



Sexual Assault Coordinated Community Response Task Force

May 5, 2021 Virtual Meeting

Meeting Notes

Members in Attendance: *Maria Aceves, Judge Sabrina Ahrens, Senator Manka Dhingra, Flora Diaz, Alicia Eyer, Lisa Henderson, Jessica Johnson, Katerina LaMarche, Susan Marks, Kole Musgrove (on behalf of Representative Gina Mosbrucker), Paula Newman-Skomski, Representative Tina Orwall, Paula Reed, Ben Santos, Kasandra Turner, Stephanie Wahlgren, Tara Wolfe*

Members Absent: *Suzi Fodi, Desiree Hamilton, Kate Hemann, Ali Hohman, James McMahan, Senator Shelly Short, Terri Stewart, DeAnn Yamamoto*

Participants: *Leah Griffin, Brooke Leary, Heather McLeod, Elizabeth Montoya, Luc Poon, Kelly Richburg, Lauren Vlas*

1. Call to Order

Seventeen members were present, which is a quorum. By unanimous consent, the Task Force adopted the agenda for the May 5, 2021. By unanimous consent, the Advisory Group approved the notes from the February 17, 2021 meeting.

2. Guiding Principles Exercise

Participants broke up into small groups to discuss guiding principles for the Task Force's work. Research on Sexual Assault Response Teams (SARTs) indicates that mission statements and guiding principles can help SARTs by aligning decisions with their team's mission. With that in mind, the groups came up with these values:

- Be guided by the voices of survivors. Center survivors who are least resourced. Seek feedback from survivors.
- Commit to working together to solve problems.
- Recognize that everyone has something valuable to add, regardless of title or position.
- Create a culture of respect and inclusion.
- Listen to understand, rather than to respond.
- Admit mistakes, accept constructive criticism, and continuously learn.
- Assume positive intent.
- Be open-minded and do not react defensively.
- Acknowledge traditional hierarchies. Acknowledge intersections of identity.
- Address who is missing from the room.
- Call out victim blaming and racial bias and sit with the discomfort of these realities.

- Be sensitive to smaller jurisdictions, recognize that they can have both promising practices and resource constraints.

3. Report-out: Community Outreach and Engagement Efforts

Paula Reed shared a report-out from the Task Force’s community outreach and engagement subgroup. The small group met in April to discuss proactive outreach and engagement to community-based organizations directly serving survivors, as well as organizations representing and serving underserved communities the Task Force aims to reach. The purpose of outreach and engagement is to address the need for more informed decision-making, centering survivors and the people closest to the problem in the work that the Task Force is doing. The subgroup spent time discussing goals for outreach, the values that are guiding this work, strategies, and how the Task Force can track progress. Initially, outreach will involve informing community-based organizations about the Task Force and sharing invites to meetings. Later, there may be opportunities for surveys, interviews, public meetings and other feedback sessions. All participants are invited to review the outreach list and let staff if you recognize any of the organizations and are willing to share with them information about the Task Force and the opportunity to get involved. Staff will provide messaging that you can share in newsletters, emails, or on social media to help get the word out.

4. Presentation & Discussion: Findings and Recommendations from Two Key Audits

The Task Force welcomed guests to present on two local sexual assault audits that were completed recently. Brooke Leary, Senior Principle Management Auditor, and Luc Poon, Principle Management Auditor, with the King County Auditor’s Office and Elizabeth Montoya, Director of the Bellingham/Whatcom County Commission on Sexual and Domestic Violence shared their time and expertise with the Task Force.

Luc Poon and Brooke Leary described key findings of the King County audit.

- **Most survivors dropped out early in the criminal-legal process, as the system winnowed down the cases that were prosecuted.** Of more than 2,500 sex offenses reported, 162 perpetrators were ultimately convicted in Superior Court. About half of all cases did not get a detective assigned. Half did not have any witness interviews. Less than one third of cases were referred to the Prosecuting Attorney’s Office Special Assault Unit. This may occur, among other reasons, when the perpetrator has not been identified. Ten percent of cases were filed in Superior Court, meaning that prosecutors felt that they had sufficient evidence to prove the case. Defendants were convicted of a felony charge in 6% of cases overall, which represented 67% of filed cases (the conviction rate jumped to 90% when excluding open cases). These figures are consistent with national rates.
- **Some survivors missed connections to resources, such as advocates.** Patrol deputies, typically victims’ first point of contact, did not consistently provide victims with resource information. Moreover, the available information lacked clarity, for example, referring to domestic violence, not sexual assault. In addition, prosecutors referred victims to advocacy services at the time of filing – this could sometimes be months after the prosecutor received the referral from law enforcement.
- **Cases took a long time to resolve due to increasing caseloads, the complexity of cases, and limited resources.** More than half of cases took more than one year from the initial report to

