

**WORKING GROUP ON SUPPORT
FOR SURVIVORS OF SEXUAL ASSAULT**

FINAL REPORT

April 2025



**OFFICE OF THE
FIRST PARTNER**

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MESSAGE FROM THE CO-CHAIRS

Dear Colleagues, Advocates, and Partners,

Sexual violence is a pervasive and deeply entrenched crisis, one that inflicts profound and lasting harm on individuals, families, and communities – not to mention our economy. When women are not safe – when they are violated, harassed in person or online – it is a reflection of a society that devalues them and denies their lived experience.

In California, the stark reality that one in five women will report being sexually assaulted underscores the urgency of this issue and the moral imperative to act. Recognizing this, we convened the Sexual Assault Working Group in 2023 with a clear and resolute purpose: to harness the collective expertise of leaders, advocates, and survivors to reimagine a more compassionate, just, and effective response to sexual violence in our state.

California has long been a national leader in addressing sexual assault. From establishing the country's first Victim Compensation Program in 1965 to creating specialized Rape Crisis Centers and implementing the Violence Against Women Act, our state has pioneered initiatives aimed at protecting and empowering survivors. Yet, despite these strides, countless survivors still face systemic obstacles that perpetuate harm and hinder their recovery.

Through rigorous analysis and collaboration, this working group has identified critical gaps in our current systems and proposed transformative solutions. Among these recommendations, we call for sustainable funding to ensure uninterrupted victim support services, expanded access to trauma-informed care for rural and underserved communities, and enhanced training for law enforcement and judicial officers to better serve survivors – reducing the fear, shame, and retraumatization that can come with seeking justice. We also advocate for strengthening the tracking and testing of forensic evidence kits, including the creation of a unified database to identify serial offenders and ensure accountability, while emphasizing the importance of culturally relevant, trauma-informed, survivor-centered practices across all systems.

This report represents not just a roadmap but a call to action—a demand for a future where survivors are met with unwavering empathy, respect, and a system that prioritizes their healing and empowerment at every turn. By adopting these recommendations, California can reaffirm its commitment to addressing sexual violence in all its forms.

We are profoundly grateful to the dedicated members of this working group, as well as the survivors and advocates who courageously shared their insights and experiences to inform this work. Together, we can chart a path forward toward a more equitable California—one that ensures every survivor's right to safety.

With deepest gratitude and commitment,



Jennifer Siebel Newsom
First Partner of California



Nancy O'Malley
Retired District Attorney, Alameda County

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INTRODUCTION & OVERVIEW

*A recent national report released by the Centers for Disease Control and Prevention (CDC) found that **one in five women report being sexually assaulted**. According to RAINN, a national Sexual Assault Prevention Agency, **out of every 1,000 sexual assaults, 975 perpetrators will walk free; 310 of every 1,000 sexual assault crimes are reported; 50 out of every 1,000 perpetrators are arrested and more than half of those arrested are convicted**.*

How Far We Have Come; How Far We Have To Go

Our History

In the United States public prosecution system, historically there had been little to no consideration paid to victims of sex crime, including by law enforcement, investigators, prosecutors, defense attorneys, and judges. Historically, the criminal justice system and those working within it discounted certain crimes, such as sexual assault, treating them as “family matters.” As a result, sex offenders went free, and victim-survivors were forced to suffer in silence.

Our justice system has made great progress with increased social services for victim-survivors and with critical laws being passed to protect the rights of victims of crime. However, we recognize that far too many victim-survivors are still not protected, are not afforded the services deserved, and are done a disservice as they interact with our legal system. Victim-survivors often report feeling blamed, betrayed, abused, and disregarded by the criminal justice system. Many victim-survivors consciously decide not to engage with the prosecution or law enforcement for fear of the system or how they will be treated. However, through this report, victim-survivors can gain awareness of the effective services, accessible resources, healing support, and courtroom justice available in California. Below are a few notes on some of the progress made around laws, services, and support for victim-survivors in the past century.

Key Dates in the Movement to Increase Support for Survivors of Sexual Assault

- **1965** – California created the first Victim Compensation Program in the United States to support victims with reimbursement for injuries or death related to violent crimes, including sexual assaults.
- **1971** – Bay Area Women Against Rape (BAWAR) opened and received federal funding – illustrating the importance of support for victim-survivors of sexual assault.
- **1974** – Alameda County created one of the first prosecutor offices with a specialized unit to support victims of crime through its Victim-Witness Assistance Program and embraced the motto “Victims’ Rights are Civil Rights.”
- **1976** – Over 400 Rape Crisis Centers were established across the nation to aid victim-survivors of sexual violence at the local level.
- **1982** – President Reagan established the Victims of Crime Act (VOCA), the leading source of funds for Rape Crisis Centers and other victim-survivor support centers.
- **1994** – President Bill Clinton signed the [Violence Against Women Act of 1994](#) (“VAWA”) into law, providing increased financial and human resources for the investigation and prosecution of sexual and violent crimes against women. VAWA also increased protections for Native American women by providing resources for tribes to address gender-based violence for and within

their communities and acknowledging tribal sovereignty and jurisdiction. VAWA was reauthorized in 2000, 2005, 2013, and 2022. The most recent reauthorization, signed by President Joe Biden, increased training for sexual assault examiners, strengthened grant programs for systems responding to victims of sexual violence, and enacted the Fairness for Rape Kit Backlog Survivors Act, among other achievements.

