

April 26, 2006

## Official Position Statement on A SURVIVOR'S RIGHT TO A CONFIDENTIAL SEXUAL VIOLENCE ADVOCATE

### POSITION

In order to uphold the legal rights of a survivor to have a Confidential Sexual Violence Advocate present, as well as ensuring a survivor-centered approach for services to sexual violence survivors, NJCASA believes that all survivors should be given the option to utilize the services of a Confidential Advocate. In order to have the ability to choose, survivors need to be informed of their rights as soon as they report the sexual violence. It is the position of the New Jersey Coalition Against Sexual Assault (NJCASA) that:

**all first responders, including law enforcement and medical personnel, must immediately contact the local county Sexual Violence Program to have a Confidential Sexual Violence Advocate available when a survivor of sexual violence presents or discloses they have been assaulted, regardless of when the assault occurred. The Confidential Advocate will explain who they are, what their role is, and notify the survivor of their legal rights and options. The Confidential Advocate will meet with the survivor, and her/his loved ones and/or significant others, prior to the commencement of any medical, evidentiary or physical examination of the survivor (except when medically necessary, as determined by a medical provider). This notification shall precede any law enforcement interview, and/or statement/contact with the survivor by any prosecuting attorney pertaining to or arising out of an alleged sexual offense. Furthermore, the survivor has the right to deny Sexual Violence Program services, however the Confidential Advocate will provide information and referrals to the survivor for follow-up services.**

A Confidential Sexual Violence Advocate, an individual who has completed a minimum of 40-hours of training in the dynamics of sexual violence, its traumatic affects, as well as appropriate crisis response and treatment, serves as an integral role in promoting the just and compassionate treatment to survivors of sexual violence, their loved ones and significant others. As codified by N.J.S.A. 2A:84A-22.14, Confidential Advocates possess client-counselor privilege which enables them to have confidential communications with survivors of sexual violence. Confidential Sexual Violence Advocates provide a non-judgmental approach that focuses solely on the needs of the survivor. Confidential Advocates provide information, support and counseling that empowers survivors to make informed decisions about their medical treatment and legal decisions; this is the essence of a survivor-centered approach.

### RATIONALE

Despite the current New Jersey State Statute 52:4B-22 and the Attorney General's *Standards*, many survivors of sexual violence are not made aware of their right to have confidential advocacy services. Even in cases where they are notified, many survivors are forced to endure extensive, probing questions and medical procedures without the support of a trained, confidential advocate, as codified by N.J.S.A. 52:4B-22. Finally, the procedures in dealing with survivors of sexual violence vary dramatically across the state, in direct contradiction to the uniformity the *Standards* require. Such variation detracts from the ability of all survivors to fully exercise their legal rights as guaranteed by statute.

NJCASA believes that the presence of a Confidential Sexual Violence Advocate is essential to an effective and compassionate response to a survivor of sexual violence. As N.J.S.A. 2A:84A-22:13 recognizes, the emotional and psychological trauma experienced by survivors, their loved ones and significant others, are often best responded to by trained Confidential Advocates. Recent research<sup>1</sup> has proven that the immediate crisis intervention provided by Confidential Advocates is not only crucial in promoting the healing process for survivors of sexual violence, but can often prevent re-traumatization by systems survivors disclose to. In order to ensure that survivors are able to make an informed choice about advocacy services, it is important that law enforcement officers and medical providers help survivors understand the benefit this service provides.

<sup>1</sup>Campbell, Rebecca. *Rape Survivors' Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?* Violence Against Women, Vol. 12: Sage Publications; p.30-45, 2006.