conviction; 12% exceeded two years. Reports of sex offenses to the King County Sheriff's Office increased more than 20% over the last several years. This doesn't necessarily mean that the number of assaults rose; rather, people may be more comfortable reporting given cultural factors, like the "Me Too" movement. Cases have grown in complexity due to digital evidence, like cell phone data. Detectives in the King County Sheriff's Office have about 30 open cases, on average.

- **Better data could help identify inequities in case outcomes.** The prosecutor's office does not collect victim or defendant race data. The Department of Public Defense, however, provided some data on defendants and the auditors found that white defendants were 10% more likely to enter into a plea agreement.

Recommendations:

- Develop a checklist for patrol deputies.
- Create a sex offense-specific resource handout for victims.
- Provide advocacy information at the time of referral from law enforcement, instead of at the time of filing.
- Collect and track demographic data. Ben Santos reported some progress with this recommendation – the King County Prosecuting Attorney's Office is working with the Indian Health Board to not only collect demographic data, but train law enforcement on how to properly do so.

The King County Auditor's report is available at: <https://kingcounty.gov/~media/depts/auditor/new-web-docs/2020/sai-2020/sai-2020.ashx?la=en>

Elizabeth Montoya discussed some of the widespread myths and misconceptions about sexual assault. For example, if victims cannot provide a complete, linear description of the assault, everything they say is called into question. Furthermore, jurors have a particular idea of what constitutes sexual assault and may discount the survivor's experience if it differs from their expectations (e.g., if the survivor agreed to drink, knew the suspect, engaged in some consensual sexual activity, lacks physical injury, etc.). Elizabeth Montoya also touched on the impacts of implicit bias and institutional racism on Native survivors, in particular, noting that Native women are 2.5 times more likely to be sexually assaulted than women of other racial groups. There is also a perception that sexual assault that occurs on reservations will go unpunished.

Elizabeth Montoya described key audit findings and recommendations from the Whatcom County audit:

- Delays in case processing.

Recommendations:

- Develop protocols to work to minimize delay and ensure that at every point of contact, all practitioners inform survivors of any expected timelines and potential delays and refer them to community based advocacy services.
- Forensic Nurses: Research and implement best practices in forensic nurse scheduling and protocol, consulting with the International Association of Forensic Nurses (IAFN) and/or model SANE programs in other communities.

- Law Enforcement and Prosecution: Develop protocols for timely sexual assault case processing, addressing expected timelines for assigning cases to detectives or prosecutors, contacting survivors for interviews and case status updates, and identifying and interviewing witnesses.
- Prosecution: Develop and implement deadlines for reviewing sexual assault cases and develop procedures for regular supervisory review of pending cases to ensure that deadlines are met.
- Lack of follow up, communication, and engagement of survivors

Recommendations:

- Seek and implement increased training and partnership opportunities for practitioners serving communities that experience marginalization to address unique needs and barriers, including LGBTQ+ survivors, survivors with disabilities, and survivors of color. Establish protocol to consult with and refer to culturally specific advocacy agencies whenever possible.
- Assess language access policies to ensure safe, meaningful language access for survivors.
- Community Based Advocacy: Implement an advocacy-initiated response for survivors of sexual assault, developing protocol and timeline for follow up, safety planning, and offering legal advocacy for all survivors who receive support during a sexual assault exam, a call to the helpline, or reporting to law enforcement or other systems.
- Law Enforcement and Prosecution: Develop protocol for survivor engagement and follow up in sexual assault cases, defining who is responsible for contact with survivors and when.
- Consistent follow up with survivors should include: seeking survivor input on their justice needs and hopes for their cases; notifications of receiving case referrals from law enforcement, case updates and delays, case decision points, reviews of prosecution timelines and processes, and case declinations, dismissals, closures, or no actions; timely preparation with survivors for impact statements; face-to-face meetings with survivors upon receiving cases; and providing referrals to community based or Tribal advocacy services for information, advocacy, and support
- Case outcomes impacted by perceptions of survivor credibility - often to the exclusion of investigating suspect behavior and credibility.

