investigate their assaults in the first place, and in many cases blamed, denied, and otherwise retraumatized the survivors when they initially reported the assault. However, prior studies have found that many survivors do indeed choose to pursue the reinvestigation and prosecution of their cases when they are notified that their SAK has finally been tested (Campbell, Shaw, & Fehler-Cabral, 2018). In this study, I conducted a secondary data analysis of qualitative interviews with sexual assault survivors in Detroit, Michigan, to explore *why* survivors made this choice, as well as whether characteristics of the assault, aspects of the notification, and social reactions influenced their decision-making.

### **Key Findings and Contributions to Literature on Victim Notification**

#### ***Motivations for Re-Engaging***

In this study, most survivors (75%) were motivated to participate because they wanted to protect others from being harmed by their assailant. This finding is consistent with the results of two prior studies that have explored survivors' decision-making about re-engaging with the criminal legal system after a victim notification (Busch-Armendariz et al., 2015; Regoeczi & Wright, 2016). For example, Busch-Armendariz et al. (2015) found that survivors faced a "moral dilemma" when weighing the potential emotional trauma of participating against this desire to protect others (Busch-Armendariz et al., 2015). The current study deepens the exploration of this theme by showing the strength of conviction some survivors felt about their responsibility to re-engage with the criminal legal system. Several participants were emphatic that their drive to protect others from harm was the sole motivation compelling them to re-engage and undergo the stress and retraumatization of the legal process. The current study also illustrates the pivotal role that knowing about an assailant's continual pattern of

violence may play in survivors' decision-making. The survivors in this study who described feeling a sense of "moral obligation" to participate in the case were aware of the serial nature of their assailant's behavior, with several emphasizing that they did not feel they truly had a choice about re-engaging because of the moral imperative this knowledge created for them.

Many survivors were also motivated to re-engage out of a desire for justice (69% of full sample). For nearly half of the participants in this study (15 of 32), this pursuit of justice co-occurred with a motivation to protect others. In prior research, survivors have also described wanting to achieve a sense of justice, see the assailant held responsible, and have their experiences validated through an opportunity to tell their truth about what happened to them (Regoecki & Wright, 2016). This study expands the current literature by exploring the differing views survivors held regarding what justice meant to them. For many, justice meant that they wanted the assailant to be incarcerated. Survivors who were assaulted more than 10 years prior to the notification also focused heavily on wanting acknowledgment of the assault, suggesting that this aspect of justice was particularly salient to those who had waited the longest for some kind of formal recognition. Formal acknowledgment of the assault by police and the legal system has been shown to be a critical component of justice for sexual assault survivors and other victims of crime (Elliott et al., 2014; McGlynn & Westmarland, 2019). As Elliott et al. (2014) explained in their study of crime victims' interactions with police, "procedures matter as they convey important information to individuals about their value and status in society, and the quality of their relationship with authorities" (p. 589). The opportunity to finally be recognized by the criminal legal system may have been especially compelling to survivors in the current study, given that most participants were Black women with histories of systemic marginalization and being overlooked or deprioritized by local authorities.

Although it was a secondary or tertiary reason for re-engaging with the criminal legal system, a subset of survivors described being motivated by a desire for closure. As with the other motivations



described above, this finding aligns with prior research on victim notifications (Regoeczi & Wright, 2016). A novel finding, however, is that survivors were more likely to focus on achieving a sense of closure if they had been assaulted more than 10 years prior to the notification. This pattern indicates that the desire for closure may be more salient for survivors who have had to move forward in their lives without ever having an opportunity to fully heal from the trauma. Prior research has also substantiated that survivors' healing needs change over time and that certain aspects of justice and healing may be more salient at different points in a survivor's journey (e.g., McGlynn & Westmarland, 2019). Findings from the current study indicate that, for survivors being recontacted about untested SAKs decades after the assault, gaining a sense of closure is potentially more salient than for survivors who are temporally closer to the assault.

### ***Concerns about Re-Engaging***

Survivors' most common concerns about re-engagement centered on fears for their safety (50%) and concerns about the emotional distress of involvement in a police investigation and prosecution (31%). These findings align with numerous studies that indicate that a key reason why survivors do not report to the police is a deep-seated concern about how this process will affect their safety and well-being (Feldhaus et al., 2000; Patterson et al., 2009; Sable et al., 2006; Zinzow et al., 2021). In other words, the current study suggests that two of survivors' primary concerns about participating in the criminal legal system when they *first* report the assault to police – fears about safety and the potential for emotional distress – also extend to survivors considering whether to re-engage in this process many years later. Survivors' concerns about the emotional impacts of re-engaging were also noted in the two early evaluations of victim notifications conducted in Austin and Cleveland (Busch-Armendariz et al., 2015; Regoeczi & Wright, 2016), and fears about retaliation from assailants prevented some survivors from moving forward with their case (Regoeczi & Wright, 2016). The current study thus

provides additional evidence that fear and the potential emotional costs of participating in a criminal trial weigh strongly in survivors' decision-making about re-engaging after a SAK victim notification.

For some survivors, an additional concern about re-engaging was rooted in their distrust of the legal system. Survivors' concerns were well-founded given that the police did not investigate their cases or follow up with survivors after they initially reported the assault. As opposed to the prior concerns that are related to the trauma and fear caused by the assailant, these concerns were a result of police's lack of action and highlighted the impacts of that betrayal on survivors' re-engagement decisions. Scholars have described the police practice of shelving SAKs as "justice denied" (Strom & Hickman, 2010, p. 382) and as a form of profound betrayal by a system in which survivors had placed their trust (Bach et al., 2022; Goodman-Williams et al., 2019). In a recent study of survivors from across the US whose SAKs had gone untested, this sense of betrayal was felt acutely by participants, who felt "the trust they had initially placed in the system had been violated or broken" (Bach et al., 2022, p. 3895). Distrust of the legal system is also particularly salient for Black women, who have historically and contemporaneously faced marginalization and discrimination by police and the criminal legal system (Crenshaw, 1989; Decker et al., 2019; Kelley, 2023). Findings from this study of predominantly Black survivors illustrate how survivors' sense of betrayal by the legal system, along with the dismissive treatment they received from police when they first reported, led some to express distrust and disbelief that police would actually pursue their case.

In this study, a small but discernable group of survivors expressed other misgivings about the criminal legal system – namely the guilt and hesitation they felt about prosecuting the assailant so many years after the assault. As one survivor noted, this sense of guilt was a consequence of "delayed justice;" because so many years had passed before the case was re-opened for prosecution, survivors were put in a difficult position of considering the impacts of incarceration on not only the assailant's life, but also potentially his family members. Survivors who expressed guilt about prosecuting their assailant were

*exclusively* those who had been assaulted by a stranger *and* had been assaulted more than 10 years prior to the notification. These survivors were hesitant to incarcerate an unknown person based on his actions so many years prior. However, once survivors knew more about their assailant – especially that the assailant had committed additional assaults – their hesitations about prosecuting were abated. Unsurprisingly, feelings of guilt were also less prevalent among participants whose assailants were already incarcerated, perhaps because moving forward with the prosecution would not involve removing the assailant from his life or family for the first time. Additionally, because these assailants had already been convicted of some other crime, survivors likely perceived them as more deserving of continued incarceration.

### ***Influence of Others' Reactions***

In this study, I also explored how survivors' decisions to re-engage were influenced by the support (or lack thereof) they received from others. The responses of family members, intimate partners, and friends to learning about the victim notification varied; however, these responses were *not* particularly impactful on survivors' decision-making, regardless of whether they were supportive or unsupportive. This finding was somewhat unexpected given that prior research has found that reactions from family and friends are influential in survivors' decisions to report to the criminal legal system following an assault (DePrince et al., 2020; Lorenz et al., 2019; Sit, 2015). However, it is important to recognize that years – sometimes decades—had passed since survivors had reported the assault to the police, and they had therefore had years to process their experiences. As such, the reactions of others may not have been as salient or influential. Therefore, whether survivors were met with supportive, empowering responses from their loved ones or a lack of support, survivors ultimately came to their own decisions about re-engagement without substantial influence from friends and family members.