- **1994** – Congress passed the [DNA Identification Act](#), which authorized the FBI to create a national DNA database that included forensic DNA samples collected through Forensic Sexual Assault kits. As of January 2025, there were more than 18 million DNA profiles in the DNA database.
- **2017** – The “MeToo” campaign went grassroots. By the end of 2017, more than 19 million sexual assault survivors added their names to those who had experienced sexual assault.
- **2023** – The California Department of Justice has more than 2 million DNA profiles in its DNA database of sexual assault perpetrators.

Despite these achievements, society still requires progress to prevent sexual assault, improve response and service for victim-survivors, and make the legal system humane and respectful. According to a recent report from the CDC and Department of Justice, “Rape and sexual assault are serious offenses. So why aren’t they reported?” The report shows 20% of victim-survivors worry about retaliation — not just from the perpetrator, but from society at large, and 13% said they think the police would not do anything to help. Tragically, 8% said they didn’t think the rape or sexual assault was important enough to report.

California has led the efforts to support and empower sexual assault victim-survivors and to educate the public. California’s efforts include dispelling myths, ensuring systems are informed by evidence, and responding appropriately. California is also working on requiring resources for survivors’ healing and empowerment, and developing forensics to identify accountable perpetrators of sexual assault crimes. This report will outline the current status of support services, forensic exam kits, law enforcement training, and courtroom witness supports, as well as identify opportunities to improve systems to better serve victim-survivors.

SUPPORT SERVICES FOR VICTIMS

California has identified and built multiple support structures to assist, support, and accompany victim-survivors through the aftermath of a sexual assault. The victim-survivor may seek and receive services from providers irrespective of when the crime occurred.

There are two main funded support systems that primarily focus on supporting victim-survivors: the Victim Witness Assistance Program and the Rape Crisis Center Program. The two programs are different but are ongoing services that are critical to the healing and empowerment of the victim-survivor. The programs provide support and information, which are two critical components for victim-survivors to feel safe, to feel served, and to begin a healing process. These support services are staffed and managed by trained individuals, many of whom are volunteers. [It is well established that having an advocate available to and present for the victim-survivor after an assault is enormously beneficial to the victim-survivor.](#) There is also a continuum of care for the victim-survivor, including throughout the justice system if the victim-survivor chooses to engage. Some agencies and advocates hold all communications with the victim-survivor confidential and all victim advocate services provided are at no cost to the victim-survivor.

In California, victims of crime can access a range of services aimed at helping them recover from the physical, emotional, and financial impacts of crime. Services and resources are generally sourced by the California Victim Compensation Board, the California Office of Emergency Services, and the California Department of Justice, as well as local county funding, federal funding, and fundraising discussed below.

California law eliminated the statute of limitations for filing cases involving sexual assault crimes. A victim-survivor can have access to the Rape Crisis Center advocate or Victim Witness advocate at any time after the occurrence of a sexual assault.

Rape Crisis Centers

In 1973, California enacted legislation that recognized and elevated the need and structure of funded Rape Crisis Centers (RCCs) in California. The Governor's Office on Emergency Services (Cal OES) was designated as the agency to manage funding to RCCs.

"It is the intent of the Legislature that a goal or purpose of Cal OES is to ensure that all victims of sexual assault and rape receive comprehensive, quality services, and to decrease the incidence of sexual assault through school and community education and prevention programs."

Preamble to Penal Code section 13836(b)
establishing Rape Crisis Center

According to VALOR US, the Rape Crisis Coordination Agency for RCCs in California, there are 134 operational RCCs in California, but there are 84 RCCs receiving funding from Cal OES. There are 55 counties that have at least one RCC and several counties that have multiple RCCs. For instance, Los Angeles reportedly has 18 fully operational RCCs. Yuba, Sierra, and Glenn counties do not have an RCC, but they are adjacent to Butte County which has two RCCs. This is a strong demonstration of the commitment California has made to addressing sexual assault crimes and providing effective rape crisis services to victim-survivors of sexual assault.

Rape Crisis Centers and the Role They Play

Certified RCCs play a critical role in California. The services are unique from other service providers who may respond to sexual assault crimes. Rape crisis advocates are part of a Sexual Assault Rape Treatment (SART) team. The rape crisis advocate, whether a paid employee or volunteer, must complete a specific training program that includes crisis intervention and symptoms of Post Traumatic Stress Disorder, in order to hold communication with the victim-

survivor confidential. Confidential communication with a certified rape crisis advocate is an essential right of victim-survivors of sexual assault crimes protected by California law. Advocates are allowed to accompany victim-survivors for forensic examinations, interviews with law enforcement or prosecution, and in court. Importantly, all victim-survivors are always entitled to services from a rape crisis advocate, even if the sexual assault was never reported or they did not engage with the criminal justice system. Victim-survivors can receive services from a rape crisis agency no matter how much time has passed since the sexual assault or sexual abuse crime(s).

