

# Civilian Perspectives on Victim Participation

## Panel on Response Systems to Sexual Assault Crimes

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# Components of a successful sexual assault program

Ultimate predictor of victim satisfaction:  
effective and successful prosecution

- Early Case Enhancement Program;
- Vertical prosecution;
- Pre-arrest interviews of victims in difficult cases;
- Effective sexual assault forensic examiner (SAFE) program with a 24-hour volunteer advocate program in our hospitals.
- The key word is "EARLY."

# Early Case Enhancement Program

- The Riding Program

# Riding Program

- 24 Hour Call
- Statement/Confessions
- Search Warrants/Cell Site Applications
- Vertical Prosecution

# Victory over Violence

**Two years ago, a man  
broke into my apartment  
while I was asleep.**

# Goals

- Establish rapport
- Lessen trauma
- Further and guide investigation
- Videotape suspect, run line-ups
- Devise strategy for search warrants and evidence collection
- Ensure proper medical exam is done at correct facility
- Photo injuries

# Find out from Day 1...

- What happened?
- What do you want to see happen here?
- What do you think he will say?
- Has this ever happened to you before?
- If alcohol involved and victim's has impaired memory, ask about history of addiction/blackouts?
- Do you think he could have perceived this as "ok"?

# SAFE Exam

- Centers for Excellence in Sexual Assault
- Ambulance request for transport to special SAFE centers
- Interdisciplinary team
- Exam within an hour
- Superior evidence retrieval

# SART HOSPITALS

- Sexual Assault Response Team (SART)
- Elmhurst, QGH
- Single most important determinant in whether or not DNA will be recovered, and whether or not victim will cooperate
- If you are in the case early, make sure this is where victim goes for treatment
- EMS WILL TRANSPORT, NO MATTER WHICH HOSPITAL IS CLOSEST
- Suspect Evidence Collection Kit

# DNA

- Body is a crime scene

# Pre-arrest interviews

- Team up with specially trained detectives
- Interview victim before an arrest is made with the ADA assigned
- Usually in cases where victim and suspect are known to each other
- Intoxication is an issue

Hugely beneficial....

- Controlled Calls
- Controlled meets

# Volunteer Advocates Program: SAVI

- Trained volunteers (non-lawyers) on-call around the clock to provide immediate crisis intervention, emotional support, and information to female and male survivors of rape, sexual assault, incest, and domestic violence in the Emergency Room.
- Goal: Provide victims support, and to inform them of what lies ahead in the investigation of these cases, and to even accompany them to the precinct or to the DA's office if they would like the company.
- No formal decision-making role in the investigation

Limited role of the volunteer victim advocates provides meaningful comfort to the victims without interfering in any way with the investigation and prosecution.

In our county, the instances of victims retaining counsel: Rare

- Victims are comfortable and satisfied with the combination of prosecutor and advocates/social workers

# Concerns with victims' counsel

- Relationship that exists between the victim and her counsel could circumvent and/or diminish the very critical relationship that my ADAs build with their victims; that is, a relationship that fosters trust and full disclosure.

# Concerns

- No full disclosure to ADA, only to counsel
- Brady issues

What to do if victim's counsel takes a position contrary to ADA?

# DA's Primary responsibility is to represent the government...

- Doesn't mean that our work somehow ignores the needs or rights of our victim-witnesses
- Possibility of third lawyer could circumvent the critical relationship between DA and victim
- Need candid and open relationship to succeed at trial

# Relationship between DA and Victim can be extraordinary....

*"I plan on going on to establish a foundation to help others in situations like mine and those who are just in need. In a situation like this the typical things is to be battered, sad, scared and defined by my past but that is not me I am an overcomer who has been blessed to have God put such amazing people in our lives to support and defend us... you have done everything you could and I know without a doubt that if we had to go to court 6 times you would stand by us. You are an amazing person and I admire what you do.*

*You know what in this process I have walked away knowing amazing people like yourself that I will always hold very close to my heart. Thank you for your help and support and May God bless you and your family beyond measure. Remember this is the beginning of a beautiful story."*