The finding that police engaged in supportive behaviors during the notification, and that their encouragement influenced survivors' decision-making, was emergent and unexpected. Prior research

has found that police are typically unsupportive when survivors initially report an assault (Campbell et al., 2001; Filipas & Ullman, 2001; Lorenz et al., 2019; Patterson, 2011). Therefore, it is noteworthy that survivors in this study described positive interactions with police during the SAK victim notification; furthermore, this support appeared to be influential in some survivors' decisions to re-engage. These survivors explained that their concerns about participating were addressed by detectives, who reassured them about their safety and provided emotional support. Survivors in at least one prior evaluation of a victim notification protocol have also reported being treated sensitively and compassionately by police during the notification and re-investigation process (Busch-Armendariz et al., 2015). However, no research to date has documented how this support may instrumentally impact survivors' re-engagement decisions. These findings suggest that when police are supportive in SAK victim notifications, this can assuage survivors' hesitations, even when they were treated poorly by the system personnel years ago. Of note, the detectives who conducted notifications and investigations in the jurisdiction under study were part of a specialized Sexual Assault Kit Initiative (SAKI) unit. All had received training in topics such as the neurobiology of trauma and conducting trauma-informed sexual assault investigations. Detectives' trauma-informed approach may have provided survivors with the time, information, and support they needed to make the decision to re-engage with the legal system.

Findings from the current study also suggest that police may have offered more, or at least more tailored, support to survivors who openly expressed concerns about safety or the emotional impacts of participating. Detectives were highly motivated to move forward with these cases and secure survivors' participation as key witnesses; as one participant noted, *"She was really desperate to get that guy off the street."* Even though survivors' SAKs were not tested when they first reported the assault, the cases represented in this sample were primarily comprised of assaults that align closely with stereotypes of "real rape" (e.g., Estrich, 1987) or might be considered to be a higher priority for prosecution by police and prosecutors due to aggravating factors. Almost 80% of the participants in this study had been

assaulted by serial sexual assailants, most were assaulted by strangers, and most assaults involved the use or threat of weapons. In other words, cases that were re-opened following the testing of Detroit's backlog of SAKs may have been those that detectives were most motivated to pursue from the perspective of public safety and preventing future assaults. This heightened motivation may explain why the survivors who reported that police influenced their decisions to re-engage were also more likely to have safety or emotional concerns: detectives may have gone out of their way to ensure that such concerns were addressed so the case could move forward. Additionally, most women in this study were ignored, disbelieved, or shamed when they first reported, so the fact that police were now coming to *them* to ask for their participation and paying attention to their concerns appears to have been motivating for some.

### **Limitations**

This study presents novel findings regarding survivors' decision-making following victim notification about their previously untested SAKs. However, it is important to note several limitations regarding the scope of this research and its potential transferability to other contexts. First, this is solely a study of survivors who ultimately chose to re-engage with the criminal legal system and who remained engaged in the case to its final disposition (i.e., acquittal, conviction, or plea agreement). Therefore, this study does *not* include the perspectives of survivors who did not re-engage, or who may have initially agreed to participate in the re-investigation but did not remain engaged throughout the entire legal process. Findings from this study about motivations for and concerns about re-engaging may be substantively different from the decision-making considerations of those who did *not* re-engage. Survivors who chose not to re-engage may have had similar concerns as the women in this study, but for them, the concerns were so strong that they ultimately outweighed their motivations to re-engage. It is also possible that survivors who did not re-engage had entirely other concerns than the survivors in this study.

Second, the sample of participants in this study and the characteristics of the sexual violence they experienced were relatively homogenous. For example, nearly 80% of the survivors in this study were assaulted by serial sexual assailants, over 70% were assaulted by strangers, and over 70% were notified about their SAK more than a decade after the assault. Because there were relatively few survivors assaulted by a non-serial perpetrator (7 participants) or someone known to them (9 participants), as well as few who were notified less than 10 years after the assault (9 participants), it was difficult to discern whether there was an association between survivors' motivations (or concerns) about re-engaging and any of these assault or notification experiences.

Third, the homogeneity of the sample also precluded additional exploration regarding how other factors may have affected survivors' decision-making. For example, while survivors' race and gender are highly salient to their experiences with the criminal legal system, this sample was comprised of nearly all Black or African-American women (88%); no men participated in the research project from which the data for this study are drawn, and only four women identified as not Black or African-American (three identified as White, and one identified as multi-racial). Therefore, possible differences by race or gender in survivors' motivations for or concerns about participating could not be examined in this study. Although I could not explore differences across identities in this study, I do center the experiences of Black women sexual assault survivors' and offers an in-depth exploration of their experiences with the criminal legal system. This is particularly important given that the perspectives of Black women are often subject to epistemic exclusion in research (e.g., Settles et al., 2020) and in literature on sexual violence specifically (see Kelley, 2023 for further discussion of centering Black women's experiences in sexual violence research). Because Black women face unique oppression by the criminal legal system and have been disproportionately impacted by the issue of untested SAKs (Campbell & Fehler-Cabral, 2018; Lovell et al., 2023), the current study offers an opportunity to

understand the process of victim notification and subsequent decision-making from the perspective of those most impacted.

Fourth, in these analyses, I attempted to focus primarily on *qualitative* variations in themes as a function of assault and notification characteristics, as this was most appropriate given the methodology of this study. However, as Miles et al. (2020) noted, providing quantitative counts is an appropriate and useful strategy even within a qualitative research paradigm, as it helps to demonstrate the salience and prevalence of themes. Furthermore, providing the frequencies of each theme and how they varied as a function of the examined characteristics helps to demonstrate transparency and contributes to the trustworthiness of the analysis. I therefore employed counting and comparisons of proportions as one strategy to document how themes varied based on the selected assault and notification characteristics. In some cases, this analytic strategy resulted in findings of apparent quantitative differences in the frequency with which some themes were mentioned; however, there did not appear to be differences in the qualitative meaning of those themes. For example, participants whose assailants were already incarcerated were somewhat more likely to describe being worried about experiencing emotional distress (i.e., Theme 5; six of 15 participants) compared with those whose assailants were not already incarcerated (four of 17 participants). While there is a difference in the *frequency* of Theme 5 depending on incarceration status of the assailant, survivors did not *qualitatively* differ in their descriptions of this theme. In cases such as these, I have noted that neither the participants nor my analysis offered potential explanations for such patterns, and the results should be interpreted cautiously.

Finally, member checking is an important strategy for establishing the credibility of qualitative research, particularly in studies in which the researcher(s) are not members of the community they are studying and do not share important aspects of participants' identities, such as race, class, and experience with the phenomenon being studied (Creswell & Miller, 2000; Lincoln & Guba, 1985). Because this study is a secondary analysis of data from a larger research project for which the data were

collected several years ago, it was not possible to conduct member checking with the original participants. However, as part of the original research project, the overall high-level findings regarding survivors' key motivations for and concerns about re-engaging were shared with victim advocates at the research team's community partner organization, Avalon Healing Center. These advocates worked closely with the survivors interviewed for the study, share many lived experiences with them as members of the Detroit community, and align more closely with the participants in terms of important social characteristics such as race/ethnicity. Advocates were asked to provide feedback on the study findings and note any disagreements with the analysis or interpretations made by the research team; no disagreements were noted, nor any changes requested by those who reviewed the results. The full results of the current analysis have not been reviewed by advocates from Avalon Healing Center. However, I aim to address this prior to formal dissemination of the findings (i.e., in the form of peer-reviewed publications) by sharing the results with advocates in a shorter, digestible form such as a presentation or summary document and providing reflection prompts as a form of member checking for my interpretations and assertions.

### **Future Directions for Research on Victim Notification and Justice for Survivors**

Results of the current study point to several key areas that could benefit from further investigation. While survivors' decision-making among those who did *not* re-engage after a victim notification was beyond the scope of the current study, this is an important and complementary area for future research. Interviewing survivors who did and did not re-engage with the legal system in future studies could allow for comparisons of factors that influence survivors' decision-making and exploration of reasons that survivors opt *out* of re-engaging in their cases. For example, while only one quarter of participants in this study expressed distrust of police, this finding may be due to the fact that the sample was comprised of survivors who ultimately chose to re-engage. Many survivors who were distrustful of police likely did not choose to re-engage as a result of those concerns and therefore were not connected



with Avalon Healing Center, resulting in these survivors not being part of the sampling frame for this study. Research on survivors' reasons for not re-engaging, then, may both clarify the ways in which survivors do *not* feel the criminal legal system can help them achieve healing and uncover additional gaps and needs for survivors following notification about a previously untested SAK.