Victim Witness Assistance Program

Every county Board of Supervisors is responsible for identifying an agency to serve as the local Victim Witness Assistance Program (VWAP). In general, victim witness programs are affiliated and part of a district attorney’s office.

Victim Witness Advocate

Victim witness advocates primarily support victim-survivors throughout the justice system process. They also assist victim-survivors in preparing and submitting claims for coverage or reimbursement as a result of being a victim of a crime. They provide information about victims’ rights, explain how the criminal justice system works, and accompany the victim-survivor to meet with the police, the prosecution, and the court. The law allows the victim-survivor to have at least two supportive individuals, including either a victim witness advocate, a RCC advocate, or a person(s) of their choosing during court proceedings.

In 2023, Cal OES stated California Rape Crisis Centers served 46,461 individuals and provided:

45,260

individuals with counseling

13,117

individuals with advocacy and accompaniment

37,240

individuals with information and referrals

38,710

individuals with emotional support and safety services



Victim witness advocates differ from rape crisis advocates in that victim witness advocates do not have “confidential communication” privileges. If the victim-survivor discloses information to a victim witness advocate about the case or the accused that could tend to exonerate the accused, the victim witness advocate must disclose the information to the police or prosecution.

An essential right for victim-survivors of sexual assault is that law enforcement, prosecutors, and victim advocates are required to provide the victim-survivors with a document outlining their rights under California law. California law requires law enforcement to create a [“Sexual Assault Victims’ Bill of Rights Notification Brochure”](#) (Penal Code section 680.2) and to provide that brochure to the victim-survivor. The victim-survivor must also be notified of [Marsy’s Law](#), or the Constitutional Rights outlined in Article 1, Section 28b of the California Constitution. One of the important components of the Sexual Assault Victims’ Rights card is that it includes the right not to engage with law enforcement or the prosecution of a case. Another critical right is that a judge cannot place a victim-survivor in confinement, imprisonment, or custody for refusing to answer questions in court. In other words, the court has no contempt power over a sexual assault victim-survivor and cannot compel the victim-survivor to testify or participate in a court proceeding involving a crime of sexual assault or domestic violence against the victim-survivor (Code of Civil Procedure 1219).

Sexual Assault Response Team (SART): Hospital or Primary Care-Based

Sexual Assault Forensic Exam Centers are located across California. Exam centers can be in hospital emergency departments or adjacent clinics, Child Advocacy Centers, Trauma Recovery Centers or primary care clinics. Specially trained and certified teams provide forensic medical exams to all victim-survivors of sexual assault. Generally, the teams are divided into pediatric (12 years of age or younger) and adolescent/adult (13 years of age or older) and are available 24/7. SART organization and age definitions vary by community.



SART Centers in California. Source

SARTs are made up of a forensic medical examiner, rape crisis advocate, and law enforcement officers. There is no cost to the victim-survivor for a forensic examination. Law enforcement pays for the SART exam but can be reimbursed with state funds. In Fiscal Year 2022-23, 100 police agencies sought and were reimbursed with funds held by the Cal OES.

A victim-survivor typically arrives at a SART center accompanied by police and/or an advocate and is met by a forensic medical examiner (MD, PA/NP, RN who has completed specific training). Victim-survivors can also present at the SART center on their own. A victim-survivor can expect to receive:

- Medical care that includes Sexually Transmitted Infections (STI) screening and treatment, emergency contraception, and treatment to prevent HIV infection.

- A forensic medical exam authorized by police; documentation of injury and collection of potential evidence documented in a report; a sealed kit taken by law enforcement to a police evidence room, or
- A non-investigative report option, where the patient is undecided about making a report to police but wants to have any forensic evidence collected and preserved.

Trauma Recovery Centers (TRCs)

The University of California, San Francisco Trauma Recovery Center (UCSF TRC) developed the UCSF TRC model of care in 2001, which is now codified into California legislation. Outcome data demonstrated that crime survivors from underserved communities had high rates of engagement in services and significant improvements in mental health, and quality of life. As of 2024, there are 24 California TRCs and five regional pilot programs. TRCs provide vital trauma-informed evidence-based/informed psychotherapy and clinical case management services. The TRCs provide essential counseling by licensed therapists trained in treating the mental health sequelae of interpersonal violence. All services are provided at no cost to the victim-survivor, or their eligible family members.

