

**Sexual Assault Victims' Rights Amendment Act Task Force
Complaint Process (2nd DRAFT)**

The following represents the proposed complaint process, as developed by the Sexual Assault Victims' Rights Amendment Act (SAVRAA) Task Force.

During the course of discussions on this process, the Task Force deliberated on a number of issues:

- (1) What body or entity is most appropriate to hear complaints from victims about their treatment during the sexual assault process? What is the level of expertise required for members of this board or entity?
 - (2) What level of transparency is most appropriate for complaints of this nature? What is possible for the victim to know about the resolution of the complaint? What is possible and appropriate for the public to know about the complaints?
 - (3) How will this process interact with the employment relationships and/or the employment contracts that an employee has with their employer?
 - (4) What process would the victim want?
 - (5) How can we make the process most accessible for marginalized and/or underserved communities?
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General Information

- (1) The process will be inclusive of all feedback from victims of sexual assault, positive and negative. We want to ensure that victims of sexual assault are able to provide feedback about the process, the system, and the individuals serving them without it being a "complaint".
- (2) This process will be available to any victim of sexual assault, age 13 and over, as the victim defines sexual assault. For victims who are under the age of 18, a parent or guardian may submit a Sexual Assault Response System (SARS) Feedback Form on behalf of the minor child. However, nothing in this recommended policy shall be construed to limit the ability of a minor child from submitting SARS Feedback Form on their own behalf.
- (3) Similarly, this process is available to victims who choose to remain anonymous and victims who choose to submit a SARS Feedback Form through an attorney or advocate acting on their behalf.
- (4) The feedback process will be managed by the District of Columbia Sexual Assault Response Team (DC SART), as it is statutorily established. The DC SART shall establish a Feedback Review Committee to process feedback, respond to feedback, and make recommendations to the DC SART on system change based on the feedback received.

- *This is an area of proposed legislative change. The Task Force recommends that the DC Council amend the existing legislation to include a Feedback Review Committee (hereinafter "Committee") in the DC SART and provide that Committee with the authority to review and respond to feedback received through this process. The Task Force recommends that this legislation shall include the authority of this Committee to hold members of the SART accountable to the decisions of the Committee.*
- (5) Victims of any crime that has a sexual element will be provided a standard brochure at the point of system entry. This brochure will be developed by the Feedback Review Committee of the DC SART and will be distributed to any organization or agency that may serve as a point of entry into the sexual assault response system.
- *This is an area of proposed legislative change. The Task Force recommends that the DC Council amend the existing SAVRAA legislation to make distribution of the brochure mandatory by the Metropolitan Police Department Sexual Assault Unit, members of the DC SANE program, and any other member of the SART that may have contact with a sexual assault victim.*
- (6) The brochure shall include a detailed description of the sexual assault response process, the victim's rights as a victim in the process, and the victim's right to provide feedback to the system through the Feedback Process.

Process of Submitting and Reviewing Feedback

- (7) Sexual Assault Response System (SARS) Feedback Forms will be available on the Internet (at the DC OVS website, the DC SART website, the UASK DC website, the ASK DC website, and the individual websites of all DC SART members), through SmartPhone applications (UASK DC and ASK DC), as well as in paper format. The Feedback Form will be translated into the following languages: English, Spanish, French, Amharic, Mandarin, Vietnamese, and Korean. Community-based organizations may request translation of the Feedback Form, free of charge, through the Emergency and Victim Services Interpreter Bank, in any language.
- (8) All SARS Feedback Forms will be sent directly (either electronically or by mail) to the DC SART Committee Coordinator (Committee Coordinator) at the DC Office of Victim Services and Justice Grants. Victims or their representatives also have the ability to drop off the SARS Feedback form, in-person, at the OVS offices (441 4th Street, NW, Ste. 727N) or at any of the following locations:
- DC Office of Asian Pacific Islander Affairs, 441 4th Street, NW, Ste. 721N, Washington, DC
 - DC Office of Lesbian, Gay, Bisexual, and Transgender Affairs, 2000 14th Street, NW, 2nd Floor, Washington, DC
 - DC Office of Latino Affairs, 2000 14th Street, NW, 2nd Floor, Washington, DC
 - DC Office of African Affairs, 2000 14th Street, NW, Ste. 401, Washington, DC