The current study also points to the need for multisite, cross-jurisdictional research to understand the impacts of *how* victim notifications are conducted on survivors' decision-making. For example, jurisdictions may vary in what kinds of information about the assailant are shared with survivors, and at what point (i.e., during the initial notification, re-investigation, or prosecution and court procedures; Lovell & Langhinrichsen-Rohling, 2023). In the specific jurisdiction studied in this project, police had discretion regarding what information they shared with survivors during the notification regarding the assailant and his additional crimes. This knowledge about the assailant's additional crimes had a substantial impact on survivors and in some cases created a moral imperative to re-engage, even if survivors had substantial concerns about doing so. Because each jurisdiction conducting SAK victim notifications has its own procedures and protocol (Lovell & Langhinrichsen-Rohling, 2023), multisite research would be useful for illuminating how different protocol features impact survivors' emotional reactions and ultimately their decisions regarding re-engagement. For example, quasi-experimental research designs could be used to compare the impacts of knowing about assailant's additional crimes on survivors across jurisdictions with varying protocols. Further in-depth exploration of this topic may shed light on how police can maintain transparency during victim notifications while avoiding putting undue pressure on survivors to re-engage.

Although not a primary research objective of this study, survivors' conceptualizations of justice as shown through their motivations for re-engaging also suggest new pathways for future research on understanding justice, accountability, and healing for survivors of interpersonal violence. Findings from the current study suggest that, in their pursuit of justice, survivors prioritize consequences for the

assailant, recognition of the harm done to them, and prevention of future harm. Most survivors in the current study described incarceration as a means of achieving personal or public safety, or simply as the appropriate consequence for the assailant's actions. By contrast, only a handful of participants explicitly described a punitive or retributive desire for justice. These findings align with a recent qualitative exploration of sexual assault survivors' conceptualizations of justice, in which most survivors emphasized the importance of consequences or accountability for the assailant rather than retribution or punishment (McGlynn & Westmarland, 2019).

Understanding survivors' conceptualizations of justice, including the importance of consequences and accountability over punishment, is especially important as the mainstream, White-led anti-sexual violence movement has begun to interrogate its alignment with carceral approaches to accountability after years of advocacy from anti-carceral scholars and activists (e.g., Goodmark, 2021; Kim, 2014, 2018, 2021; Richie, 2000). The criminal legal system is not only retraumatizing for many survivors, but also reproduces the harms of sexual violence and loss of bodily autonomy for assailants in the form of incarceration (Goodmark, 2021; Kaba, 2021; Richie, 2000). The current study illustrates the emotional and moral dilemmas survivors face in attempting to seek justice and healing for the harm done to them. For example, survivors who felt guilt about prosecuting the assailant were concerned about the consequences of incarceration – or as participants put it, *“locking somebody away”* and *“taking him away from his kids.”* Some survivors were actively grappling with the rupture and violence of incarceration when deciding whether to re-engage. Such findings point to the need for alternatives to incarceration in order to truly provide survivor-centered options for justice and healing, particularly for those whose assaults happened decades ago. Research that explores what survivors need in order to regain a sense of safety, justice, and wellbeing after sexual violence and other forms of interpersonal harm can help to identify and create alternatives to the criminal legal system that are truly survivor-centered and avoid the structural violence of current carceral approaches.

## Implications for Practice and Policy

Intersectionality theory is a theory of action *and praxis*; from an intersectional lens, it is therefore vital to not only conduct research informed by this theory, but to also provide a call to action based on these results (Buchanan & Wiklund, 2021). Findings from the current study may help to inform practice and policy related to victim notifications at the local level for the specific community with whom we partnered for this study, for other jurisdictions around the country addressing backlogs of untested SAKs, and for policymakers and community activists seeking to enact systems change. At the local level, this study provides evidence for the importance of confidential, community-based advocacy services from Avalon Healing Center for survivors during and after victim notifications. Findings indicate that survivors are often weighing conflicting motivations and concerns when determining whether to re-engage with the criminal legal system. Prior research has shown that community-based advocates are best positioned to support survivors to make these complex decisions by providing a confidential, nonjudgmental space for survivors to consider all angles and decide what is right for them (Townsend & Campbell, 2018). Advocates from Avalon Healing Center can also help to address survivors' concerns regarding re-engagement with the criminal legal system, such as fears about safety and concerns about potential emotional distress, by assisting survivors with safety planning and serving as a trusted support person throughout the legal process. The current study clearly illustrates that, because survivors must consider a multitude of factors in the wake of being notified about the testing of their SAKs, Avalon Healing Center's advocacy services are a vital component of Detroit's multidisciplinary, trauma-informed SAK victim notification process.

For other jurisdictions across the US that are in the process of testing SAK backlogs and re-opening cases, results from this study may be useful for informing the development of victim notification protocols and specialized training for investigators. This study illustrates the value of police being thoroughly trained in taking a trauma-informed approach to cold case sexual assault

investigations. Police behaviors that were described as most supportive were those that helped to address survivors' concerns about safety and their emotional wellbeing, in addition to giving survivors time to make the decision of whether to re-engage. This study also indicates that police should be prepared for a wide range of reactions to the notification, including distrust, and that the onus is on police as agents of the system that initially failed the survivor to rebuild this trust. Police conducting victim notifications are in a unique position to provide a level of repair and accountability for survivors' prior betrayal by the criminal legal system if they treat survivors in a supportive, empathetic manner.

Finally, this study also provides important insights for policymakers, community leaders, and others invested in transforming societal responses to sexual violence. The practice of shelving SAKs without testing them denied justice to survivors for years. Many survivors struggled to find closure and to heal from both the assault and from the treatment they received from the police. When offered another opportunity to re-engage with this system, some survivors were hesitant and distrustful, while others questioned whether incarceration would in fact bring them justice and healing. Community activists have long called for a focus on non-carceral solutions to sexual violence that truly prevent, rather than perpetuate, bodily and psychological harm. In addition to supporting alternative responses to community violence such as non-police crisis response teams, policymakers should invest in non-carceral approaches to justice for survivors and accountability for assailants (e.g., community accountability and transformative justice approaches; see Kaba, 2021; Kim, 2018, 2021). These approaches are sorely needed to meet survivors' wishes to promote community safety alongside their own healing. Funding, especially from sources that are not tied to the needs and objectives of the criminal legal system, is needed to support and evaluate these kinds of community approaches and programs without imposing carceral frameworks and logic. Community groups exploring non-carceral approaches to violence prevention and justice may also want to consider partnering with sexual assault

advocacy organizations to share information and resources with survivors looking for ways to pursue justice and healing outside of the criminal legal system.

## **Conclusion**

As police jurisdictions across the country have been conducting victim notifications for survivors with previously untested SAKs, these survivors face the decision of whether to re-engage with a system that has betrayed them. This study illustrated survivors' complex decision-making processes surrounding this decision to re-engage, including both internal motivations and concerns as well as external factors (assault and notification characteristics) and interpersonal responses. Despite substantial concerns regarding their safety, emotional wellbeing, and the criminal legal system itself, survivors were primarily motivated to prevent others from experiencing similar harm, as well as seeking justice and closure for themselves.

## REFERENCES

- Ahrens, C. E., Cabral, G., & Abeling, S. (2009). Healing or hurtful: Sexual assault survivors' interpretations of social reactions from support providers. *Psychology of Women Quarterly*, 33(1), 81–94. <https://doi.org/10.1111/j.1471-6402.2008.01476.x>
- Ahrens, C. E., Campbell, R., Ternier-Thames, N. K., Wasco, S. M., & Sefl, T. (2007). Deciding whom to tell: Expectations and outcomes of rape survivors' first disclosures. *Psychology of Women Quarterly*, 31(1), 38–49. <https://doi.org/10.1111/j.1471-6402.2007.00329.x>
- Amstadter, A. B., McCauley, J. L., Ruggiero, K. J., Resnick, H. S., & Kilpatrick, D. G. (2008). Service utilization and help seeking in a national sample of female rape victims. *Mental Health*, 59(12). <https://doi.org/10.1176/appi.ps.59.12.1450>
- Bach, M. H., Ahrens, C., Howard, R., & Dahlgren, S. (2022). Hope shattered: An interpretive phenomenological analysis of survivors' experiences with untested rape kits. *Violence Against Women*, 28(15–16), 3886–3909. <https://doi.org/10.1177/10778012221083335>
- Basile, K. C., Smith, S. G., Kresnow, M., Khatiwada, S., & Leemis, R. W. (2022). *The National Intimate Partner and Sexual Violence Survey: 2016/2017 report on sexual violence*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsReportonSexualViolence.pdf>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Brooks-Hay, O. (2020). Doing the “right thing”? Understanding why rape victim-survivors report to the police. *Feminist Criminology*, 15(2), 174–195. <https://doi.org/10.1177/1557085119859079>
- Bryant, E. (2021, December 1). Why we say “criminal legal system,” not “criminal justice system.” Forbes. <https://www.forbes.com/sites/forbeseq/2021/12/01/why-we-say-criminal-legal-system-not-criminal-justice-system/?sh=3a2d8b3942c4>
- Buchanan, N. T., & Wiklund, L. O. (2021). Intersectionality research in psychological science: Resisting the tendency to disconnect, dilute, and depoliticize. *Research on Child and Adolescent Psychopathology*, 49(1), 25–31. <https://doi.org/10.1007/s10802-020-00748-y>
- Busch-Armendariz, N., Sulley, C., & McPhail, B. (2015). *Sexual assault victims' experiences of notification after a CODIS hit: A report to the Houston Sexual Assault Kit Action Research Working Group*. [http://houstonsakresearch.org/resources/documents/IDVSA\\_CODIS.pdf](http://houstonsakresearch.org/resources/documents/IDVSA_CODIS.pdf)
- Butler, J. M. (2010). *Fundamentals of forensic DNA typing*. Academic Press/Elsevier.
- Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20(1), 55–68. <http://dx.doi.org/10.1891/088667005780927647>

- Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence against Women*, 12(1), 30–45. <https://doi.org/10.1177/1077801205277539>
- Campbell, R. (2008). The psychological impact of rape victims' experiences with the legal, medical, and mental health systems. *American Psychologist*, 63(8), 702–717. <http://dx.doi.org/10.7551/mitpress/9780262019682.003.0011>
- Campbell, R. (2017). Qualitative fieldwork within the criminal justice system: Emotions, advocacy, and the pursuit of social justice for untested sexual assault kits (SAKs). *Qualitative Psychology*, 4(3), 315–325. <https://doi.org/10.1037/qup0000063>
- Campbell, R. & Feeney, H. (2023). "On the shelves, covered in dust:" The history of untested sexual assault kits (SAKs) in the United States. In R. Lovell & J. Langhinrichsen-Rohling (Eds.), *Sexual assault kits and reforming the response to rape*. Routledge, 9-23. <https://doi.org/10.4324/9781003186816>
- Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (2014). The impact of sexual assault nurse examiner programs on criminal justice case outcomes: A multisite replication study. *Violence Against Women*, 20(5), 607–625. <https://doi.org/10.1177/1077801214536286>
- Campbell, R., Feeney, H., Fehler-Cabral, G., Shaw, J., & Horsford, S. (2017). The national problem of untested sexual assault kits (SAKs): Scope, causes, and future directions for research, policy, and practice. *Trauma, Violence, & Abuse*, 18(4), 363–376. <https://doi.org/10.1177/1524838015622436>
- Campbell, R., Feeney, H., Goodman-Williams, R., Sharma, D. B., & Pierce, S. J. (2020). Connecting the dots: Identifying suspected serial sexual offenders through forensic DNA evidence. *Psychology of Violence*, 10(3), 255–267. <https://doi.org/10.1037/vio0000243>
- Campbell, R., Feeney, H., Pierce, S. J., Sharma, D. B., & Fehler-Cabral, G. (2018). Tested at last: How DNA evidence in untested rape kits can identify offenders and serial sexual assaults. *Journal of Interpersonal Violence*, 33(24), 3792–3814. <https://doi.org/10.1177/0886260516639585>
- Campbell, R., & Fehler-Cabral, G. (2018). Why police "couldn't or wouldn't" submit sexual assault kits for forensic DNA testing: a focal concerns theory analysis of untested rape kits. *Law & Society Review*, 52(1), 73–105. <https://doi.org/10.1111/lasr.12310>
- Campbell, R., Fehler-Cabral, G., Pierce, S. J., Sharma, D. B., Bybee, D., Shaw, J., Horsford, S., & Feeney, H. (2015). *Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), final report*. U.S. Department of Justice. <https://nij.ojp.gov/library/publications/detroit-sexual-assault-kit-sak-action-research-project-arp-final-report>
- Campbell, R., Fehler-Cabral, G., Pierce, S. J., Sharma, D. B., Shaw, J., Horsford, S., & Feeney, H. (2021). Changing the criminal justice system response to sexual assault: An empirical study of a participatory action research project. *American Journal of Community Psychology*, 67(1–2), 166–178. <https://doi.org/10.1002/ajcp.12428>

- Campbell, R., Goodman-Williams, R., & Javorka, M. (2019). A trauma-informed approach to sexual violence research ethics and open science. *Journal of Interpersonal Violence*, 34(23–24), 4765–4793. <https://doi.org/10.1177/0886260519871530>
- Campbell, R., Javorka, M., Gregory, K., Vollinger, L., & Ma, W. (2021). The right to say no: Why adult sexual assault patients decline medical forensic exams and sexual assault kit evidence collection. *Journal of Forensic Nursing*, 17(1), 3–13. <https://doi.org/10.1097/JFN.0000000000000315>
- Campbell, R., Javorka, M., Sharma, D. B., Gregory, K., Opsommer, M., Schelling, K., & Lu, L. (2020). A state census of unsubmitted sexual assault kits: Comparing forensic DNA testing outcomes by geographic and population density characteristics. *Journal of Forensic Sciences*, 65(6), 1820–1827. <https://doi.org/10.1111/1556-4029.14554>
- Campbell, R., Pierce, S. J., Sharma, D. B., Feeney, H., & Fehler-Cabral, G. (2016). Should rape kit testing be prioritized by victim-offender relationship?: Empirical comparison of forensic testing outcomes for stranger and nonstranger sexual assaults. *Criminology & Public Policy*, 15(2), 555–583. <https://doi.org/10.1111/1745-9133.12205>
- Campbell, R., Shaw, J., & Fehler-Cabral, G. (2018). Evaluation of a victim-centered, trauma-informed victim notification protocol for untested sexual assault kits (SAKs). *Violence Against Women*, 24(4), 379–400. <https://doi.org/10.1177/1077801217699090>
- Campbell, R., Wasco, S. M., Ahrens, C. E., Sefl, T., & Barnes, H. E. (2001). Preventing the “second rape”: Rape survivors’ experiences with community service providers. *Journal of Interpersonal Violence*, 16(12), 1239–1259. <https://doi.org/10.1177/088626001016012002>
- Carbone-López, K. C. (2006). The ‘usual suspects’: How race affects decisions to report rape victimization. *Journal of Ethnicity in Criminal Justice*, 3(4), 29–47. [https://doi.org/10.1300/J222v03n04\\_02](https://doi.org/10.1300/J222v03n04_02)
- Carbone-López, K., Slocum, L. A., & Kruttschnitt, C. (2016). “Police wouldn’t give you no help”: Female offenders on reporting sexual assault to police. *Violence Against Women*, 22(3), 366–396. <https://doi.org/10.1177/1077801215602345>
- Corrigan, R. (2013). The new trial by ordeal: Rape kits, police practices, and the unintended effects of policy innovation. *Law & Social Inquiry*, 38(04), 920–949. <https://doi.org/10.1111/lsi.12002>
- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *U. Chi. Legal f.*, 139.
- Creswell, J. W., & Miller, D. L. (2000). Determining validity in qualitative inquiry. *Theory Into Practice*, 39(3), 124–130. [https://doi.org/10.1207/s15430421tip3903\\_2](https://doi.org/10.1207/s15430421tip3903_2)
- Creswell, J.W., & Poth, C.N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th edition). Sage.
- Cuevas, K. M., Balbo, J., Duval, K., & Beverly, E. A. (2018). Neurobiology of sexual assault and osteopathic considerations for trauma-informed care and practice. *Journal of Osteopathic Medicine*, 118(2), e2–e10. <https://doi.org/10.7556/jaoa.2018.018>