Summary of Victim Compensation Services

In California, crime survivors of sexual assault qualify for crime victim compensation through the California Victim Compensation Board (CalVCB) if:

- They are a California resident at the time of the crime, or
- A non-resident victimized in California

The crime must involve:

- Physical injury
- Emotional injury due to the threat of physical injury or
- Death, in some cases

Victims must:

- Cooperate with police and court officials to arrest and prosecute the offenders (exceptions are made for sexual assault, human trafficking, and domestic violence cases)

SART TESTIMONIAL

An 18-year-old college freshman is sexually assaulted by a rideshare driver on their way home from a party. The victim calls hotline phone number provided by her college. The advocate assists the patient in making a report to police. The victim, the advocate, and the police meet the forensic medical examiner at the hospital. The victim gets timely medical care and a forensic evidence kit is collected and signed over the police. The police escort the patient home. The advocate calls the patient the following day and for the next few weeks provides support. The victim gets continuing care at the college health center and the campus police are able to continue the investigation.

- Cooperate with CalVCB staff
- Not have been involved in events leading to the crime
- Not have committed a felony at the time of the crime

File the application within the time limits:

- Within seven years of the crime, or
- Seven years after the direct victim turns 21 years of age, or
- Seven years from when the crime could have been discovered, whichever is later.

Note that victims of crime in California have a constitutional right to be paid back by the offender for their losses or costs from the crime, known as restitution. Restitution is calculated and presented to the judge in the criminal case. Unfortunately, victim-survivors rarely receive restitution orders; in one survey, only 2% reported receiving any restitution, and only 1% received the full amount ordered. If the perpetrator is not arrested, charged, or sentenced, there can be no restitution ordered.

SUMMARY OF LAW ENFORCEMENT TRAINING AND STATUS OF FORENSIC EVIDENCE KITS

Law Enforcement Training

The Commission on Police Peace Officer Standards and Training (POST) sets minimum selection and training standards for California law enforcement officers.

Sexual Assault is covered in the Basic Course Training at the Academy in four different learning domains. All officers must complete a minimum of 24 hours of training in Basic Academy on crisis intervention, crimes against children, sex crimes, and domestic violence. Information on these training specifications can be found [here](#).

In January 2024, POST published a workbook to be used by students as a self-study document to supplement classroom instruction for every learning domain in the Basic Course Training. With regard to sexual assault, the workbook includes discussion of the following topics:

- Trauma 101
- Myths about victim-survivors
- Common assumptions, including outdated assumptions of victim-survivors
- Strategies to combat erroneous and outdated reasons why victim-survivors do not report to police, including Stockholm Syndrome and Trauma-bonding
- Information about perpetrators of sexual assault crimes
- Voices of victim-survivors

Penal Code section 13516 requires POST to prepare and implement a course for the training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned to investigation duties which include the handling of cases involving the sexual exploitation or sexual abuse of children must complete training on sexual assault within six months of this assignment. There is a minimum of 37 hours of training for investigators of child sexual abuse and exploitation; and a minimum of 40 hours of specialized training for sexual assault investigators. It should be noted that training for adult sexual assault investigators is not

mandatory. Further, there is no mandatory protocol for law enforcement agencies in California to have a specialized Sexual Assault Unit of specially trained investigators.

Penal Code section 13516 also requires POST to prepare guidelines establishing standard procedures for law enforcement agencies to follow in the investigation of sexual assault cases, and cases involving sexual exploitation or sexual abuse of children. These guidelines include police response to, and treatment of, victims of these crimes.

The goals of the guidelines are to:

- Improve law enforcement's response to reports of sexual assault;
- Enhance the investigation and prosecution of these complex and sensitive cases;
- Train local, state, and federal law enforcement on all relevant laws and resources for sexual assault crimes;
- Provide information on how to assist, interact with, and educate victims about the criminal justice process;
- Describe common misconceptions and realities about sexual assault;
- Provide an understanding of the benefits of the SART approach, even if it is not formalized in the officer's jurisdiction;
- Provide information on conducting unbiased and effective forensic interviews with victims, witnesses, and suspects to determine the facts, protect all parties' rights, and safeguard the community.

In California, responses will vary depending on individual agencies and jurisdictions.

Forensic Evidence Kits

The value of evidence found in a sexual assault forensic kit has evolved tremendously over the last 30 years. The concept of a SART began in Santa Cruz in 1985. The second SART was created in Alameda County in 1990. Soon,

hospitals and clinics were adopting the SART concept – a trained forensic medical examiner, a rape crisis advocate, and law enforcement working together to gather evidence that could solve the crime.

In 1994, Congress passed the DNA Identification Act which authorized the FBI to create a national DNA database of convicted offenders as well as separate databases for missing persons and forensic samples collected from crime scenes.

The national database is now known as the Combined DNA Index System (CODIS). After it was institutionalized, California and several other states began auditing the number of forensic evidence kits in police evidence rooms that could contain the DNA of the perpetrator. Across the country, police departments were finding tens of thousands of forensic evidence kits that had never been submitted to a crime lab nor tested.

Now, when a victim-survivor has a forensic sexual assault evidence kit completed, California law mandates that law enforcement must submit that kit to a government crime lab for testing within 20 days. The crime lab has 120 days to process the kit and upload qualifying DNA profiles into the California Department of Justice SAFE-T state database. Law enforcement is also required to enter the kit into the SAFE-T database. Victim-survivors have access to their own records in SAFE-T and can track the progress and completion of the submission and testing. SAFE-T is a major step in giving back power to victim-survivors adding to their healing process.

