

# An Initial Exploration of SART Mandates

*Insights from an exploration of the impact of state mandates on SART growth and development*

## About the Project

Sexual assault response teams (SARTs) are community-level interventions meant to coordinate and improve the local response to sexual assault through multi-agency, multidisciplinary collaboration. While SARTs are fairly common, there is no uniform approach to SART structure or functioning (Greeson & Campbell, 2014, p. 15; Campbell & Greeson, 2013, p.123-124). This observation has led researchers to explore links between SART structure and SART effectiveness, positing that variations in SART implementation may be a reason that previous research on SART efficacy has been inconclusive (Campbell & Greeson, 2013; Greeson & Campbell, 2014). Building on the idea of varied implementation, this project sought to explore the environment in which SARTs develop by asking: what might be elements of a healthy SART 'ecosystem,' one that fosters SART effectiveness in varied local settings? To explore this question, the project turned to states with legislative mandates requiring local SARTs<sup>1</sup>.

We define a SART ecosystem as the interplay between local SARTs and the climate, organizations, and resources that affect their growth, development, and efficacy in a specific region. The project chose states with mandates for two primary reasons: 1) a legislative mandate can reasonably be seen as a visible, if not widespread, agreement that SARTs are valued approaches to improving response to sexual assault, and 2) these states are likely to have the broadest contexts for SART implementation. By exploring the ripple effects of mandates on SART formation, performance, and efficacy, the project sought to learn about both voluntary and involuntary SART implementation.

Seven themes emerged as important elements of a SART ecosystem. Those themes are detailed on the following pages along with considerations for STOP Administrators.

# Purpose and Methodology

The purpose of this exploration was to gather information from key informants as to the impact of state mandates on local SARTs. The exploration did not attempt to focus on assessing the value or success of each mandate per se, but on collecting and, in some cases, revealing as many of the less visible ripple effects as possible. Our overarching question was: what elements might be useful in an ecosystem that encourages SART growth, development, and effectiveness? At the state level, we asked: a) what was the impact of the state mandate on SART efficacy and growth; and b) what notable events occurred as a result of mandating teams?

States were identified through outreach on a SANE-SART listserv, a West Law Search, and word of mouth. It was not a requirement that local teams were called SARTs in the mandate. Five U.S. states and the District of Columbia were identified as having some form of state mandate requiring local SARTs or SART similar groups: New Jersey (2001); Indiana (2007); Virginia (2009); Georgia (2010); Oregon (2011); and the District of Columbia (2014)<sup>2</sup>. Four locations participated by providing interviews (Oregon, Virginia, Indiana, and the District of Columbia), and one added an on-site meeting and follow-up session with additional participants (Virginia). Other states with mandates were contacted to participate, but due to staffing constraints were not able to participate (Georgia and New Jersey). However, the legislative mandates for all five states' and the District of Columbia's were reviewed.

The findings should be considered in light of several limitations. First, the interview participants were selected by state contacts based on their familiarity with the process of passing the state's mandate, response discipline diversity, and vantage point (with preference for experience with multiple SARTs as a participant or training/technical assistance provider). By design, this was a convenience sample. Second, the method did not result in much direct input from professionals in rural or frontier communities. Information we did gather suggests that implementing SARTs in these communities is especially challenging, thus more input from these regions would be useful. Third, not all states with mandates were able to participate for a variety of reasons. For those who did, time constraints led to varying degrees of involvement in project activities.

# What We Learned

What does the current project suggest a healthy SART ecosystem should include?

## 1. Skilled and well-trained professionals to staff teams

Active SART membership from a broad number of stakeholder groups is correlated with SART effectiveness (Campbell & Greeson, 2013, p. 129). In project states, it became clear that some communities are sufficiently staffed to host a team, while others struggle to meet basic services.

*“There are communities in [our state] that have lost funding for law enforcement... Domestic violence patients are told to ‘lock the door and don’t let anyone in’ because they have no officers to send. So, when you have infrastructure that is failing...how do you then provide monies to send somebody to a meeting?”*

*“Well I think that in some respects the team components still aren’t consistent across the state and that’s because we don’t have enough sexual assault nurse examiners across the state. We don’t have enough really qualified people across the state to participate on these teams. “*

## 2. Guidance and support on how to create and sustain effective SARTs

Effective multidisciplinary collaboration requires its own skill set. Participating states provided model SART protocols, SART toolkits and training to help professional responders know what was involved in participating in a SART. Nonetheless, project participants still indicate more of this is needed.

