



Legal Advocacy State Assessment Summary 2014

WCSAP prioritized gathering information about sexual assault legal advocacy practices because we have heard from advocates that sexual assault survivors face many challenges within the legal system. This means that legal advocacy is also challenging and that advocates need support for their work in this system.

We gathered information from community sexual assault programs during site visits and requests for technical assistance, and primarily via an extensive legal advocacy assessment tool. In January and February 2014, WCSAP conducted a survey of Washington State sexual assault advocacy program staff about advocacy within the Washington State criminal and civil legal systems.

WCSAP is continually working to improve the legal system's response to survivors and to meet advocates' needs around legal advocacy work. The purpose of the survey was to help WCSAP prioritize and guide future activities such as training, collaboration, resource development, and system advocacy.

Below is a short summary of selected results, which highlight promising practices and the most pertinent issues using data and relevant quotes from survey respondents. Due to the complexity of the survey findings, we also plan to develop a resource document that provides information and guidance in response to specific questions raised and challenges identified in the survey.

Respondents:

- 66 people took at least a portion of the survey
- Five or more respondents from each region in the state
- Respondents were: community based advocates, Executive Directors/Program Managers, and system based advocates.

Topic Areas:

Advocacy in the Criminal Justice System with Adults and Teens

This section asked respondents who advocate with adults and teens in the criminal justice system to answer questions related to the handling of these cases and the treatment of survivors during the criminal justice process.

- 97% of respondents provide legal advocacy services with adults and teens in the criminal justice system.
- The majority of these survivors get connected with advocacy services at the reporting phase (51%) and 42.6% of the connections are through a referral from law enforcement.
- Respondents provide advocacy services at all stages of the criminal justice process, with a particular emphasis on: reporting, detective and prosecutor interviews, and trial.
- Although almost 32% of respondents reported that law enforcement's understanding of sexual assault dynamics is "Excellent" or "Very Good," almost 49% reported that law enforcement's understanding was "OK" or "Poor."
- Prosecutors' understanding of these dynamics received a similar rating (about 36% were "Excellent" or "Very Good").
- 66% of respondents indicated that adult and teen sexual assault cases typically end in a plea; many survivors (45.2%) have both input and knowledge about the plea prior to an offer being made and many others have at least knowledge (29%) that it is happening.

Advocacy with Children in the Criminal Justice System

This section asked respondents who advocate with children in the criminal justice system to answer questions related to the handling of these cases and the treatment of survivors during the criminal justice process.

- Almost 92% of respondents provide legal advocacy services to child survivors in the criminal justice system.
- The majority of these survivors get connected with advocacy services at the reporting phase (52.3%) with 50% of these connections happening through a referral from another service provider, such as Child Protective Services.
- Most respondents felt confident about law enforcement's understanding of child sexual assault dynamics, with more than 72% rating this as "Good", "Very Good," or "Excellent."
- Prosecutors' understanding of these dynamics received a similar rating (75%).

- 54.5% of respondents reported that child cases typically end in a plea; many survivors and parents (62.5%) have both input and knowledge about the plea prior to an offer being made and many others have at least knowledge (about 21%) that it is happening.

System Coordination

These sections asked respondents to answer questions about their systems advocacy efforts in their community.

- Less than half of respondents reported that prosecutors are regularly filing charges in adult (about 43%) and teen (about 47%) sexual assault cases. In child cases, the numbers are considerably higher (about 63%).
- 44.7% of respondents indicated that adult and teen cases typically take 1 – 2 years from reporting to sentencing.
- 45.5% of respondents indicate that child sexual assault cases typically take 1 – 2 years from reporting to sentencing.
- Many respondents (25%) were unsure how long criminal sexual assault cases take to be resolved.

Civil Legal Advocacy

This section asked respondents about their advocacy work with survivors on civil legal issues, including: protection orders, family law, housing, and employment.