- (9) Within three (3) business days of receiving the completed SARS Feedback Form, the DC SART Committee Coordinator will:
 - (a) Log the completed SARS Feedback Form into a SARS Feedback Review Log;
 - (b) Forward the completed SARS Feedback Form to the DC SART Chairperson and the Chair of the DC SART Feedback Review Committee; and
 - (c) Notify the victim or the victim's representative that the SARS Feedback Form has been received through the methods of contact noted on the SARS Feedback Form.
- (10) If the Committee Coordinator receives a SARS Feedback Form that is not complete, the Committee Coordinator shall:
 - (a) Log the SARS Feedback Form into the SARS Feedback Review Log, marking it as "incomplete"; and
 - (b) Make no less than (3) attempts to contact the victim named on the Feedback Form for additional information to complete the Feedback Form. The attempts to contact the victim should be made at different times of the day on three different days of the week. If the Committee Coordinator cannot reach the victim, the Committee Coordinator shall document the three attempts at communication, mark the SARS Feedback Form as "Incomplete" in the Feedback Review Log, and close the review.
- (11) If the Committee Coordinator receives a SARS Feedback Form that is written in a language other than English, the Committee Coordinator shall:
 - (a) Log the SARS Feedback Form into the SARS Feedback Review Log, marking it as "needs translation";
 - (b) Forward the SARS Feedback Form to the Emergency and Victim Services Interpreter Bank Coordinator within one (1) business day of receiving the SARS Feedback Form;
 - (c) Forward the SARS Feedback Form to the DC SART Chairperson and the Chair of the DC SART Feedback Review Committee, noting the date that the SARS Feedback Form was sent for translation; and
 - (d) Notify the victim or the victim's representative that the SARS Feedback Form has been received and was sent for translation.
- (12) The Committee Coordinator should make every effort to have the SARS Feedback Form translated within fourteen (14) business days of the date that the SARS Feedback Form was

received by the Committee Coordinator. If the Committee Coordinator finds that the translation will take more than fourteen (14) business days, the Committee Coordinator shall notify the Committee Chairperson and the victim or the victim's representative filing the SARS Feedback Form of the delay. Notice of progress shall be provided to both the Committee Chairperson and the victim by the Committee Coordinator each week until the SARS Feedback Form is received back from the Emergency and Victim Services Interpreter Bank.

- (13) Within one (1) business day of receiving the translated SARS Feedback Form from the Emergency and Victim Services Interpreter Bank, the Committee Coordinator shall:
 - (a) Forward the translated SARS Feedback Form to the Chair of the DC SART and the Chair of the Committee; and
 - (b) Notify the victim or the victim's representative that the translated SARS Feedback Form has been submitted to the DC SART.
- (14) Within three (3) business days of receiving a SARS Feedback Form from the Committee Coordinator, the Chair of the DC SART Feedback Review Committee shall:
 - (a) Forward the completed SARS Feedback Form to the Director for the agency or organization that is named by the victim, if the agency or organization named or implicated is a member of the DC SART;
 - (b) Forward the completed SARS Feedback Form to the DC SART point of contact for the agency or organization that is named by the victim, if the agency or organization named or implicated is a member of the DC SART;
 - (c) Forward the completed SARS Feedback Form to the Chair of the Board of Directors, if the organization named by the victim is a non-profit organization;
 - (d) Set the issue for discussion on the agenda of the next DC SART Feedback Review Committee meeting; and
 - (e) Note the date that the Feedback Form was forwarded on the SARS Feedback Review Log.
- (15) If the completed SARS Feedback Form references a problem with an individual that is employed by an agency or organization that is not a member of the DC SART, the Chair of the DC SART Feedback Review Subcommittee shall:
 - (a) Forward the completed Feedback Form to the Director of the agency or organization that is named by the victim;

- (b) Identify a member of the DC SART that can act as a subject matter liaison for the identified agency or organization. For example, if a college or university other than the college or university that holds a seat on the DC SART, the Chair of the DC SART Feedback Review Committee shall appoint the college or university representative to act as a subject matter liaison during the review process. The purpose of the subject matter liaison is to assist the DC SART in understanding the statutory authority, regulations, and best practices related to the organization or agency named in the SARS Feedback Form. The Chair of the SARS Feedback Review Committee may request subject matter assistance from an entity outside of the District of Columbia, if that is warranted by the nature of the complaint;
 - (c) Forward the completed SARS Feedback Form to the identified subject matter liaison on the DC SART;
 - (b) Set the issue for discussion on the agenda of the next DC SART Feedback Review meeting; and
 - (b) Note the date that the SARS Feedback Form was forwarded on the Feedback Review Log.
- (16) Within three (3) business days of receiving a completed SARS Feedback Form from the Chair of the DC SART Feedback Review Subcommittee, the Agency or Organization Director or DC SART point of contact shall:
- (a) Open an investigation or inquiry of the incident reported; and
 - (b) Note the date of that the investigation or inquiry was opened on the SARS Feedback Review Log.
- (17) After receiving the completed Feedback Form, the Director of the agency or organization has thirty (30) business days to complete an investigation of the incident reported.
- (18) Upon concluding the investigation of the incident reported on the Feedback Form, the Director of the agency or organization shall:
- (a) Provide a written response to the Chair of the DC SART Feedback Review Committee; and
 - (b) Note the date that the response was provided on the SARS Feedback Review Log.
- (19) If the completed SARS Feedback Form references a systemic or continuum problem, the written response required from the agency or organization named or implicated in the SARS Feedback Form shall include:

