



# *Safety Planning with Adult Sexual Assault Survivors: A Guide for Advocates and Attorneys*

Whether it is a single incident or an ongoing pattern of abuse, sexual assault can undermine a victim's physical and emotional safety. This guide is designed to help advocates and attorneys work with survivors of non-intimate partner sexual assault to identify potential threats and create a safety plan tailored to the individual's needs and concerns. An effective safety plan empowers the victim to reclaim a sense of safety and security by addressing immediate safety needs and outlining strategies to help reduce future incidents of harm. Unfortunately, constructing and implementing a safety plan cannot ensure that an individual will not face violence again; its goal is to help survivors be as safe as possible given their current life circumstances.

As you use this guide, please keep in mind the following:

- Victims may neither have nor want to share the answers to all the questions you ask. And that's okay.
- You do not need to ask every question provided. In fact, doing so may be overwhelming (to you and/or the victim!). Allow the victim's experiences and current situation to help determine which questions are appropriate.
- Safety planning is an ongoing process, not a one-time conversation. Your initial conversation with the victim should give you a sense of her or his immediate safety needs, which, in turn, will help you and the victim identify safety issues that require immediate attention and those that can be addressed in subsequent meetings.
- This guide is a general template for safety planning with adult survivors. It is not meant to be exhaustive, nor will it be applicable in every situation.

## **Safety Planning with Minors**

While parts of this guide may be useful when safety planning with minors, the guide is designed with adult survivors of sexual assault in mind. We recognize, though, that many sexual assault victims are minors. Minors do not have the same rights as adults and their access to safety remedies may be limited. When safety planning with survivors who are minors, consider both federal and state-specific laws, as well as minors' privacy and consent rights.

## **Considerations Specific to Non-Intimate Partner Sexual Assault**

This guide is designed to help you gather the information needed to effectively assess the safety risks of non-intimate partner violence and plan accordingly. Safety planning with non-intimate partner sexual assault survivors is different from safety planning with survivors of intimate partner violence in several key respects. A lack of personal information about the perpetrator (such as the perpetrator's name, home and/or work address, criminal history, access to weapons, etc.) as well as differences in the types of civil protection orders available often translates to different risks and recourses for some survivors.

## Privacy Considerations

Before beginning any safety assessment, lawyers and advocates must first consider what steps can and should be taken to protect the sensitive information they will be discussing with a victim of sexual violence. In many cases, sexual assault victims' first priority is safeguarding their privacy, even if doing so means that certain safety measures are not an option. For example, a victim may decide not to seek a civil protection order or disclose the assault to police, friends, family, school officials, or employers.

*Confidentiality Protections.* Attorney-Client privilege prohibits lawyers from disclosing information without client permission. Advocate privilege is state-specific. There is an “absolute” Victim-Advocate privilege in a few states, but, in most states, advocates have limited or no such privilege. Before safety planning with survivors, advocates and lawyers should (a) review their own confidentiality policies and practices, and (b) discuss those policies with the survivor. Licensed professionals (e.g., social workers, therapists, etc.) should also look at the confidentiality and disclosure obligations, ethical parameters, and best practices dictated by their profession. Keep in mind that if your records (which may include safety planning notes) are not protected by an absolute privilege, they could potentially be used against the victim in court. Notes (as well as personal testimony based on verbal conversations) regarding a victim's mental health, contact with the perpetrator, or other disclosures could be subpoenaed by defense counsel in a civil or criminal case. Before beginning the assessment, it is important to consider the following:

- If your records are not protected by an absolute privilege, what steps can you take to ensure that your notes and records will not reveal identifying, damaging, or incriminating information about the victim?
- How can you best balance the need for information that helps you and the survivor assess the risk of harm against how that information could be used against the survivor if it had to be disclosed in court?

## Safety Assessment

Each survivor's circumstance is unique and, as such, each safety plan should be tailored to meet the individual survivor's needs. However, a typical safety plan identifies ways to enhance safety in various situations, including while a survivor is at home, work, and school, in social situations, or in case of an emergency.

*Assess what questions to ask and when to ask them.* Your initial conversation with a victim will likely provide the information you need to begin a safety assessment (e.g., the circumstances around the assault and immediate safety concerns). The victim's individual circumstances will determine when to begin a discussion around safety planning and which issues to prioritize. For some providers, this discussion will take place during the screening or intake process while for others, it could occur at a subsequent meeting.