The California Department of Justice is the crime lab for 46 of the 58 counties in California; the remaining counties have their own crime lab. If a DNA profile that is foreign to the victim-survivor is identified, it is also entered into the SAFE-T database as well as the CODIS databases, run by the FBI. As of January 2025, California is the largest contributing state of DNA profiles to CODIS, which has more than 18 million offender DNA profiles.

There are over two million DNA profiles in the California database, of which more than 157,000 are forensic. Under California law, mandatory testing of forensic evidence kits only applies to those completed since 2016. There are still efforts to pass legislation to test all forensic evidence kits in police custody, including all untested forensic kits in law enforcement custody. It is important to note that no DNA profile of a victim of sexual assault is entered into any database.

The [U.S. Sexual Assault Kit Initiative \(SAKI Program\)](#) was created in 2016, spearheaded by then Vice-President Joe Biden. As of 2022, the SAKI Program awarded \$30,074,873 in grants. The California's Department of Justice Crime Lab and local law enforcement agencies received SAKI funding in the amount of \$4,923,907 in 2022 for sexual assault kit testing. The California Department of Justice is required to conduct an inventory of untested forensic sexual assault examination kits. It is unclear if that audit has occurred; however, there is no legislative mandate to submit the kits for testing.

LAWS AND COURTROOM ENGAGEMENT

Current Laws Protecting Victim-Survivors of Sexual Assault

California has been at the forefront of building an effective response and empowerment system for victim-survivors of sexual assault for more than two decades. Since 1996, more than 5,000 bills addressing sexual assault in some manner have been introduced by the state legislature. In that time, more than 130 of those laws have been enacted.

California was one of the first states to provide a forensic sexual assault examination process as well as putting in place other support systems for sexual assault victim-survivors. In 2009-10, four bills were signed into law addressing victim-survivors of sexual assault crimes; in 2023-24, Governor Newsom signed 41 bills into law addressing sexual assault crimes. Some of these key laws advancing protections for survivors are listed below:

- **1996** – California enacted the “Sexual Assault Victims’ Bill of Rights” which included the right of victim-survivors to have an advocate present at any evidentiary or physical examination or interview by law enforcement and the requirement that law enforcement immediately notifies the local RCC when a victim-survivor is transported to a hospital or SART Center for a medical evidentiary examination.
- **2008** – Voters passed Proposition 9, the Victims’ Bill of Rights Act, commonly referred to as “[Marsy’s Law](#)” which amended the California Constitution and put the rights of victim-survivors of crime and their families on par with the rights of the accused.
- **2016** – Governor Jerry Brown signed Senate Bill 813 (Leyva), which eliminated the statute of limitations for filing charges in sexual assault cases. The new law applied to any case still within the statute of limitations and any case occurring after 2016. This law removed a significant barrier for victim-survivors, by allowing them more time to report the abuse.

- **2019** – Code of Civil Procedure 1219(b) specifically removed the authority of the court to hold a victim-survivor in contempt for refusing to participate in a prosecution or for refusing to testify.
- **2024** – Governor Newsom signed Assembly Bill 2499 (Schiavo) which prohibits an employer with 25 or more employees from retaliating against an employee who is a victim-survivor, or who has a family member who is a victim-survivor, if they take time off from work to obtain medical attention for injuries, domestic violence shelter services, or sexual assault victim services.

Many of these laws have significantly improved the rights and protections of victim-survivors in the legal, medical, and social support processes. Some involve building sexual assault awareness training in schools and higher learning institutions, and some focus on building victim-centered responses on college campuses.

California’s advocates, legislators, and prosecutors have been improving the system of justice for victim-survivors over the last 25 years. They have been implementing protections in legal proceedings, ensuring access to services, and increasing resources. Despite these efforts, there is much room for improvement to better serve victim-survivors, especially in the courtroom experience.

Further, California governors have included substantial sums of funding through various state agencies, including Cal OES and CalVCB. These financial commitments have allowed programs to exist and to grow substantially in providing vital services to victim-survivors of sexual assault and other forms of interpersonal violence.

Victims and the Courtroom Experience

Sexual assault victim-survivors have the right to not engage with law enforcement or the prosecution. However, California law has created unique support systems for sexual assault victim-survivors who do choose to participate in a hearing or trial. A few key rights afforded to victim-survivors include the right to:

- Use a pseudonym and not their true name in police reports, charging documents, and in the courtroom;
- Suppress any reference to sexual encounters with individuals other than the defendant that occurred outside of the sexual assault;
- Have an advocate and support person in the courtroom even if one of the persons is also a witness in the case (Penal Code section 264.2);
- Receive compensation for counseling, relocation, or other critical needs;
- Have a support animal at the witness stand and other important accommodations to make the process less intimidating;
- Introduce expert testimony on the elements of post-traumatic stress syndrome that affect victim-survivors of sexual assault crimes.