*“I think that one of the reasons that the SART teams don’t work that well is because there is an assumption that because you are an elected prosecutor, you know how to run a team. That’s not necessarily the case. So, as local players change, as you get a new chief, as you get a new sheriff, as you get a new [prosecutor], a new whoever, if those folks don’t have the team skills it can impact the entire team.”*

*“When they started creating the mandate, people knew that it was there, but it was almost as if they created it and didn’t give us much instruction with it. It definitely helped when the state coalition came down and did some trainings. That helped quite a bit”*

*“That’s always the challenge for these teams—is to keep people interested, keep them attending, make the meetings interesting so that they come and attend. So, that it’s just not, “hey you have to be here because there is this requirement that you have a team.”*

### **3. A commitment to SARTs as a chosen approach to improving response to adult sexual assault**

Even though mandates do not ensure universal compliance, many interviewed stated that they do demonstrate a level of credibility of the SART approach and heighten attention to adult sexual assault cases.

*“I will tell you that in this community that I work in, that I do not think we would be a team if the mandate were not in place, if someone hadn’t come to the prosecutor’s office, and somebody with authority and has been given responsibility, hadn’t come and said, ‘You guys need to do something about this.’”*

*“The mandate has encouraged people to make sexual crimes more of a priority.”*

*“We obviously wanted [the law] to be more substantive, but went with the idea that if we could move forward in terms of getting some statutory recognition that it’s important for teams to have a multidisciplinary response to this issue, that that would be a political... [and] policy win... They had already bought into it in terms that it works in child abuse cases,...[and we wanted to] help them to see that you need to utilize that same concept to work with adult cases as well.”*

### **4. Cross-system coordination at multiple levels**

Working with and across multiple disciplines is at the heart of the SART model. Research suggests that effective SARTs engage in cross-system coordination both within and outside of team meetings (Greeson & Campbell, 2014, p.12-13). Participating states also used cross-system coordination to grow SARTs statewide.

In Virginia, the Department of Criminal Justice Services held a meeting soon after the mandate passed with representatives of the Commonwealth’s Attorneys Service Council, the Virginia Domestic and Sexual Violence Action Alliance, and the Virginia Association of Chiefs of Police to discuss coordinating approaches to technical assistance and training surrounding the mandate. Each entity proceeded with training.

Indiana created a state-level SART with wide representation from concerned parties (advocacy, medical, law enforcement, prosecution, etc.) to ensure all elements were addressed and considered, as well as to create buy-in that would trickle down.

In Oregon, one of the primary reasons the multidisciplinary Attorney General's Sexual Assault Task Force was started in 1999 was to grow and develop SARTs statewide. Today, the Task Force maintains active membership from across disciplines on their Task Force and embeds a multidisciplinary approach to their training offerings.

## **5. Formal structures that provide support within and among SARTs**

Research has found that SARTs benefit from the use of formal structures<sup>3</sup> that provide a 'backbone' to guide team members in processes for working together [Campbell & Greeson, p. 139]. In project states, there is a sense that SARTs face both common and unique challenges, suggesting that SARTs as a whole may benefit from formal structures that can respond to emergent issues, identify patterns in SART work, and provide guidance to keep SARTs focused on their collaborative goals.

*"I think every team is different. I think the broken teams are all broken in different ways and the effective teams are effective in different ways."*

*"One of the things we did do in response [to a question from prosecutors about their role] is that we issued a clarification to all SARTs that just because the legislation is written that the 'DA shall', it does not mean that the [district attorney] has to be the organizer, the facilitator, or the coordinator. And, that it does not mean that they have any more power than anyone else to make decisions."*

*"I am unaware of [an audit process like those used with MDTs] being established for a SART. And while by no means do I appreciate audits in any aspect of my life, it seems silly that you would implement a law and then have no way to ensure that it's being followed in the way that it's intended."*

An Oregon 2010 SART survey report noted the following needs identified by SART members from across the state: help in addressing conflicts between disciplines, training, help in rejuvenating their SART, help with case/response review, on-going communication and technical assistance, help keeping SART statistics, a statewide SART listserv, and peer to peer support.