After addressing safety generally, help the survivor assess the specific risk the perpetrator poses and evaluate the nature and severity of risk by identifying the following:

- Threats to victim's physical safety
- Stalking the victim or her or his friends or family members

- Threats to others, such as the victim’s friends, roommates, co-workers, family members, or pets
- Any other threats, such as reporting the victim to immigration authorities, firing the victim/employee (in cases of workplace sexual assault), evicting the victim/tenant, sharing videos or pictures of the victim/survivor, posting pictures or statements online, “outing” a victim who identifies as lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ)

*Identify community and/or population-specific safety concerns:* Every victim presents different issues and safety concerns. A victim who identifies with one or more traditionally marginalized or underserved communities may have distinct safety planning needs. Therefore, it is important to be aware of specific safety concerns that may be relevant to:

- Victims with disabilities (physical and/or cognitive)
- Older adults
- Minors
- Victims who identify as lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ)
- Non-U.S. citizens
- Those from immigrant communities
- Farmworkers
- People of color
- People living in poverty
- People who are homeless
- People who are geographically isolated, such as those living in rural communities
- People who are a part of insular, isolated groups/communities, such as some religious sects
- People who are linguistically isolated
- People who have been trafficked or sexually exploited
- Military service members

*Provide interpreters when needed.* Interpreting for sexual assault-related issues requires additional expertise. For example, interpreters should be comfortable hearing about and using vocabulary necessary to interpret acts of sexual violence, including interpreting any informal language/slang used by the victim. To protect victims’ confidentiality and safety, do not use victims’ family members or friends as interpreters; use qualified interpreters that are not associated with the perpetrator. If necessary, be prepared to provide telephonic interpretation by an interpreter who does not live in the survivor’s community.

*Be conscious of gendered pronouns.* Not all victims are female, nor are all perpetrators male. Not all victims are sexually assaulted by a perpetrator of the opposite sex. Not all same-sex sexual assaults involve people who identify as LGBTQ. Some survivors may prefer to be referred to by a pronoun that is different than their birth gender. Be conscious of your use of gender pronouns and if you need clarification, ask.

*Consider the survivor’s emotional safety.* Addressing threats to a sexual assault survivor’s emotional safety can be just as important as addressing physical safety concerns. After an assault, victims may develop harmful coping mechanisms (such as substance abuse or other

addictions, cutting/self-mutilation, eating disorders, increased risk-taking, or other high-risk behaviors). Many victims experience trauma-induced mental health conditions (like depression, anxiety, or suicidality), isolate themselves from friends and/or family, or feel unsafe in their own bodies.

If you feel unqualified or that it is inappropriate for you to discuss these issues, refer the survivor to a sexual assault advocate or counselor who can. Make sure to keep an up-to-date list of resources/services available to sexual assault survivors in your area.

For those who do feel qualified and will be discussing these issues with survivors, we have included some suggestions for addressing emotional safety while being mindful of the possibility that your records could be subpoenaed.

**PRACTICE TIP:** Before asking about suicidality and/or other forms of self-harm, discuss with the survivor any mandatory reporting obligations you may have.

*Victim-Centered Safety Planning.* Remember, your goal is to empower victims to make choices by providing the information they need to make informed decisions. Ask clients about their specific safety concerns and what they need to keep themselves safe. Present clients with options and then help them think through the implications of those options so they can make choices that are best for them. A good way to start is to give the survivor an overview of the topic areas that a typical safety plan may address and let her or him determine which areas to discuss. *Note: The sample questions provided below are intended to help guide you as you and the survivor engage in safety planning, and may or may not be relevant or appropriate for every survivor. Conversely, this list is not exhaustive; additional questions may be required to address your client's situation.*

*Safety planning is an ongoing process.* Over time, new concerns may arise that require adjusting the safety plan. For many survivors of sexual trauma, enhancing emotional, mental, physical, and economic safety will be a consideration for years after the assault. Encourage survivors to let you know when their needs or circumstances change and work with them to modify their safety plans to accommodate those changes.

*Assist with implementing the plan.* Victims may need assistance in implementing their safety plans. Take time to ensure that your client understands the plan and that the information is captured in a way that makes the most sense to the victim. Survivors who do not read or write may need an alternative to a written safety plan, such as an oral recording of the information.