- Decker, M. R., Holliday, C. N., Hameeduddin, Z., Shah, R., Miller, J., Dantzler, J., & Goodmark, L. (2019). “You do not think of me as a human being”: Race and gender inequities intersect to discourage police reporting of violence against women. *Journal of Urban Health*, 96(5), 772–783. <https://doi.org/10.1007/s11524-019-00359-z>
- DePrince, A. P., Wright, N., Gagnon, K. L., Srinivas, T., & Labus, J. (2020). Social reactions and women’s decisions to report sexual assault to law enforcement. *Violence Against Women*, 26(5), 399–416. <https://doi.org/10.1177/1077801219838345>
- Du Mont, J., Miller, K.-L., & Myhr, T. L. (2003). The role of “real rape” and “real victim” stereotypes in the police reporting practices of sexually assaulted women. *Violence Against Women*, 9(4), 466–486. <https://doi.org/10.1177/1077801202250960>
- Elliott, I., Thomas, S., & Ogloff, J. (2014). Procedural justice in victim-police interactions and victims’ recovery from victimisation experiences. *Policing and Society*, 24(5), 588–601. <https://doi.org/10.1080/10439463.2013.784309>
- Estrich, S. (1987). *Real rape*. Harvard University Press.
- Feldhaus, K. M., Houry, D., & Kaminsky, R. (2000). Lifetime sexual assault prevalence rates and reporting practices in an emergency department population. *Annals of Emergency Medicine*, 36(1), 23–27. <https://doi.org/10.1067/mem.2000.107660>
- Filipas, H. H., & Ullman, S. E. (2001). Social reactions to sexual assault victims from various support sources. *Violence and Victims*, 16(6), 673.
- Fisher, B. S., Daigle, L. E., Cullen, F. T., & Turner, M. G. (2003). Reporting sexual victimization to the police and others: Results from a national-level study of college women. *Criminal Justice and Behavior*, 30(1), 6–38. <https://doi.org/10.1177/0093854802239161>
- International Association of Forensic Nurses. (2023). *Forensic Nursing – IAFN* [Website]. Retrieved January 16, 2023, from <https://www.forensicnurses.org/page/WhatisFN/>
- Goodman-Williams, R., Campbell, R., Sharma, D. B., Pierce, S. J., Feeney, H., & Fehler-Cabral, G. (2019). How to right a wrong: Empirically evaluating whether victim, offender, and assault characteristics can inform rape kit testing policies. *Journal of Trauma & Dissociation*, 20(3), 288–303. <https://doi.org/10.1080/15299732.2019.1592645>
- Goodmark, L. (2021). Reimagining VAWA: Why criminalization is a failed policy and what a non-carceral VAWA could look like. *Violence Against Women*, 27(1), 84–101. <https://doi.org/10.1177/1077801220949686>
- Harned, M. S. (2005). Understanding women’s labeling of unwanted sexual experiences with dating partners: A qualitative analysis. *Violence Against Women*, 11(3), 374–413. <https://doi.org/10.1177/1077801204272240>
- Heath, N. M., Lynch, S. M., Fritch, A. M., McArthur, L. N., & Smith, S. L. (2011). Silent survivors: Rape myth acceptance in incarcerated women’s narratives of disclosure and reporting of rape. *Psychology of Women Quarterly*, 35(4), 596–610. <https://doi.org/10.1177/0361684311407870>

- Johnson, D., Peterson, J., Sommers, I., & Baskin, D. (2012). Use of forensic science in investigating crimes of sexual violence: Contrasting its theoretical potential with empirical realities. *Violence Against Women*, 18(2), 193–222. <https://doi.org/10.1177/1077801212440157>
- Jurek, A. L., Kelley, S. M., & Wells, W. (2021). Criminal investigative effort in sexual assaults: Findings from a sample of cases with unsubmitted sexual assault kits. *Journal of Police and Criminal Psychology*, 36(4), 652–666. <https://doi.org/10.1007/s11896-021-09482-7>
- Kaba, M. (2021). *We do this 'til we free us: Abolitionist organizing and transforming justice*. Haymarket Books.
- Kelley, S. M. (2023). Post-sexual assault decision making: Centering Black women's experiences. *Feminist Criminology*, 18(2), 133–155. <https://doi.org/10.1177/15570851221150912>
- Kilpatrick, D. G., Resnick, H. S., Ruggiero, K. J., Conoscenti, L. M., & McCauley, J. (2007). *Drug-facilitated, incapacitated, and forcible rape: A national study*. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/219181.pdf>
- Kim, M. E. (2014). VAWA@20: The mainstreaming of the criminalization critique: Reflections on VAWA 20 years later. *CUNY Law Review Footnote Forum*, 18(1), 52-57.
- Kim, M. E. (2018). From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration. *Journal of Ethnic & Cultural Diversity in Social Work*, 27(3), 219–233. <https://doi.org/10.1080/15313204.2018.1474827>
- Kim, M. E. (2021). Transformative justice and restorative justice: Gender-based violence and alternative visions of justice in the United States. *International Review of Victimology*, 27(2), 162–172. <https://doi.org/10.1177/0269758020970414>
- Kozlowska, K., Walker, P., McLean, L., & Carrive, P. (2015). Fear and the defense cascade: Clinical implications and management. *Harvard Review of Psychiatry*, 23, 263–287. <https://doi.org/10.1097/HRP.0000000000000065>
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry* (Vol. 75). Sage.
- Littleton, H., Axsom, D., & Grills-Tauchel, A. (2009). Sexual assault victims' acknowledgment status and revictimization risk. *Psychology of Women Quarterly*, 33(1), 34–42. <https://doi.org/10.1111/j.1471-6402.2008.01472.x>
- Littleton, H., Radecki Breitkopf, C., & Berenson, A. (2008). Beyond the campus: Unacknowledged rape among low-income women. *Violence Against Women*, 14(3), 269–286. <https://doi.org/10.1177/1077801207313733>
- Lonsway, K. A., & Archambault, J. (2012). The “justice gap” for sexual assault cases: Future directions for research and reform. *Violence Against Women*, 18(2), 145–168. <https://doi.org/10.1177/1077801212440017>

- Lorenz, K., & Jacobsen, C. (2021). Sexual violence survivors' experiences with the police and willingness to report future victimization. *Women & Criminal Justice*, 1–23.  
<https://doi.org/10.1080/08974454.2021.1985045>
- Lorenz, K., Kirkner, A., & Ullman, S. E. (2019). A qualitative study of sexual assault survivors' post-assault legal system experiences. *Journal of Trauma & Dissociation*, 20(3), 263–287.  
<https://doi.org/10.1080/15299732.2019.1592643>
- Lovell, R. E., Fletcher, A. M. C., Sabo, D., Overman, L., & Flannery, D. J. (2023). What an examination of previously untested sexual assault kits tells us about the patterns of victimization and case outcomes for Black women and girls. In Ahlin, E., Mitchell, O., & Atkin-Plunk, C. (Eds.), *Handbook on inequalities in sentencing and corrections among marginalized populations* (pp. 49–69). Routledge.
- Lovell, R. & Langhinrichsen-Rohling, J. (Eds.) (2023). *Sexual assault kits and reforming the response to rape*. Routledge.
- Lovell, R., Luminais, M., Flannery, D. J., Bell, R., & Kyker, B. (2018). Describing the process and quantifying the outcomes of the Cuyahoga County sexual assault kit initiative. *Journal of Criminal Justice*, 57, 106–115. <https://doi.org/10.1016/j.jcrimjus.2018.05.012>
- Luminais, M., Lovell, R., McGuire, M., Klingenstein, J., Kavadas, A., & Overman, L. (2020). *Impact of victim advocacy integration on cold case investigations: Lesson learned from the Cuyahoga County Sexual Assault Kit Task Force*.  
<https://digital.case.edu/islandora/object/ksl%3A2006061588>
- Maier, S. L. (2008). “I have heard horrible stories. . .”: Rape victim advocates' perceptions of the revictimization of rape victims by the police and medical system. *Violence Against Women*, 14(7), 786–808. <https://doi.org/10.1177/1077801208320245>
- Martin, P. Y. (2005). *Rape work: Victims, gender, & emotions in organization and community context*. Routledge.
- McGlynn, C., & Westmarland, N. (2019). Kaleidoscopic justice: Sexual violence and victim-survivors' perceptions of justice. *Social & Legal Studies*, 28(2), 179–201.  
<https://doi.org/10.1177/0964663918761200>
- Morabito, M. S., Williams, L. M., & Pattavina, A. (2019). *Decision making in sexual assault cases: Replication research on sexual violence case attrition in the U.S.* U.S. Department of Justice.  
<https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>
- National Institute of Justice. (2017). *National best practices for sexual assault kits: A multidisciplinary approach*. [http://www.safeta.org/wp-content/uploads/2021/12/National\\_Best\\_Practices\\_for\\_.pdf](http://www.safeta.org/wp-content/uploads/2021/12/National_Best_Practices_for_.pdf)
- O'Brien, B. C., Harris, I. B., Beckman, T. J., Reed, D. A., & Cook, D. A. (2014). Standards for reporting qualitative research: A synthesis of recommendations. *Academic Medicine*, 89(9), 1245–1251.  
<https://doi.org/10.1097/ACM.0000000000000388>