After Virginia's mandate passed, the question arose of whether SART meetings are subject to the Freedom of Information Act and open meetings laws. A review board found that they were. The Virginia Department of Criminal Justice Services sent a memo to all Virginia SART members with guidance on how to comply. Ultimately, the Code of Virginia was amended in 2016 to address which records could be public.

## 6. Dedication to learning within and across teams

Given the dynamic and shifting nature of collaboration (Campbell & Greeson, 2013, p.139), teams that learn how to learn together<sup>4</sup> may prove to be more adaptive and successful over time.<sup>5</sup> A healthy SART ecosystem may likewise require dedication to learning at every scale, including identifying and sharing what's working and what's not. Project participants noted examples of the presence or need for this shared learning.

Beginning in 2002, The Oregon Attorney General's Sexual Assault Task Force sponsored and convened biennial SART conferences that brought together SARTs and individuals interested in learning/sharing about SARTs. These ended in the spring of 2012 due to funding shifts. Through these trainings the Task Force identified communities needing technical assistance or training. They were well attended and considered successful.

*"I would love for us to do more evaluation of [SARTs]. Not just on how many cases they prosecute or how many victims they serve but what they perceive to be the frustrations or the barriers that they meet."*

*"The inclusion of case review has been great, and...while data sharing is not mandated, it has illustrated and elevated the need for data sharing to the point where the funding organizations have picked it up and are now requiring it. So, in terms of quantitative accountability outcomes, I'd say it's sort of secondary benefit, just formalizing the SART processes."*

## 7. Sufficient resources to support the work

Participant reports and legal searches suggest that states did not include funding with their mandates. The need for more resources was an issue raised in every participating state. Research recommendations note that sufficient resources are needed to help teams move beyond being a "SART in name only" (Campbell & Greeson, 2013, p. 141). The District of Columbia is singular among project sites with a Task Force recommendation to establish funding to implement reforms.<sup>6</sup>

*“I think there were a lot of people upset there was an unfunded mandate to do something...people called it the ‘unfunded mandate’ when I would go around to do training.”*

‘Fund SART coordinators,’ was the most common response to a question about the one thing that could improve SART effectiveness in a project-hosted statewide meeting with representation from 22 SARTs. The suggestion showed up fourteen times.

A 2005 SART survey in Oregon noted that “lack of funding and limited resources” translated into inconsistent team leadership, meeting attendance, training opportunities, law enforcement participation and the ability to recruit, train, and maintain SANE nurses. It goes on to say that “SART’s that have either fizzled-out or have had significant breaks claim that lack of resources and/or staff turnover as being the main reasons for the SART breaking up” (Victor, 2005, page 3-5). A 2010 Report echoed this theme of funding shortages.

# Conclusions

SARTs face a variety of challenges in developing and maintaining their effectiveness, including limitations on time, resources, skilled personnel, the turnover of key membership, and the on-going evolution of best practices (Campbell & Greeson, 2013, p. 139). Many SARTs form and fall apart in their journey to become effective (Greeson & Campbell, 2014, p.16). In light of this, Campbell and Greeson have described SART collaboration as a “shifting dynamic process” (2013, p. 139). By widening our view of the relevant factors involved in SART development to include the ecosystem in which they exist, this project sought to address SART efficacy across the variety of conditions found in a given state. SVJI suggests that STOP Administrators promote SARTs that are focused on institutional or systems change, and accomplishes this change through some sort of formal mechanism. Equally important is setting the expectation for SARTS that they should develop community-specific multidisciplinary protocols and support the reform of individual agency practice and policy.

Is a legal mandate to have a SART an important element of a SART ecosystem? Since there are states with wide adoption of the SART approach with no such mandate, and states with mandates that have not achieved universal compliance, it is clear that these laws alone are not determinant. Some project participants believe their mandate’s real benefits were getting people talking to one another and establishing SARTs as normative to ensure they outlast the turnover of key champions, bring visibility to adult sexual assault response, and provide a legislative framework to build upon.