**The following list of questions is designed to help guide you as you and the survivor engage in safety planning. It should NOT be used as checklist. Use what you know about the survivor's experience to determine which questions are appropriate. Avoid asking questions that are not applicable to the survivor's situation.**

## Immediate Physical Safety

- Where and in what ways might you come into contact with the perpetrator?
- What information, if any, does the perpetrator have about where you live, work, or go to school, or about other places you go on a regular basis?
- Has the perpetrator threatened you, either directly or in other ways (e.g., threatened to tell other people, get you fired, report you to immigration authorities, “out” you as LGBTQ, or post pictures or statements online)?
- Has the perpetrator contacted you since the assault?
- Has the perpetrator stalked you, your friends, or your family?
- Are you considering reporting the assault to law enforcement? If so, do you have any questions about the reporting process?
- Do you have a civil restraining order or other type of protection order against the perpetrator? If not, do you think some type of protection order would be helpful?
- Do you have any reason to be concerned about the perpetrator’s family or circle of friends?
- Do you have any injuries or other health concerns as a result of the assault? If so, have you been able to receive medical care?
- Do you have a cell phone you can use if you need to call for help?
- Are there specific things you can think of doing that might help you feel safe?
- Do you have a plan in case of emergencies (i.e., if you were in danger or needed medical attention, who you would call, where you would go, and how you would get there)?

**PRACTICE TIP:** When available, a civil protection order (CPO) can be a valuable safety measure, but many jurisdictions do not have CPOs for survivors of non-intimate partner sexual assault. Find out if your state or jurisdiction has this protection and if the victim has the information (i.e., assailant’s name, address, etc.) needed to obtain and serve a CPO.

**PRACTICE TIP:** Some survivors may find sexual assault to be so overwhelming and traumatic that they are suicidal. Be alert for survivors who implicitly or explicitly mention that they are thinking of hurting themselves or taking their life. If, based on your conversation with a victim, you believe this may be a possibility, do not be afraid to ask the survivor directly if she or he is thinking about hurting her/himself; people don’t get the idea to hurt themselves simply from someone mentioning it. All staff who work with victims should be trained on how to work with suicidal clients. Organizations should have internal policies and protocols for staff to follow if they determine a client is a danger to self or others. These policies should be consistent with victims’ privacy rights and the organization’s other privacy obligations.

## Safety and Technology

- Does the perpetrator know your phone number? Your email address?
- Does the perpetrator know any of your passwords?
- Do you have any social media accounts (e.g., Facebook, Google+, Twitter, Linked In, etc.)? Are you “friends” with the perpetrator? Is anyone in your social media network “friends” with the perpetrator? Do you know how to block the perpetrator and perpetrator’s contacts from accessing you via these avenues?
- Has the perpetrator or the perpetrator’s friends or family contacted you using these mediums? If so, can you gather (and retain) evidence of this contact?
- Has the perpetrator or the perpetrator’s friends or family posted anything about you online? What was posted? Is the post still online?
- Have you reviewed your privacy settings (on shared computers, social media sites, etc.) since the assault? Can you adjust those settings to keep your personal information more secure?
- Have you searched for your name on the internet? If so, does any private information (home address, phone number, etc.) show up? Do you need help removing this information?
- Did you meet the perpetrator online? Are you concerned that the perpetrator will contact you on the Internet?

### **PRACTICE TIP:**

Encourage the survivor to save any electronic records that might be relevant to the assault, including texts, emails, Facebook posts, or other electronic messages sent to or from the perpetrator before or after the assault. Find out how to retrieve any deleted information you may need to access as evidence.

## Safe Housing

- What kind of housing do you live in (e.g., apartment, dorm, house, trailer, motel, group home or assisted living facility, car, outdoors)?
- Do you live alone or share your housing? Do you know the people with whom you share your housing?
- Does the perpetrator have access to your housing?
- Are you physically safe inside your housing? Do your windows and doors lock? Do you have lights outside your home?
- Who could you stay with if you needed to leave home? Do you have friends or family nearby? Who else in the community do you know and trust? How would you contact them?
- Would it be safer to move to new housing? Is this possible? Do you need help finding a new place to stay?
- Can you think of other things you can do to feel safer where you live?