Statistically speaking, only one in five victim-survivors of sexual assault choose to report and participate in the legal system and/or courtroom. There are many factors that contribute to this low rate, including the fear of retraumatization and inadequate outcome of justice.

However, California lawmakers, advocates, and professionals have been and continue to be vigilant in changing the paradigm victim-survivors once faced in the criminal justice system.

The Role of the Judge

In the criminal justice system, judges are the custodians of justice and uphold the dignity of the court. It is the judge who sets the tone for a trial, especially for a trial as sensitive as a sexual assault crime(s). The expectation is

that they maintain respectful decorum in the courtroom and maintain the rights and treatment of victim-survivors, other witnesses, and defendants. This includes determining evidentiary matters, issuing appropriate jury instructions, managing attorney conduct, and addressing disruptive behavior. The judge must stop any mistreatment of the victim-survivor or other witnesses and they must not appear to favor the defendant or the witnesses. Unfortunately, subtly and not so subtly, a judge's unconscious bias can impact the courtroom and trial outcome. The following are real examples of a judge's bias that undoubtedly impacted a jury decision:

– “Why couldn't you just keep your knees together...”

– “The victim (who was beaten with a metal baton), although she wasn't necessarily willing, she did not put up a fight...”

– “Maybe she was a little overweight but she has a pretty face, no?...She was a bit flattered. Maybe it was the first time he showed interest in her...”

These examples can sabotage critical beliefs held by the victim-survivor and/or witnesses that the trial is fair and will not be decided based on emotion, prejudice, or ulterior conditions thwarting the truth and fairness. Increasingly in North America, including Canada, judges are participating in mandatory training that includes implicit bias and sexual assault. Canada now requires all new federally appointed judges to take continuing education on sexual assault laws and the surrounding “social context,” which includes systemic racism and systemic discrimination.

One key way to prevent this is through impactful training for judges. California currently does not require judicial training on the treatment of sexual assault and unconscious bias within sexual assault cases. However, as of September 2024, Chief Justice Patricia Guerrero directed the Judicial Council's Center for Judicial Education and Research to review the judicial branch's current training related to the treatment of sexual abuse and assault victim-survivors, adding that “everyone entering our courtrooms deserve to be treated with respect and in a manner that gives them trust and confidence in our judicial system.” The Chief Justice also

called on the Council's education office to ensure its training meets best practices and to make it widely available to all judicial officers statewide. (See [HERE](#)).

The Role of the Prosecutor

Critically, the prosecutor must understand the complex dynamics and impact of sexual assault crimes to avoid adding to the trauma, fear, self-blame or self-doubt a victim-survivor may feel. Prosecutors represent the government and their main goal is to seek justice. Criminal cases brought forth into court are identified as "People v. [Defendant's True Name]." The prosecutor must establish that a crime was committed and prove that the accused is the one who committed the crime. The prosecutor must provide the defense with any and all evidence and information, called "Discovery." Further, the prosecution must disclose to the defense any evidence that could exonerate the defendant, under the case of *Brady v. Maryland* (1963) 373 U.S. 83. The burden of proof is always and only on the prosecutor. For a conviction, the case must be proved "beyond a reasonable doubt". In bringing a sexual assault case into the criminal court, the ethical obligations of prosecutors mandate they build a case using evidence that corroborates the statements of the victim-survivor and physical evidence as well. The prosecutor's office must provide a victim advocate who supports the victim-survivor throughout the process, trial, and outcome.

The prosecution team in serious cases typically consists of the prosecutor and an investigator (*Note: Penal Code section 1192.7, which defines what is considered a "serious felony case" under the law AND/OR any case of violence that involves a victim, such as sexual battery, domestic violence, child abuse and/or human trafficking.*). But for a sexual assault case, the team should always include a victim advocate. The advocate can be a victim witness consultant, part of the District Attorney's Office, or an advocate from the local rape crisis center. The advocate is present to address the psycho-social needs of the victim-survivor and to provide support through the process. California law allows the advocate to sit with the victim-survivor while they are testifying and to be present in every interview and any other preparatory proceeding. It also allows the victim-survivor to have a support person in the courtroom while they are testifying, even if that person is also a testifying witness.

COURTROOM TESTIMONIAL

The law says in sexual abuse cases of a child, the court should hold school hours, can move the courtroom configuration around so it is less intimidating, take more frequent breaks, and the like. In one case, the judge allowed the defense attorney to cross-examine a 9-year-old who was molested by their biological father until age 8. The cross-examination went over two days, the defense asking the same questions in different fashions. The prosecutor continued to object; the prosecutor filed a brief outlining the law and filed it at the beginning of Day 2 of cross-examination. The child was challenged, they were exhausted, had to sit on the stand for two days. The judge ignored the law. The jury found the defendant guilty and they were outraged by the judge's behavior, especially after learning that the law prohibited exactly what that judge did.