Further study is needed on the policy approaches, structures, resources and interactions that create a climate where fewer SARTs flounder on their way to becoming effective interventions. Many states have committed to developing this infrastructure, even without mandating local teams. For example, Kentucky’s mandate created a statewide SART with specific responsibilities. Their approach and those of other states that have developed statewide resources to promote SART development merits a closer look. While we await such research, this project suggests that there are at least seven elements we can cultivate as part of a healthy SART ecosystem.

# Considerations for STOP Administrators

STOP Administrators have a significant role to play in setting and influencing conditions in which SARTs grow and perform. Regardless of whether a state or territory has mandated sexual assault teams or sexual assault response protocols, opportunities exist for influencing the ecosystem that supports them. On the surface SARTs seem like an ideal solution to addressing the realities of sexual violence; however, without intentional and dedicated state-wide SART supports—SARTs may have limited impact.

In your STOP Implementation planning, consider:

- Adding someone working with SARTs or a local SART member on your planning committee
- Hosting one or more meetings with SART network leaders and local SART members. In addition to discussing what individual SARTs may need, discuss your SART ecosystem. What is working? What is missing?
- Using of a portion of the STOP set-aside to fund local or state-level SART related projects

In administering, monitoring, and supporting STOP sub-grantee awards, consider:

- Designing funding for SART-related work particularly for SART coordination, cross-system collaborative projects, SART evaluation, technical assistance, and leadership to strengthen the network of teams.
- Hosting, funding, or promoting training on how to develop and sustain a SART
- Encouraging in all types of state-wide trainings, with a focus on sexual violence, to highlight implications for SARTs.
- Using de-obligated funds to convene regional or statewide SART gatherings for learning exchanges
- Developing a peer review monitoring program or the use of independent expert consultants to audit SART work and provide guidance for improvements
- Creating a state or territory SART registry so that communication linkages can be established with and between all SARTs, whether or not they are grantees. Develop methods for SART leaders to exchange ideas and discuss challenges

# Resources

SVJI explores relevant topics and provides technical assistance and training across the country for STOP Administrators, state-level leaders, and SARTs. Contact SVJI with questions or for technical assistance at: [svji@mncasa.org](mailto:svji@mncasa.org) or 651.209.9993.

To access this report and other issue briefs on critical issues, go to: <http://www.mncasa.org/stop-administrators-project/>.

## Detailed Design and Methodology

Candidate states were identified through outreach on a SANE-SART listserv (2013) and through a West Law Search (2013, 2016) and word of mouth (District of Columbia, 2014). In 2016, a consulting attorney to the project used the on-line legal search engine Thomas Reuters Westlaw to identify state SART mandates. The statutes database of every state and additionally the District of Columbia, Guam, Puerto Rico and the Virgin Islands were searched with the search terms: sexual assault response team. The search term identified every statute that used those words independently or combined. Every chapter of statutes in every location found to contain statutes addressing multidisciplinary teams such as those on domestic violence or child abuse collaborative teams was also checked. This search confirmed the statutes found in 2013 and identified the recent legislation in California. Five U.S. states and the District of Columbia were identified as having some form of state mandate requiring local SARTs or SART similar groups: New Jersey (2001), Indiana (2007), Virginia (2009), Georgia (2010), Oregon (2011), and the District of Columbia (2014)<sup>7</sup>. Laws were reviewed, compared, and compiled.

From October 2015 through January 2016, SVJI, identified and reached out to potential lead contacts for each state—the Office of Victim-Witness Advocacy at the New Jersey Department of Criminal Justice, the Indiana Coalition to End Sexual Assault, the Virginia Department of Criminal Justice Services, the Georgia Network to End Sexual Assault, the Oregon Attorney General’s Sexual Assault Task Force, and the Network for Victim Recovery of DC. The project goals and methods were described and three scenarios for various levels of lead agency engagement were given both verbally and in writing. Lead contacts in Georgia, Oregon, Virginia, Indiana, and the District of Columbia offered to assist with facilitating interview contacts. Oregon and Virginia lead agencies were also interested in adding an on-site meeting with additional participants to capture and document the mandate’s ripple effects. New Jersey’s contact declined participation due to a pending personnel turnover during the course of the project. In the end, interviews were conducted with identified participants in Oregon (1 medical, 3 district attorney/lawyer, 2 advocacy/victim services, 1 law enforcement), Virginia

(1 advocacy/victim services, 1 medical, 1 law enforcement, 1 Commonwealth attorney, 1 technical assistance provider), Indiana (5 advocacy/victim services, 1 prosecution), and the District of Columbia (2 advocacy/victim services). Unfortunately, the lead contact in Georgia was not able to assist with identifying potential interview subjects in time to conduct interviews there. The additional on-site meeting was held in Virginia and cancelled in Oregon. In Oregon it was determined that the meeting design would not likely yield the sought after information from the participant pool.