- 90% of respondents advocate with survivors who have civil legal needs:
 - 100% of these respondents provide protection order advocacy
 - 80.6% provide advocacy with survivors who have family law issues
 - 75% with survivors who have housing legal issues
 - 72.2% with survivors who have employment legal issues related to sexual assault or harassment
- The number of survivors who received assistance from each survey respondent annually with obtaining or renewing a Sexual Assault Protection Order (SAPO) varied widely, from “less than 5” to “more than 30.”
- Issues related to SAPO advocacy included:
 - Judges/commissioners never appoint an attorney for the petitioner when the respondent has one (61.1%).
 - SAPO hearings are being treated more formally than Domestic Violence Protection Order hearings (33.3%).

- Issues related to family law advocacy included:
 - 40% of respondents reported that their county bar association does not have a list of pro bono family law attorneys and 33.3% were unsure if there was a list.
 - There are family law attorneys who understand sexual violence and child sexual abuse, but 46.7% of respondents reported that they are limited.
- Most respondents who provide legal advocacy to survivors who have housing issues: inform survivors of their rights (87.1%) and write letters to landlords to support survivors' requests to break a lease (74.2%).
- Respondents who provide employment legal advocacy services mostly see survivors who are experiencing sexual harassment in the workplace (30%) but many were unsure (23.3%) whether survivors were experiencing issues related to the need to take leave time from work for legal appointments or ongoing medical care. Most respondents safety plan with survivors for the workplace (83.3%).

Challenges, Program Priorities, & Needs

- Judicial education may be needed in communities across Washington. 44.7% of respondents reported that they only "Somewhat Agree" that judges/commissioners in their area understand sexual violence. Although, the majority (57.9%) said that judges/commissioners understand and respect an advocate's role (Strongly Agree or Agree).
- Training for attorneys is also necessary, with many programs reporting this as a top need for civil and criminal attorneys, along with access to private attorneys.
- Information and training about civil legal issues was another top priority.
- Programs' records are being subpoenaed or otherwise requested and advocates are being subpoenaed and requested to testify, although neither is happening often. Respondents don't always feel prepared to respond and would like assistance in this area.
- The most common response (47.4%) was "Somewhat Satisfied" when asked about services provided by attorneys or legal services organizations to survivors and advocacy programs.
- Survivors are experiencing immigration legal issues and access to justice issues related to interpretive services.

- Selected quotes from respondents that reflect repeated themes about challenges they are experiencing:
 - “Negative response to victims by system professionals, including victim-blaming.”
 - “Inconsistency of commissioners and judges.”
 - “The prosecution is hesitant to file when alcohol or drugs are involved.”
 - “Obtaining information from the Prosecutor’s Office is sometimes challenging.”
 - “The citizens that make up our juries are not well-informed about sexual assault.”
 - “Cultural biases, victim blaming, stereotyping, and racial bias.”
 - “That the judges and other legal professionals don’t have much training or understanding of sexual assault.”
 - “Teens being dismissed as [not] credible or compliant in the assault.”
 - “Lack of referrals from the prosecutor and law enforcement...allowing systems advocate to play the primary role of advocacy is a concern.”
 - “Judges seem to dismiss SAPOs at hearing more often than DVPOs.”
 - “The SAPO hearings are treated like mini trials.”

- Selected kudos from respondents about their system partners:
 - “Kudos for detectives working with special victims (e.g. young children) and their understanding of how SA affects children.”
 - “The prosecutors work tirelessly to take cases to court, to support the victims and keep them involved in the process.”
 - “Judge allows us to always be present as advocates.”
 - “Several of our prosecutors are very supportive of victims’ rights.”
 - “We have positive and consistent communication with CPS, LE, hospitals, the CAC, and courts.”
 - “Prosecuting Attorney is very concerned with balancing the possible trauma induced by having a child testify in court with the actual probability that a perpetrator will be convicted.”
 - “We have fabulous prosecutors who though extremely overworked take time for the most part to stay in communication with families and advocates and give them meaningful voice in the process.”

Conclusion:

Although many survey respondents had praise for specific system partners, many more reported challenges with criminal and civil legal system responses to survivors. Since it is clear that more information and resources are needed, WCSAP has prioritized creating a resource document in the coming year that will address the needs identified by this assessment. Responding to the need for information will hopefully support programs’ legal advocacy efforts. In addition, systems advocacy is needed and WCSAP is available to support programs’ advocacy work in this complex system.