- Patterson, D. (2011). The linkage between secondary victimization by law enforcement and rape case outcomes. *Journal of Interpersonal Violence*, 26(2), 328–347. <https://doi.org/10.1177/0886260510362889>
- Patterson, D., & Campbell, R. (2010). Why rape survivors participate in the criminal justice system. *Journal of Community Psychology*, 38(2), 191–205. <https://doi.org/10.1002/jcop.20359>
- Patterson, D., & Campbell, R. (2012). The problem of untested sexual assault kits: Why are some kits never submitted to a crime laboratory? *Journal of Interpersonal Violence*, 27(11), 2259–2275. <https://doi.org/10.1177/0886260511432155>
- Patterson, D., Greeson, M., & Campbell, R. (2009). Understanding rape survivors' decisions not to seek help from formal social systems. *Health & Social Work*, 34(2), 127–136. <https://doi.org/10.1093/hsw/34.2.127>
- Peterson, J., Johnson, D., Herz, D., Graziano, L., & Oehler, T. (2012). *Sexual assault kit backlog study*. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/238500.pdf>
- Pinchevsky, G. M. (2018). Criminal justice considerations for unsubmitted and untested sexual assault kits: A review of the literature and suggestions for moving forward. *Criminal Justice Policy Review*, 29(9), 925–945. <https://doi.org/10.1177/0887403416662899>
- Planty, M., Langton, L., Krebs, C., Berzofsky, M., & Smiley-McDonald, H. (2013). *Female victims of sexual violence, 1994-2010* (Special Report NCJ 240655). US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Institute of Justice Washington, DC. <https://bjs.ojp.gov/content/pub/pdf/fvsv9410.pdf>
- Regoeczi, W., & Wright, V. (2016). *Final report: An evaluation of the Cuyahoga County Prosecutor's Office sexual assault victim advocacy initiative*. <https://services.dps.ohio.gov/OCCS/Pages/Public/Reports/Final%20Report%20SAVA%20Evaluation.pdf>
- Richards, T. N., Tillyer, M. S., & Wright, E. M. (2019). When victims refuse and prosecutors decline: Examining exceptional clearance in sexual assault cases. *Crime & Delinquency*, 65(4), 474–498. <https://doi.org/10.1177/0011128719828351>
- Richie, B. E. (2000). A Black Feminist reflection on the antiviolence movement. *Signs: Journal of Women in Culture and Society*, 25(4), 1133–1137. <https://doi.org/10.1086/495533>
- Sable, M. R., Danis, F., Mauzy, D. L., & Gallagher, S. K. (2006). Barriers to reporting sexual assault for women and men: Perspectives of college students. *Journal of American College Health*, 55(3), 157–162. <https://doi.org/10.3200/JACH.55.3.157-162>
- Settles, I. H., Warner, L. R., Buchanan, N. T., & Jones, M. K. (2020). Understanding psychology's resistance to intersectionality theory using a framework of epistemic exclusion and invisibility. *Journal of Social Issues*, 76(4), 796–813. <https://doi.org/10.1111/josi.12403>

- Shaw, J., & Campbell, R. (2013). Predicting sexual assault kit submission among adolescent rape cases treated in forensic nurse examiner programs. *Journal of Interpersonal Violence*, 28(18), 3400–3417. <https://doi.org/10.1177/0886260513504496>
- Shaw, J., Campbell, R., & Cain, D. (2016). The view from inside the system: How police explain their response to sexual assault. *American Journal of Community Psychology*, 58(3–4), 446–462. <https://doi.org/10.1002/ajcp.12096>
- Shaw, J., & Lee, H. (2019). Race and the criminal justice system response to sexual assault: A systematic review. *American Journal of Community Psychology*, 64(1–2), 256–278. <https://doi.org/10.1002/ajcp.12334>
- Sit, V. K. Y. (2015). *Sexual assault and formal service use: Understanding help-seeking among women living in poverty*. University of Toronto (Canada).
- Spohn, C. (2020). Sexual assault case processing: The more things change, the more they stay the same. *International Journal for Crime, Justice and Social Democracy*, 9(1), 86–94. <https://doi.org/10.5204/ijcsd.v9i1.1454>
- Spohn, C., & Tellis, K. (2012). The criminal justice system’s response to sexual violence. *Violence Against Women*, 18(2), 169–192. <https://doi.org/10.1177/1077801212440020>
- Spohn, C., & Tellis, K. (2014). *Policing and prosecuting sexual assault: Inside the criminal justice system*. Lynne Rienner Publishers.
- Starzynski, L. L., Ullman, S. E., Filipas, H. H., & Townsend, S. M. (2005). Correlates of women’s sexual assault disclosure to informal and formal support sources. *Violence and Victims*, 20(4), 417–432. <https://doi.org/10.1891/0886-6708.20.4.417>
- Starzynski, L. L., Ullman, S. E., Townsend, S. M., Long, L. M., & Long, S. M. (2007). What factors predict women’s disclosure of sexual assault to mental health professionals? *Journal of Community Psychology*, 35(5), 619–638. <https://doi.org/10.1002/jcop.20168>
- Sterzing, P. R., Gartner, R. E., Goldbach, J. T., McGeough, B. L., Ratliff, G. A., & Johnson, K. C. (2019). Polyvictimization prevalence rates for sexual and gender minority adolescents: Breaking down the silos of victimization research. *Psychology of Violence*, 9(4), 419–430. <https://doi.org/10.1037/vio0000123>
- Strom, K. J., & Hickman, M. J. (2010). Unanalyzed evidence in law-enforcement agencies. *Criminology & Public Policy*, 9(2), 381–404. <https://doi.org/10.1111/j.1745-9133.2010.00635.x>
- Strom, K., Scott, T., Feeney, H., Young, A., Couzens, L., & Berzofsky, M. (2021). How much justice is denied? An estimate of unsubmitted sexual assault kits in the United States. *Journal of Criminal Justice*, 73, 101746. <https://doi.org/10.1016/j.jcrimjus.2020.101746>
- Tjaden, P., & Thoennes, N. (2006). *Extent, nature, and consequences of rape victimization: Findings from the National Violence Against Women Survey*. US Department of Justice, Office of Justice Programs, National Institute of Justice, Washington, DC. <https://www.ojp.gov/pdffiles1/nij/210346.pdf>

- Ullman, S. E., & Filipas, H. H. (2001). Correlates of formal and informal support seeking in sexual assault victims. *Journal of Interpersonal Violence*, 16(10), 1028–1047. <https://doi.org/10.1177/088626001016010004>
- Ullman, S. E., & Lorenz, K. (2020). Correlates of African American sexual assault survivors' medical care seeking. *Women & Health*, 60(5), 502–516. <https://doi.org/10.1080/03630242.2019.1671947>
- U.S. Department of Justice. (2013). *A national protocol for sexual assault medical forensic examinations: Adults & adolescents* (2nd ed.). Washington, D.C.
- Valentine, J. L., Sekula, L. K., Cook, L. J., Campbell, R., Colbert, A., & Weedn, V. W. (2019). Justice denied: Low submission rates of sexual assault kits and the predicting variables. *Journal of Interpersonal Violence*, 34(17), 3547–3573. <https://doi.org/10.1177/0886260516681881>
- Wells, W., Campbell, B., & Franklin, C. (2016). *Unsubmitted sexual assault kits in Houston, TX: Case characteristics, forensic testing results, and the investigation of CODIS hits, final report*. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/249812.pdf>
- Yu, L., Walsh, K., & Zweig, J. M. (2022). The link between the SAMFE and police perceptions of victim credibility. *Feminist Criminology*, 17(1), 26–49. <https://doi.org/10.1177/15570851211012468>
- Zinzow, H. M., Littleton, H., Muscari, E., & Sall, K. (2021). Barriers to formal help-seeking following sexual violence: Review from within an ecological systems framework. *Victims & Offenders*, 1–26. <https://doi.org/10.1080/15564886.2021.1978023>
- Zinzow, H. M., Resnick, H. S., Barr, S. C., Danielson, C. K., & Kilpatrick, D. G. (2012). Receipt of post-rape medical care in a national sample of female victims. *American Journal of Preventive Medicine*, 43(2), 183–187. <https://doi.org/10.1016/j.amepre.2012.02.025>
- Zweig, J., Farrell, L., Walsh, K., & Yu, L. (2021). Community approaches to sexual assault: VAWA's role and survivors' experiences. *Violence Against Women*, 27(1), 30–51. <https://doi.org/10.1177%2F1077801220949696>



## APPENDIX A: IRB DETERMINATION OF EXEMPT RESEARCH – SECONDARY ANALYSIS

**Figure 1.**

*IRB Letter of Determination of Exempt Research*

### **MICHIGAN STATE UNIVERSITY**

#### **EXEMPT DETERMINATION U.S. Department of Justice**

February 8, 2023

To: Rebecca M Campbell

Re: **MSU Study ID:** STUDY00008796  
**Principal Investigator:** Rebecca M Campbell  
**Category:** Exempt 4  
**Exempt Determination Date:** 2/8/2023

**Title:** Untested Sexual Assault Kits and Sexual Assault Survivors' Decisions to Re-engage with the Criminal Legal System

**Grant Title:** Evaluating a Victim Notification Protocol for Untested Sexual Assault Kits (SAKs): How Do Survivors Define Justice Years After An Assault?