Twenty semi-structured phone interviews were conducted between March 30, 2016 and June 30, 2016. Interviews generally sought to collect background information on the subject (their time in the field, their job at the time of the mandate's passing, etc.) and their knowledge about the pre and post-mandate climate for SARTs in their state. Participant understanding of the purpose of the mandate and any knowledge they had of the process for introducing and passing the mandate was also sought. Participants were told of the project's focus and goals, and offered a summary of their state's findings for their time. At the conclusion of interviews for each state, the interviewer compiled information into a short synthesis identifying the climate for SARTs before, during, and after the mandate's passing. This was sent to the interview subjects to review and clarify. In Virginia, a joint phone call with all but one of the interview subjects was also held to review the summary.

Additional materials were developed in preparation for the Oregon and Virginia on-site meetings to support the proposed meeting design. Those materials were also reviewed with the state lead contact and, in the case of Virginia, a core advisory group and table facilitators recruited to assist on the day of the event. The Virginia meeting was held on May 17, 2016 with participants from 22 different Virginia SARTs (10 people represented two or more teams). Participants included representatives from various disciplines, including: medical (4), campus administration, police, advocacy (7), advocacy/victim services (12), law enforcement (1), state funder/technical assistance provider (2) and Commonwealth attorneys (2).

The lead contact for the state, Kristina Vadas of the Virginia Department of Criminal Justice Services (DCJS), created the invitation for participants and managed registration and local logistics. The meeting was designed to explore and document the mandate's impact in Virginia through using the Implications Wheel®. Additional group discussion was also used to gather participant observations. Together, participants reviewed and identified 136 results or ripple effects of the mandate's passing and shared lingering questions, surprises and priorities to make all Virginia SARTs successful. Information collected at the May 17th session was then compiled and reviewed with eleven people on July 20, 2016 during a web meeting. A report specific to the Virginia findings was provided to DCJS and was reviewed for this report.

Select state-specific documents were also reviewed to provide additional information or context to a state or the District of Columbia's mandate. Documents were typically identified by the state's lead contact or by interview participants.

# References

## Legislation

Cal. Penal Code § 13898; 13898.1; 13898.2 (2016)

DC Code §§ 4-561.12; 4-561.13; 4-561.14 (2014)

GA Code Ann. § 16-21-8-1.5 (2008)

Ind. Code §§ 16-21-8-1.5; 16-21-8-2 (2007)

Ky. Rev. Stat. Ann. § 403.707

Law L20-0139 Effective from Nov 20, 2014, Published in DC Register Vol. 61 and Page 12560 (also known as the Sexual Assault Victims' Rights Act Amendment of 2013, District of Columbia Official Code, D.C. ACT 20-348).

NJSA 52:4B-54 (2012)

Or. Rev. Stat. § 147.401 (2011)

Va. Code Ann. § 15.2-1627.4 (2016)

## Research/Journal Articles

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## Project States' Documents Reviewed

### District of Columbia

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"Sexual Assault Victims' Rights Amendment Act of 2013", Task Force Report 2016. Provided by interview subject.

Human Rights Watch (January 24, 2013). Capitol offense: Police mishandling of sexual assault cases in the District of Columbia. Report retrieved from <https://www.hrw.org/report/2013/01/24/capitol-offense/police-mishandling-sexual-assault-cases-district-columbia>.

### Oregon

Hoyt, Sarah (January 25, 2011). Issue Brief: SB 557 Sexual Assault Response Teams. Salem, OR: Oregon Senator Chris Edwards' Office. Provided by the Oregon Sexual Assault Task Force, Keizer, OR.

Oregon Attorney General's Sexual Assault Task Force (2010). Status of SARTs in Oregon--2010 sexual assault response team survey report. Keizer, OR: Attorney General's Sexual Assault Task Force. Provided by the Oregon Sexual Assault Task Force, Keizer, OR.