The Role of the Defense Attorney

The Sixth Amendment constitutional right to legal representation for the criminally accused is central to the integrity of the criminal justice system. Defense attorneys bear a responsibility to serve as advocates for individuals accused of crimes. Their main goal is to represent their client in court proceedings, protect their constitutional rights, and ensure they receive fair treatment and high-quality defense at every stage of the case. They represent their client throughout the legal process from pretrial investigations to sentencing. Unlike the duties of a prosecutor under *Brady*, defense counsel must not disclose anything to the prosecution unless (1) such disclosure is required by law or (2) there is a compelling tactical reason for the disclosure and disclosure would not violate any rule or privilege or confidentiality (*Note: Evidence Code section 1054, which dictates discovery of information and evidence by the prosecution and the defense. Brady v Maryland, the United States Supreme Court case only applies to the prosecution and law enforcement. Brady discovery is any evidence that tends to be favorable to the defendant/accused and/or could exonerate the defendant/accused.*).

When cross-examining a victim-survivor, questions must have a good-faith basis and must explore matters that are relevant and admissible. Testifying in court may be difficult for victim-survivors even under the best circumstances. Ethics require that cross-examination not be abusive or degrading and that it respects the rules of ethics and evidence.

A victim-survivor's prior sexual history cannot be raised in cross-examination without notice by the defense and permission from the judge. California's strict Rape Shield Laws extensively limit the types of cross-examination questions that may be asked about a victim-survivor's sexual history.

The Role of the Jury

Jury selection is key – the judge, prosecutor, and defense attorney have the right to question prospective jurors, particularly about their own experiences, attitudes, and/or prejudices about the crime of sexual assault, victim-survivors, and defendants. The jury of 12 individuals from the community must be without bias, predisposition, knowledge, or judgment about the crime or the case. Jury selection in a sexual assault case is generally uniquely distinguished from selecting a jury in other types of cases. Sexual assault is categorized as one of the most personally impactful crimes. It is a crime of violence that hits the very heart and soul of personal safety, and it is critical prosecutors and defense attorneys as well as the judge understand the gravity and deep impact of this insidious crime on the victim-survivor and the community. California has enacted laws that provide protection, support, and fairness for victim-survivors who choose to enter the courtroom and testify to the crime(s) committed against them. These tools and protections for victim-survivor do not impede nor interfere with the representation of the defendant. The tools that have been enacted by the legislature are intended to create a process whereby victim-survivors can testify safely, honestly, and thoroughly.

The legal system must have both sides vigorously engaged in order to ensure no legal errors take place during the trial process and the rights of the accused and the victim-survivor are protected.

OVERALL REPORT RECOMMENDATIONS

After canvassing state law, support services around the state, and hearing from legal experts, direct service providers, and victims-survivors, the working group has outlined recommendations for how to better meet the needs of victim-survivors and update policies and practices to be consistent with a trauma-informed care approach. The working group makes the following recommendations across support services, law enforcement training and forensic evidence, and courtroom engagement:

Victim Support Services Recommendations

Victim Advocacy

- Designate a state entity to coordinate all county-level sexual assault victim services. The state entity may help build collaboration between community resources, local advocacy groups, mental health providers, social services, and police departments to create a network of resources for victim-survivors.
- Explore and support diverse funding streams, including public-private partnerships, to ensure there are consistent financial resources for victim-survivors regardless of government funding. This could be done by creating a pilot crisis victim resources fund that does not rely on reimbursement like current victims' compensation programs.
- Ensure availability of culturally specific and relevant confidential services for all survivors of sexual assault, including in the survivor's preferred language. These services should include, but are not limited to, advocacy within the [criminal legal process](#), engagement with law enforcement, and access to social services.
- Grow and fund regional service models and extend services to rural areas of California, including coordinating alignment of existing health coverage benefits.
- Implement school-based sexual assault prevention programs in California based on a consent model. One example is the [Schools Consent Project](#), which sends lawyers into schools to teach kids about consent laws.

- Establish a research initiative focused on county or regional-level data and occupation-specific data that would help us identify regional or occupational hot spots for sexual assault.
 - ◊ One possible research partner would be <https://geh.ucsd.edu/>. This work has happened on a statewide scale but not localized so there are limitations on the utility of current data. Here is an example of statewide research: <https://blueshieldcafoundation.org/sites/default/files/publications/downloadable/CalVEX-09.06.22.pdf>
- Ensure county human services agency staff are trained in completing referrals to victim services.
 - ◊ Example of applicability: CalWORKs applicants go through an assessment for readiness for work and support needed. This assessment includes a question about sexual assault. If applicants are answering questions on sexual assault history, they should be referred to services when relevant.

Law Enforcement Training/Practices and Forensic Evidence Recommendations

Law Enforcement

- Provide trauma-informed interviewing education (Science Based Interviewing (SBI) at the police academy. Implement trauma-informed strategies for various staff levels (patrol, officers, and supervisors) within law enforcement training to help build a supportive, effective approach to serving crime victims. Include law enforcement training with a focus on PTSD.