**Sponsor:** US Dept of Justice

**Prime Sponsor:** US Dept of Justice

**Status:** Funded



**Office of  
Regulatory  
Affairs  
Human Research  
Protection Program**

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This study has been determined to be exempt under 28 CFR 46.101(b) 4.

**Principal Investigator (PI) Responsibilities:** The PI assumes the responsibilities for the protection of human subjects in this study as outlined in Human Research Protection Program (HRPP) Manual Section 8-1, Exemptions.

**Continuing Review:** Exempt studies do not need to be renewed.

**Modifications:** In general, investigators are not required to submit changes to the Michigan State University (MSU) Institutional Review Board (IRB) once a research study is designated as exempt as long as those changes do not affect the exempt category or criteria for exempt determination (changing from exempt status to expedited or full review, changing exempt category) or that may substantially change the focus of the research study such as a change in hypothesis or study design. See HRPP Manual Section 8-1, Exemptions, for examples. If the study is modified to add additional sites for the research, please note that you may not begin the research at those sites until you receive the appropriate approvals/permissions from the sites.

**New Funding:** If new external funding is obtained for an active study that had been determined exempt, a new initial IRB submission will be required, with limited exceptions. If you are unsure if a new initial IRB submission is required, contact the HRPP office. IRB review of the new submission must be completed before new

**APPENDIX B: VICTIM NOTIFICATION STUDY QUALITATIVE INTERVIEW PROTOCOL**

**CODIS HIT REENGAGEMENT**

**SAK Victim Notification  
Survivor Interview Guide  
(Updated 8/22/2019)**

Participant ID Number \_\_\_\_\_ Interviewer ID Number \_\_\_\_\_

Date Interview Conducted \_\_\_\_\_ Length of Interview \_\_\_\_\_

**INTRODUCTION AND OVERVIEW**

*INTERVIEWER INSTRUCTIONS: Paraphrase this section.*

**I really appreciate your willingness to talk with me today and share your experiences. The information you provide will be extremely helpful.**

**Before we get started, I need to get your consent to be interviewed (go through procedures to obtain informed consent).**

**Do you have any questions before we start?**

*INTERVIEWER INSTRUCTIONS: Keep all notes taken on this interview guide.*



<b>SECTION ONE</b> <b>INVOLVEMENT IN THE INTERVIEW</b>
---

*INTERVIEWER NOTES: ice -breaker, no in-depth probing needed.*

**I'd like to start off by talking a little about how you heard about this study and how you decided to participate in the interview.**

Q1. How did you hear about this study?

Q2. Why did you decide to participate?

Q3. Were there specific things that made you reluctant to agree to an interview?

*[if yes]*

- a. How can we address those concerns as we go through the interview?

## SECTION TWO

### BACKGROUND ON THE ASSAULT

**So, for this section I will be asking you some questions about the assault. I understand that you have had to tell this story many times and these questions are just to get background and context of the assault. You can share as much as you feel comfortable with.**

Q4. Will you tell me about what happened in the assault?

*INTERVIEWER INSTRUCTION: Ask all if not shared (Q4a-h)*

- a. How long ago did the assault happen? \_\_\_\_\_
- b. How old were you at the time of the assault? \_\_\_\_\_
- c. Did you know the assailant? If so, what was your connection to them?
- 1 = NONE, WERE STRANGERS
  - 2 = KNEW EACH OTHER BY SIGHT
  - 3 = FRIENDS, CASUAL
  - 4 = FRIENDS, CLOSE
  - 5 = DATING/RELATIONSHIP, CASUAL
  - 6 = DATING/RELATIONSHIP, SERIOUS
  - 7 = EX-INTIMATE PARTNER
  - 8 = PARENT/GUARDIAN/STEP-PARENT
  - 9 = GANG RAPE/ STRANGER
  - 10 = GANG RAPE/ ACQUAINTANCE
  - 11 = OTHER FAMILY MEMBER
  - 12 = OTHER (\_\_\_\_\_)
  - 13 = DON'T REMEMBER

*[ask only if were in a relationship or it was family]*

- c1. Where you living with the assailant?
- 1 = YES
  - 0 = NO

*[Ask only if she was the victim of non-stranger rape)]*

- c2. Was this assault part of an isolated incident or was it part of ongoing abuse?
- 1 = SINGLE SEXUAL ASSAULT
  - 2 = MULTIPLE SEXUAL ASSAULTS
  - 3 = EMOTIONALLY ABUSIVE
  - 4 = NON-SEXUAL PHYSICAL VIOLENCE

d. What was the assailant's race/ethnicity?

1 = WHITE

2 = AFRICAN-AMERICAN/BLACK

3 = LATINO/HISPANIC

4 = NATIVE AMERICAN INDIAN

5 = ASIAN AMERICAN

6 = ARAB AMERICAN

7 = OTHER (Specify \_\_\_\_\_)

8 = DON'T KNOW

e. In addition to the injury of rape itself, were there any other physical injuries you sustained from the assault?

1 = YES (Specify \_\_\_\_\_)

0 = NO

2 = DON'T KNOW

f. Was a weapon used in the assault?

1 = YES (Specify \_\_\_\_\_)

0 = NO

2 = DON'T KNOW

g. Was the assailant using alcohol at the time of the assault?

1 = YES

0 = NO

2 = DON'T KNOW

h. Was the assailant using drugs at the time of the assault?

1 = YES (*GO TO QUESTION h1*)

0 = NO (*GO TO QUESTION i*)

2 = DON'T KNOW (*GO TO QUESTION i*)

h1. Assailant was using \_\_\_\_\_ (fill in)

*INTERVIEWER INSTRUCTION: Ask if not shared (Q4i-j).*

**So, I would like to ask you about whether you were using alcohol or drugs at the time of the assault. Before you answer, please let me explain why we have included this question. What happened to you was in no way your fault. Regardless of your answer, you are in no way to blame for what you experienced. Again, we only ask these questions because sometimes people who were using alcohol or drugs when they were assaulted may be treated differently by police, medical staff, or others. Remember that if you do not wish to answer any of the questions in the interview, just let me know that you would prefer to move on.**

i. Were you using alcohol at the time of the assault?

1 = YES

0 = NO

2 = DON'T KNOW

j. Were you using drugs at the time of the assault?

1 = YES (*GO TO QUESTION j1*)

0 = NO (*GO TO QUESTION 15*)

2 = DON'T KNOW (*GO TO QUESTION 15*)

j1. You were using \_\_\_\_\_ (fill in)

### **SECTION THREE**

#### **EXPERIENCE AFTER THE ASSAULT**

**Now I would like to discuss with you your experiences after the assault.**

*INTERVIEWER INSTRUCTIONS: Focus on post-assault disclosure. Make sure to ask about formal help-seeking immediately after the assault, as well (e.g., how they were treated by LE, medical staff, etc.)*

Q5. What happened right after the assault? What did you do immediately afterwards?

Q6. Who did you tell about the assault?

- a. Why did you decide to tell them? What were you hoping they would say or do?
- b. How did they react? What did they say or do that was supportive? Not supportive?

<b>SECTION FOUR</b> <b>CODIS HIT RE-ENGAGEMENT NOTIFICATION</b>
--

*INTERVIEWER INSTRUCTIONS: Keep focus on initial notification; clarify responses if needed.*

**Now I would like to talk about what happened during your first initial notification that your kit had finally been tested. These first questions are about when you were first notified. I will have more questions later on about what happened after the notification.**

<b>SECTION 4A</b> <b>HOW DID NOTIFICATION GO</b>
---

Q7. Can you take me through what happened when you were first contacted about your kit finally being tested?