Oregon Attorney General's Sexual Assault Task Force (May 25, 2011). Oregon Attorney General's Sexual Assault Task Force Memo of May 25, 2011 to the Oregon State Legislature, Oregon State House of Representatives, House Judiciary Committee, Rep. Jeff Barker and Rep. Wayne Krieger, Co-Chairs regarding Senate Bill 557. Provided by the Oregon Sexual Assault Task Force, Keizer, OR.

Victor, David E. (2005). 2005 Sexual assault response team survey. Keizer, OR: Oregon Attorney General's Sexual Assault Task Force.

## **Virginia**

Governor's Commission on Sexual Violence (November 2007). Report and recommendations from the Governor's Commission on Sexual Violence to the Honorable Timothy M. Kaine, Governor of Virginia.

Virginia Department of Criminal Justice Services (May 2011). Sexual assault response teams (SART): A model protocol for Virginia. Richmond, Virginia: Virginia Department of Criminal Justice Services.

Virginia Department of Criminal Justice Services (January 2014). Child abuse multidisciplinary teams and sexual assault response teams fact sheet. Richmond, Virginia: Virginia Department of Criminal Justice Services.

Ecker, Francine C. (June 16, 2015). Sexual assault response teams & the Freedom of Information Act [Memorandum]. Richmond, VA: Virginia Department of Criminal Justice Services.

Williams, Laura and meeting participants (May 2016). What happened as a direct result of the Code of Virginia being amended in 2009 (§ 15.2-1627.4) to require each Commonwealth's Attorney to convene a SART? [Implications Wheel® Exploration]. Available from the Sexual Violence Justice Institute (St. Paul, MN) or the Virginia Department of Criminal Justice Services (Richmond, VA).

## **Web-Based Meetings**

K. Hall, B. Price, D. Schrad, and K. Vadas. Joint call on April 25, 2016. An interview summary document was reviewed and revised based on input gathered in this call.

P. Adams, T. Berry, K. Carpenter, E. Casey, J. Clayborne, M. Harper, T. Knupp, B. Price, D. Schrad, and K. Vadas. Web-based meeting on July 20, 2016 to discuss results of the May 17, 2016 in-person session.

# Endnotes

1. Our search for prospective states included mandates that required every local community to create a multidisciplinary team to design and/or implement a coordinated response to sexual assault whether or not they were called SARTs.
2. California passed legislation in 2016 that provides specifications for SARTs, but is permissive rather than obligatory. Kentucky's legislation creates a statewide SART, to influence the work of local SARTs, but doesn't mandate local SARTs. Minnesota passed relevant legislation much earlier (1994) that required the formation of a multidisciplinary group within each judicial district to develop a coordinated response plan and report on specific challenges in the response. There was no requirement for on-going meetings after the plan was submitted. Thus, the law was reviewed, but it was excluded from further exploration in this particular project. While the experiences of these states were not included here, they would be valuable to explore in another project.
3. Examples of formal structures identified are: a formal leader: written agendas, minutes, and mission statements; sign in sheets, operating rules, and formal funding sources (Campbell & Greeson, 2013, p. 139).
4. See the Minnesota Model Sexual Assault Response Protocol (Calvert & Williams, 2000, updated 2004, pages 36-38).
5. Research has noted that making collaborative processes such as case review, cross-training, and policy/protocol development and review a regular feature of SARTs may be a key element of increasing SART effectiveness (Campbell & Greeson, p. 125-126). To be successful, these processes do require teams to learn together.
6. A 2016 Task Force report recommended a \$3 million non-lapsing fund be established to carry out their recommendations. The District's SART mandate was part of a larger legislative reform to address insufficiencies raised in a high profile Human Rights Watch report.
7. California passed legislation in 2016 that provides specifications for SARTs, but is permissive rather than obligatory. Kentucky's legislation creates a statewide SART, to influence the work of local SARTs, but doesn't mandate local SARTs. Minnesota passed relevant legislation much earlier (1994) that required the formation of a multidisciplinary group within each judicial district to develop a coordinated response plan and report on specific challenges in the response. There was no requirement for on-going meetings after the plan was submitted. Thus, the law was reviewed, but it was excluded from further exploration in this particular project. While the experience of these states were not included here, they would be valuable to explore in another project.

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