Recommendations:

- Law Enforcement: Develop and implement protocols to reduce gender bias using guidance from the IACP, EVAWI, and DOJ on best practices for report writing and sexual assault investigations.
- Prosecution: Seek training on and opportunities such as *voir dire* and using expert witnesses to increase jury education regarding implicit bias (especially gender and racial bias), impacts of trauma, misconceptions about survivor credibility, suspect behavior and grooming, and other sexual assault dynamics.
- Prosecution: Implement protocol requiring that prosecutors present their decision and reasons to the Chief Criminal Deputy prosecutor whenever possible, before officially declining, closing, dismissing, or “no actioning” cases, and provide oversight to ensure the survivor is notified in a timely and trauma-informed manner.
- Prosecution: Implement protocol to encourage prosecutors, when reviewing sexual assault cases, to consider opportunities for additional evidence collection that could strengthen the case and to request that law enforcement seek and provide that evidence.

- Lack of criminal accountability for offenders

Recommendations:

- Law Enforcement: Develop a screening procedure, database, or software that can be used to easily and routinely match offenders in current reports with past cases across law enforcement jurisdictions, initiating the process of identifying repeat offenders.
 - Law Enforcement: Develop investigative protocols for sexual assault that include steps for identifying all relevant potential witnesses and evidence, including electronic evidence.
 - Law Enforcement and Prosecution: Implement procedures to assign all reported sexual assault cases to detectives and refer all sexual assault cases to prosecution. Upon prosecutorial review, detectives should complete any follow up requested by the prosecutor to strengthen the case.
 - Prosecution: Implement procedure to regularly identify common themes and barriers that factor into decisions to decline, close, dismiss, or no action cases, and collaborate with technical assistance providers to improve institutional responses and overcome themes that are barriers to justice.
- Lack of expertise in sexual assault dynamics and trauma-informed practices among responders

Recommendations:

- Establish protocol for practitioners to begin their interactions with survivors by using statements of support or validation, including statements such as “I’m sorry this happened to you,” “I believe you,” or “I’m sorry to meet under these circumstances.”
- Establish protocol for practitioners to routinely refer to community-based and Tribal sexual assault advocates for case consultation, resources, and information regarding sexual assault, and invite advocates to support survivors during case processes.
- Law enforcement: Institutionalize trauma-informed interview training and techniques as a necessary skill for all officers responding to sexual assault.
- Prosecution: Develop protocol for preparing survivors for defense interviews, ensuring survivors are aware of their rights, explaining the limited role of the prosecutor, and notifying survivors that they can have their own attorney or advocate present.

Elizabeth Montoya provided overall recommendations as well, including:

- Institutionalize ongoing learning opportunities for all practitioners on gender oppression, racial oppression, and other forms of oppression.
- Explore methods of disaggregating data.
- Develop and maintain culturally specific partnerships, training, and referrals.
- Explore methods for increasing opportunities for survivor input and feedback on strengths and gaps in systems responses (e.g., victim input panels, conducting ongoing survivor interviews and focus groups, creating a database for survivor input).

The audit report is available at: <https://www.dvcommission.org/sanda>

5. Legislative Update

Participants heard about several sexual assault-related bills that passed during the 2021 Legislative Session.

Bill Number	Key Features
House Bill 1109	<ul style="list-style-type: none"> Requires the Office of the Attorney General, in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), to collect status updates on cases tied to previously unsubmitted sexual assault kits where there is a CODIS hit. Requires WASPC to submit reports on case status information to the Governor and appropriate committees of the Legislature by January 1st and July 1st of each year beginning in 2022. Requires the Criminal Justice Training Commission to conduct an annual case review program to review sexual assault investigations and prosecutions for the purposes of improving training and case outcomes. Expands the statutory rights for sexual assault survivors.
Senate Bill 5183	<ul style="list-style-type: none"> The Office of Crime Victims Advocacy must 1) develop practices for local communities to increase access to forensic nurse examiner services in nonfatal strangulation assaults by January 1, 2022 and 2) develop strategies to make forensic nurse examiner training available throughout the state without causing unreasonable travel or expenses for nurses and medical facilities by October 1, 2022. Authorizes the Crime Victims Compensation Program (CVCP) to pay for forensic examination of domestic violence victims of nonfatal strangulation and prohibits charging the victim for the examination, without the victim having to apply for benefits from the program, through June 30, 2023. Requires the Department of Labor and Industries to report to the Legislature regarding the number, type, and amount of claims for nonfatal strangulation exams.
Senate Bill 5180	<ul style="list-style-type: none"> Establishes a process for applying to vacate convictions for offenses that were committed as a result of being a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence.
House Bill 1320	<ul style="list-style-type: none"> Consolidates and harmonizes laws governing domestic violence protection orders, sexual assault protection orders, stalking protection orders, anti-harassment protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter governing all protection orders. Revises laws governing orders to surrender and prohibit weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and domestic violence no-contact orders.
Senate Bill 5177	<ul style="list-style-type: none"> Removes the requirement that the perpetrator of a sex crime against a minor child or vulnerable adult not be married to the victim at the time of the offense.