*INTERVIEWER INSTRUCTION: Ask specific questions if not shared.*

- a. Who contacted you?
- b. Did you meet face to face?
- c. Who else (if anyone) was involved?
- d. Was an advocate present?
- e. What was your experience with [the people who notified you] like for you during the initial notification? How were you treated when you were contacted by them?
- f. How did they explain the reasons that your kit had not originally been tested?
- g. How did they react? What did they say or do that was supportive? Not supportive?
- h. Was there anything that you wish they had done differently?

Q8. How did you feel when they explained that your sexual assault kit had not previously been tested?

Q9. How did you feel when you were told that your kit had now been tested, and had matched with DNA from the national database?

Q10. How did you feel about moving forward with an investigation right after you were notified?

#### **SECTION 4C**

#### **HELP-SEEKING IMMEDIATELY AFTER NOTIFICATION**

**So now we are going to shift a little bit to right after you were first notified that your kit had been finally tested and what happened in the in the days or weeks right after you were notified.**

*INTERVIEWER INSTRUCTION: Keep focus on post notification; clarify responses if needed*

Q11. How did you feel after you talked to [the people who notified you]?

Q12. Who did you tell about being notified about the results of your kit? why did you decide to tell them?

*INTERVIEWER INSTRUCTION: Ask specific question if not shared*

- a. How did they react? What did they say or do that was supportive? What did they say or do that was not so good?

<b>SECTION FIVE</b> <b>CODIS HIT REENGAGEMENT EXPERIENCES</b>
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**I'd now like to talk you now about your experiences working with law enforcement and prosecutor on re-investigation and prosecuting your case.**

<b>SECTION 5A</b> <b>INITIAL RE- ENGAGEMENT PROCESS</b>
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Q15. How much time passed between when you were first contacted about your kit and when you had your next meeting with the people investigating your case?

Q16. What factors helped you to decide to re-engage in the investigation and prosecution?

Q17. What were your concerns about participating? How were those concerns addressed?

*INTERVIEWER INSTRUCTION: Ask if not shared*

- a. How did concerns about your own safety or well-being impact your decision about whether or not to participate?

Q18. What happened during the re-investigation of your case?

*INTERVIEWER INSTRUCTION: Ask if not shared.*

- a. What was it like for you to participate in the investigation?
- b. How were you treated during the investigation?
- c. Is there anything you wish had happened differently during the investigation?



Q19. What happened during the prosecution of your case?

*INTERVIEWER INSTRUCTION: Ask if not shared.*

- a. What was the final outcome of your case?
- b. What was it like for you to participate in the prosecution?
- c. How were you treated during the prosecution?
- d. Is there anything you wish had happened differently during the prosecution?

## **SECTION 5B**

### **HELP-SEEKING IMMEDIATELY DURING LEGAL PROCESS**

**Now we will be focusing on what community resources you reached out to after you decided to participate in the legal process. Some of these community resources may be the same as the ones you utilized after the initial notification, however, we will be referring to the time when you participated in the legal process and afterwards.**

*INTERVIEWER INSTRUCTION: Keep focus on help-seeking during legal process and afterwards; clarify if needed.*

Q20. Now I'd like to get a sense of what community resources you may have contacted from the time you were notified about your kit through the end of your case.

*INTERVIEWER INSTRUCTION: Walk through "Community Resources" sheet. Make sure all types of services or names of organizations were discussed. (i.e., ask about additional interactions before moving on).*

*If answered "yes" to contacting any type of service or name or organization, continue to Q23.*

Q23. I'd like to talk about your experiences with the community resources you contacted as a result of participating in your case. What was your experience with \_\_\_\_\_ like for you?

*INTERVIEWER INSTRUCTION: Ask specific questions if not shared. Ask for each service provider mentioned. Make sure to differentiate at what point in the notification/re-investigation process they used each resource, and for how long they engaged with each resource.*

- a. How were you treated when you contacted \_\_\_\_\_?
- b. What did they say or do that was supportive? Not supportive?
- c. Was there anything you needed from \_\_\_\_\_ that you didn't get? If so, what was it?

*INTERVIEWER INSTRUCTIONS: If participant contacted an advocate, continue to (d). If participant did not use advocacy, jump to Section 5C. Be sure to clarify timepoint (was this during notification or after notification during help-seeking process).*

- d. Was the advocate you contacted from WC-SAFE? Or, was the advocate part of the prosecutor's office or police department?

<p><b><i>If community based:</i></b></p> <p style="text-align: center;">↓</p> <p>d1. Did you understand that the advocate would keep your information confidential? How did you feel knowing that the advocate would keep anything you told her confidential?</p>	<p><b><i>If prosecutor office:</i></b></p> <p style="text-align: center;">↓</p> <p>d2. Did you understand that the advocate at the prosecutor office had limits to what they would keep confidential? How did you feel knowing that?</p>
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## SECTION 5C

### REFLECTING ON RE-ENGAGEMENT PROCESS AS A WHOLE

**Moving now to the current day, I'd like to ask you a few questions about how you feel now about the whole experience of finding out your kit had not been testing and engaging in investigation (and prosecution) of your case.**

Q24. How long has it been since the prosecution of your case concluded? \_\_\_\_\_

Q25. Thinking about it now, how do you feel looking back at the process as a whole? (*Probe: If you could go back and decide whether or not to be notified about the outcome of your kit, would you choose to be notified?*)

- a. How do you feel about the outcome of your case?
- b. How do you feel about having the choice of whether or not to re-engage in investigation and possibly prosecution?
- c. Was there anything you wish had been done differently in this process, from being notified about your kit through the end of your case?

*INTERVIEWER INSTRUCTIONS: Ask about investigator who notified them, the prosecutor, and any other social service agency they mention working with (e.g., advocate, etc.)*

- d. Some survivors have described being treated differently because of their race, ethnicity, gender, or other aspects of themselves. We'd like to ask you about times when you may have experienced that in your interactions with the different people you had contact with during this process. Thinking back over the different experiences you've had with [AGENCY/PERSON] throughout this whole process, can you think of any times where you felt like you were treated differently, unfairly, or made uncomfortable because of some aspect of your identity?
- e. How would you improve the notification process for other survivors whose cases are being re-investigated because their kit was finally tested?

Q26. Sometimes people say they want a process like prosecution to be survivor-centered. What does the phrase "survivor-centered" mean to you?

- a. To what extent would you describe the process of being notified as "survivor-centered"?

Q27. What has helped you to heal? What has been the most healing to you?

<b>SECTION ELEVEN</b> <b>DEMOGRAPHIC INFORMATION</b>
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**Finally, I would like to ask a few quick demographic questions to learn more about the people being interviewed.**

Q89. What is your gender? \_\_\_\_\_

Q90. What is your race?

**MARK ANSWER THAT APPLIES**

1 = WHITE

2 = AFRICAN-AMERICAN/BLACK

3 = LATINO/HISPANIC

4 = NATIVE AMERICAN INDIAN

5 = ASIAN AMERICAN

6 = ARAB AMERICAN

7= OTHER(Specify \_\_\_\_\_)

8 = DON'T KNOW

Q91. How old are you? \_\_\_\_\_

Q92. What is your educational background? \_\_\_\_\_

## **SECTION TWELVE**

### **CLOSING**

**We are nearly finished. I'd like to ask some final questions about your overall experience of this interview. We're always in the process of revising this interview, which is why I'd like to get your feedback on the interview. It would be really helpful for me if you'd be honest about what this was like for you. Don't worry—you won't hurt my feelings.**

Q48. What has it been like for you to talk about this experience with me?

Q49. How can we improve the interview?

**Lastly, I'd like us to circle back to something we talked about at the very beginning of our interview, which is the requirement that we share a copy of the anonymous transcripts with our funders both for their records and so that other researchers can learn from what you've had to say.**

Q50. Your safety and comfort is the top priority to us. In addition to names, dates, and locations, is there anything we talked about today that you'd like us to take out of the transcripts before we share them with our funders?

**The requirement that researchers share anonymous transcripts of their interviews is getting more and more common, and we want to make sure that you have a chance to share any feelings they might have about this requirement.**

Q51. What do you think about the requirement that researchers share copies of their anonymous transcript with their funder and with other researchers?

Q. 52. How important do you think it is that people have a chance to give input on what pieces of their transcript is and is not shared with funders and other researchers?

Q53. What do you think is the best way to let people know about this requirement? (*Probe: How could we improve this process in the future?*)

**Thank you very much for your time. I appreciate you sharing your experience. Do you have any questions for me?**