- Develop comprehensive policies that mandate trauma-informed responses in cases involving victim-survivors of sexual violence.
- Require that all Sexual Assault Investigators of child and adult crimes, patrol officers, and supervisors complete training on sexual assault within six months of this assignment to mirror the current mandate for Child Sexual Assault and Sexual Exploitation Investigators.
- Content required should include: Trauma 101, myths about victim-survivors, common assumptions, including outdated assumptions of victim-survivors, strategies to combat erroneous and outdated reasons why victim-survivors do not report to police, including Stockholm Syndrome and Trauma-bonding. This training should be revisited on an annual basis.
- Adopt victim-centered interview techniques when possible, such as: allowing breaks, letting victim-survivors choose interview locations, encouraging the presence of support persons, honoring their preferred gender interviewer, and creating trauma-sensitive spaces within police departments with private, comfortable interview rooms with neutral colors and supportive materials, minimizing sensory triggers to create a safe environment.
- Increase promotion capacity within SVU units. Create a promotional structure within SVU, not requiring people to work on the team (as we don't know their personal histories) which could strengthen the expertise in these investigations, build stronger community relationships with the multidisciplinary teams, and help build trauma-informed practice into the operations, policies, and procedures of the unit.

Supervision and Peer Support

- Establish a required training on managing with a trauma-informed lens designed for Law Enforcement Supervisors of Sexual Assault Investigators.
- Ensure each sexual assault investigator has supervision with a trauma-informed supervisor to help identify when vicarious trauma, unhealthy trauma dynamics with survivors, etc. are playing out in their approach to the investigation.

- Make peer support programs or counseling available to police officers leading survivor investigations to process their experiences and maintain their well-being. This support can help officers sustain empathy and reduce burnout.

Community Support and Feedback/Accountability

- Engage in community education with the public about trauma-informed law enforcement practices to build trust and awareness in the community.
- Collect feedback from victim-survivors and advocacy organizations to continuously refine trauma-informed policing practices. Create policies that support the actualization of this feedback.

Forensic Medical Exam Teams

- Guarantee all counties/regions designate a hospital that is staffed with a SART as defined in Penal Code section 13823.59 (b)(c). Encourage counties to work together with police/EMS to coordinate care for the treatment of victims of sexual assault. (*i.e. form Sexual Assault Task Force*)
- Create a unified database for all forensic exams completed across the state. This would support the identification and prosecution of serial perpetrators. Note, this could be utilizing a unified statewide health reporting platform ([MRG](#) developed with DOJ funding and already used by 50% of SART across the state).
- SART teams should work to streamline the completion of VOC applications at the time of the medical exam and work with law enforcement to submit for Cal OES offset reimbursement for the cost of exams. Document challenges accessing current funding and work to collect data that can impact future policy.

Crime Labs

- Ensure crime labs submit DNA results to California DOJ. The crime labs should notify the victims of SAFE-T which allows the victim-survivor to track the progress of the forensic evidence testing kit and when a DNA profile matches in any DNA database (Penal Code section 680).

Courtroom Engagement and Witness Support Recommendations

Courtroom and Judges

- Encourage the Judicial Council to use Violence Against Women Education Project (VAWEP) funding to support ongoing trauma-informed training for judges on interacting with victim-survivors and hearing sexual assault cases. *This could be modeled after the Council's Domestic Violence Institute (intensive multi-day training).*
- Create opportunities for judges to hear survivors' stories outside of a court proceeding.
- Explore changes to policies around the sexual assault trial process:
 - ◊ Expedite sexual assault trials similarly to what is done in cases involving minors and seniors.
 - ◊ Establish sample language for jury instruction about testimony from a victim-survivor that accounts for a trauma-informed approach. This would be similar to that which a judge could provide for child witnesses.
- Create evidence-based educational materials on sexual assault myths and trauma survivor behaviors for defense attorneys of sexual assault cases to review before a trial begins.
- Potential jurors in sexual assault cases should complete a questionnaire that includes a question about previous experience with sexual assault and be allowed to discuss out of the presence of other jurors. Opportunities should be made available for survivors to provide feedback on their experiences. Courts should establish a clear process for reporting survivor feedback and implementing policy changes based on feedback. Additionally, survivors should be expressly told that declining to participate will have no consequences.

District Attorneys

- Require that all district attorneys, especially those assigned to intimate partner violence departments within courts, complete a trauma-informed sexual assault training course. *Note: CDAA offers a Sexual Assault Training Course (4.5 days of training).*
- District attorney offices should increase access to trauma-informed spaces for survivor engagement. District attorney offices should provide at least one soft interview room (a trauma-informed space with consideration of the environment and privacy) and all staff should receive training on trauma-informed practices and the role that physical spaces have in creating safety for survivors.

Victim Services

- Ensure that every victim-survivor is assigned a victim witness advocate and/or rape crisis advocate as part of the prosecution team, possibly through the VAWA vertical prosecuting grant program.
- Increase victim services through district attorney offices, such as funding for additional victim service representatives (VSRs), funding for VSR training, transportation to and from court and/or parking, increased meal vouchers, private waiting room for victims of sexual assault in the courthouse and coffee/tea for victims.