6. Preview of Adult Protocol Development Process

Participants engaged in an initial discussion about developing best practice protocols or guidelines for a coordinated community response to adult sexual assault survivors. Protocols/guidelines are model practices or agreements between agencies about the provision of sexual assault services and the roles and responsibilities of core responders. They provide a tool to facilitate collaboration, tailored to local needs, and are intended to be a living document that is revised as needed. Participants previously discussed working on protocol/guideline development in a small group that will report back to the larger Task Force. The group will not need to reinvent the wheel, as there are resources available through the Sexual Violence Justice Institute, the National Sexual Violence Resource Center and importantly, the experience of participants in this group and the broader community.

Whatcom County Sexual Assault National Demonstration Audit

Presentation for WA SACCR Task Force

May 5, 2021



COMMISSION
ON SEXUAL & DOMESTIC VIOLENCE

Inspiring and coordinating community efforts to address sexual and domestic violence

Mission

Inspiring and coordinating our community's efforts to address domestic and sexual violence.

- **Connect** institutions, stakeholders, and communities
- **Transform** systems
- **Foster** safety, justice, and well-being

Sexual Assault National Demonstration Audit

How is the Bellingham-Whatcom County criminal legal system organized to meet the justice needs of survivors of sexual assault?

Methodology and Data Collection

- Multidisciplinary Audit Team
- Methodology of a Safety and Accountability Audit
- Over 120 data collection activities completed over 18 months

Full report: <https://www.dvcommission.org/sanda>

Centering Survivor Voices

Sometimes the way agencies respond, or don't respond to you ends up actually being worse of an experience than the incident.

There are so many missed opportunities by many people in power to even acknowledge harm done, to offer condolences.

I wanted acknowledgment that it happened. It felt unfair when the officer asked if I thought he would do it again. He already did it once! I was like - that should tell you something.

I was embarrassed because I thought it was my fault.

Centering Survivor Voices

I think I would like my abuser to just acknowledge that it happened. I want him to acknowledge that he did what he did and have him deal with that.

Justice for me [would be] this person realizing that what they did was wrong. He deceived me when I was blacked-out-drunk and he had no remorse. He just denied that it happened and said I wanted it.

I wanted him to feel bad and know that his actions have consequences.

As someone who never reported, I never once considered justice to be in the realm of possibilities of something that could be possible for me.

Overarching Themes

Theme I: The ways that our community institutions understand and respond to reports of sexual assault are influenced by widespread societal myths and misconceptions about sexual assault.

Overarching Themes

Theme II: Implicit bias, institutional racism, and other systemic oppressions lead to inequitable outcomes in the ways our community institutions serve and partner with marginalized communities, particularly Native communities.

Findings Overview

1. Delays in case processing
2. Lack of follow-up, communication, and engagement of survivors
3. Case outcomes impacted by perceptions of survivor credibility
4. Lack of criminal accountability for offenders
5. Lack of expertise in sexual assault dynamics and trauma-informed practices

Gap I

There are systemic delays in processing sexual assault cases.

Recommendations

- Develop protocols to diligently work to minimize delay and ensure that at every point of contact, all practitioners inform survivors of any expected timelines and potential delays and refer to community-based advocacy services.
- Forensic Nurses: Research and implement best practices in forensic nurse scheduling and protocol, consulting with the International Association of Forensic Nurses (IAFN) and/or model SANE programs in other communities.
- Law Enforcement and Prosecution: Develop protocols for timely sexual assault case processing, addressing expected timelines for assigning cases to detectives or prosecutors, contacting survivors for interviews and case status updates, and identifying and interviewing witnesses.
- Prosecution: Develop and implement deadlines for reviewing sexual assault cases and develop procedures for regular supervisory review of pending cases to ensure that deadlines are met.