### **Safe School**

- Are you a student? If yes, do you feel safe at school?
- Does the perpetrator know where you go to school or your school schedule?
- Is the perpetrator a classmate or a person in a position of authority at your school (e.g., a teacher, principal, or coach)?
- Have you told anyone at your school about the assault?
- Do you want to continue going to your current school?
- Are there things that you or others can do that would make you feel safer at school? (e.g., move you or the perpetrator to a different class, provide bus service to/from the school, change your residence hall, move your locker, provide an escort, change practice or meeting times)?

### **Safe Workplace**

- Are you currently employed? If yes, does the perpetrator know where you work?
- Is the perpetrator a coworker or a person who has authority over you at work (i.e., is the perpetrator your supervisor or the business owner)?
- Does anyone else at work know about the assault?
- Is there a sexual harassment policy at your work? Did you tell the employer about the assault? If yes, how did they respond? If you have not reported the assault to your employer, do you think doing so would make you more or less safe?
- Do you come into contact with the perpetrator at work? Are there steps you can take to avoid interacting with the perpetrator? Can you think of other things you can do to increase your safety at work?
- Do you want to continue working at your current job? Are you aware of other locations, shifts or teams that could be an option?

### **Safe Community**

- Do you see the perpetrator when you are out in public? If yes, where (e.g., at the grocery store, the mall, the park, the movie theater, etc.)?
- Is there someone you trust who can accompany you to the places you need to go?
- If you were approached by the perpetrator in a public place, do you know where you could go to be safe?
- Are there specific things you can do that might help you feel safer in your community?

### Safe Transportation:

- How do you get to the places you need to go to (e.g., work, school, the store, the mall, religious services, the laundromat, the movies, friends' houses, restaurants, etc.)?
- Does the perpetrator know your transportation routes? If yes, can you change the routes you take to work, school, housing, shopping, etc.?
- Do you have access to public transportation, like a bus, subway, or train? Are you comfortable using public transportation?
- Does the perpetrator use the same transportation you do? If so, are there other ways you could get where you need to go? Do you always have access to a vehicle or have a friend who could drive you?
- Are there specific things you can think of doing that might help you feel safer in transport?

#### **PRACTICE TIP:**

Information about self-harm or other potentially harmful coping mechanisms can be used to discredit the survivor in both criminal and civil legal cases. If your records are not protected by an absolute privilege, it is critical to have record-keeping policies that reflect sexual assault victims' need for privacy. Check to see if your organization has standard procedures around note taking.

### Discussing Emotional Safety

Discussing emotional safety with a victim can be a complex process. Emotional safety is extremely important. However, be aware that any information you document about a victim's emotional state can be subpoenaed and, if it has to be released, will likely be used to discredit the victim. Instead of asking questions, attorneys may want to suggest general strategies for increasing emotional safety and offer referrals to advocates and/or counselors.

### Providing Additional Support

*Note: Before making a referral, be sure to address issues of victim confidentiality. For example, when referring a vulnerable adult or a minor to a counselor who will have to report the assault to law enforcement, you should inform the victim of the provider's reporting obligations at the time of the referral and certainly before the victim contacts the provider. Additionally, the organization should determine whether or not this referral needs to be noted in your files in the event your records are subpoenaed.*

The following are ways in which you might further support victims' safety, as appropriate to your role, agency policies, etc.:

- Contact agencies that can help provide relocation assistance (legal, financial, etc.).
- Provide a list of resources (e.g., sexual violence shelters, rape crisis centers, taxi/car services, support groups, mental health specialists, healthcare providers, law enforcement, addictions counselors, etc.).

- Collaborate closely with community-based sexual assault advocates/counselors to ensure that survivors have access to free, confidential services.
- Develop and provide training to your community partners who can help protect sexual assault survivors' employment, housing, education, immigration, public benefits, and privacy rights.
- Advocate with landlords for increased safety measures in and access to housing.
- Advocate with employers for increased safety measures, accommodations, and other benefits work. Educate social service, legal service, and healthcare providers on overcoming barriers to providing services to sexual assault survivors.

*Preparation of this of this material was supported by grant number 2011-TA-AX-KO24 awarded by the Office on Violence Against Women U.S. Department of Justice. The opinions, findings, and conclusions expressed are those of the author(s) and do not necessarily represent the views of the U.S. Department of Justice.*