- (a) A comprehensive description of the incident identified in the Feedback Form;
 - (b) The problem, or in cases where the SARS Feedback Form was specified a positive experience, the best practice identified by the investigation or inquiry of the Director or DC SART point of contact; and
 - (c) The proposal of agency or organization for remedying the problem or systematizing the best practice identified in the SARS Feedback Form.
- (20) If the completed SARS Feedback Form references a problem with an individual that is employed by an agency or organization, the Director of the agency or organization implicated on the Feedback Form, or the DC SART point of contact, shall:
- (a) Provide a comprehensive description of the incident identified in the Feedback Form;
 - (b) Identify the problem, or in cases where the Feedback Form was specified a positive experience, the best practice identified by the investigation or inquiry of the Director; and
 - (c) The proposal of the agency or organization for remedying the problem or systematizing the best practice identified in the SARS Feedback Form. Where a collective bargaining or employment agreement is implicated, the written response of the agency or organization shall include as much information as allowable by the employment contract between the agency or organization and the employee.
- (21) Once the written response of the implicated or named agency or organization is received by the Chair of the DC SART Feedback Review Committee, the Chair shall:
- (a) Set the response for discussion at a DC SART Feedback Review Committee no more than (30) calendar days after the response is received by the Chair;
 - (b) Forward the response to the Committee Coordinator;
 - (c) Forward the response to the members of the DC SART Feedback Review Committee;
 - (d) If necessary, identify subject matter experts that are required to conduct an independent review of the response; and
 - (e) Note the date of the proposed review on the SARS Feedback Review Log.
- (22) After receipt of the written response by the implicated agency or organization, the DC SART Feedback Subcommittee shall meet to review the written response within thirty (30) calendar days.

- (23) The DC SART Feedback Committee shall:
- (a) Review the written response for sufficiency;
 - (b) If appropriate, prepare a written complaint on behalf of the DC SART to the implicated employee's professional licensing or credentialing organization;
 - (c) If appropriate, prepare a written letter of commendation or complaint on behalf of the DC SART for enclosure in the implicated employee's permanent personnel file;
 - (d) Redact the response, as necessary, to prepare the response for the publication on the DC SART website;
 - (e) Redact the response, as necessary, to prepare the response for a reply to the victim who completed the SARS Feedback Form;
 - (f) Contact the victim or the victim's representative, if requested, to notify the victim or the victim's representative that the SARS Feedback Form and response will be made public. No less than three good faith efforts to contact the victim or the victim's representative shall be made by the methods of contact specified by the victim on the SARS Feedback Form; and
 - (f) Note the date that these actions were taken and a summary of these actions on the SARS Feedback Review Log.
- (24) If the DC SART Feedback Committee determines that the written response of the agency or organization is not sufficient, the Committee shall:
- (a) Forward the written response of the agency or organization, as well as a statement detailing the Committee's concern regarding the sufficiency of the document, to the Chair of the DC SART;
 - (b) Provide notice to the Director of the agency or organization and the Chair of the organization's Board of Directors, if the organization is a non-profit organization, that is implicated in the review that the response has been determined to be insufficient, and detail the reasons for the insufficiency;
 - (c) Request that the DC SART review the SARS Feedback Form, the written response of the agency or organization, and make recommendations for further action; and
 - (d) Note the date that the package was forwarded to the DC SART on the SARS Feedback Review Log.
- (25) If a SARS Feedback Form is sent to the DC SART for further review, the DC SART may:

- (a) Make a second request to the implicated organization to review the SARS Feedback Form and prepare a sufficient response;
 - (b) Draft a response to the agency or organization that details the reasons for the insufficiency that will be made available to the victim and to the public;
 - (c) Any other remedy that the SART deems reasonable under the circumstances, including requesting that the agency or organization discontinue participation in the DC SART until recommended changes are made to the agency's or organization's policies and procedures sufficient to resolve the problem outlined in the SARS Feedback Form.
- (26) If the DC SART is unable to reach a determination of sufficiency within ninety calendar (90) days from the date that the DC SART received the issue from the Feedback Review Subcommittee, the Committee Chairperson shall determine the issue "Closed and Unresolved".
- (27) Within three (3) business days of the DC SART Feedback Review Committee determining that a SARS Feedback Form is closed, the Committee Coordinator shall:
- (a) Provide a copy of the SARS Feedback Form, the redacted written response of the implicated agency or organization, and a closing letter to the victim, or the victim's representative, who initiated the SARS Feedback Form. If the SARS Feedback Form was sent to the full DC SART for further review, documents detailing the deliberation of the DC SART shall be included with the response to the victim; and
 - (b) Post a redacted version of the SARS Feedback Form and the written response of the agency or organization implicated on the DC SART website. All information that could reasonably identify a victim shall be removed from the document before it becomes public.