Gap II

Sexual assault survivors experience a lack of follow-up, communication, and engagement from responding systems.

Recommendations

- Seek and implement increased training and partnership opportunities for practitioners serving communities that experience marginalization to address unique needs and barriers, including LGBTQ+ survivors, survivors with disabilities, survivors of color. Establish protocol to consult with and refer to culturally-specific advocacy agencies whenever possible.
- Assess language access policies to ensure safe, meaningful language access for survivors.
- Community-Based Advocacy: Implement an advocacy-initiated response for survivors of sexual assault, developing protocol and timeline for follow-up, safety planning, and offering legal advocacy for all survivors who receive support during a sexual assault exam, a call to the helpline, or reporting to law enforcement or other systems.
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Gap III

The quality of institutional responses to reports of sexual assault is significantly influenced by perceptions of survivor credibility – often to the exclusion of investigating suspect behavior and credibility.

Recommendations

- Law Enforcement: Develop and implement protocols to reduce gender bias using guidance from the IACP, EVAWI, and DOJ on best practices for report writing and sexual assault investigations.
- Prosecution: Seek training on and opportunities such as voir dire and using expert witnesses to increase jury education regarding implicit bias (especially gender and racial bias), impacts of trauma, misconceptions about survivor credibility, suspect behavior and grooming, and other sexual assault dynamics.
- Prosecution: Implement protocol requiring that prosecutors present their decision and reasons to the Chief Criminal Deputy prosecutor whenever possible, before officially declining, closing, dismissing, or no-actioning cases, and provide oversight to ensure the survivor is notified in a timely and trauma-informed manner.
- Prosecution: Implement protocol to encourage prosecutors, when reviewing sexual assault cases, to consider opportunities for additional evidence collection that could strengthen the case and to request that law enforcement seek and provide that evidence.

Gap IV

There is a lack of criminal accountability for reported sexual assault offenders in our community, which includes and may enable repeat offenders.

Recommendations

- Law Enforcement: Develop a screening procedure, database, or software that can be used to easily and routinely match offenders in current reports with past cases across law enforcement jurisdictions, initiating the process of identifying repeat offenders.
- Law Enforcement: Develop investigative protocols for sexual assault that include steps for identifying all relevant potential witnesses and evidence, including electronic evidence.
- Law Enforcement and Prosecution: Implement procedures to assign all reported sexual assault cases to detectives and refer all sexual assault cases to prosecution. Upon prosecutorial review, detectives should complete any follow-up requested by the prosecutor to strengthen the case.
- Prosecution: Implement procedure to regularly identify common themes and barriers that factor into decisions to decline, close, dismiss, or no-action cases, and collaborate with TA providers to improve institutional responses and overcome themes that are barriers to justice.

Gap V

Across systems, there is lack of expertise in sexual assault dynamics, trauma-informed practices, and effective survivor engagement.

Recommendations

- Establish protocol for practitioners to begin their interactions with survivors by using statements of support or validation, including statements such as “I’m sorry this happened to you,” “I believe you,” or “I’m sorry to meet under these circumstances.”
- Establish protocol for practitioners to routinely refer to community-based and Tribal sexual assault advocates for case consultation, resources, and information regarding sexual assault, and invite advocates to support survivors during case processes.
- Law enforcement: Institutionalize trauma-informed interview training and techniques as a necessary skill for all officers responding to sexual assault.
- Prosecution: Develop protocol for preparing survivors for defense interviews, ensuring survivors are aware of their rights, explaining the limited role of the prosecutor, and notifying survivors that they can have their own attorney or advocate present.

Community-Wide Recommendations

- Institutionalize ongoing learning opportunities for all practitioners on gender oppression, racial oppression, and other forms of oppression
- Explore methods of disaggregating data
- Institutionalize SART model – survivor-centered with core intervention principles (SVJI)
- Elevate the role of community-based and Tribal advocates
- Develop and maintain culturally specific partnerships, training, referrals
- Explore methods for increasing opportunities for survivor input and feedback on strengths and gaps in systems responses – creating victim input panels, conducting ongoing survivor interviews and focus groups, and/or creating a database for survivor input

Thank You

Elizabeth Montoya (she/they)

Director, Bellingham-Whatcom County Commission on Sexual & Domestic Violence

phone: 360.312.5700

email: emontoya@dvcommission.org

web: <http://dvcommission.org>