



FREEDOM FROM SEXUAL VIOLENCE

October 1, 2024

Dear Mandatory Reporting Task Force Members:

On behalf of the Colorado Coalition Against Sexual Assault (CCASA), we are writing today to express our strong support for exempting victim advocates as mandatory reporters under C.R.S. 19-3-304. Over the last two years, we have appreciated the opportunity to gather and engage in meaningful conversation as the state explores options and opportunities to overhaul and improve this system that has, at times, caused significant harm to the people and families it was designed to protect. You have spent hours debating perspectives and weighing the pros and cons of various approaches. As the Task Force nears its end, we feel it is important to outline the reasoning behind this critical recommendation for all members to consider.

1. Survivor Autonomy and Privacy

Survivors seeking support from community-based victim advocates have already experienced significant, life-altering trauma(s). Sexual violence, by its very nature, undermines a person's safety and autonomy, and many survivors report feeling a lack of control. Victim advocates approach their work from a strengths-based perspective, putting survivors in the driver's seat of their healing journey. Survivors often seek support from victim advocates precisely because of the confidentiality and privacy offered, enabling them to choose their path and fully understand any surveillance or legal repercussions that may arise. When a survivor learns that something they shared with their advocate will be reported to law enforcement or child protective services, the trust between them is broken and their newfound sense of control is destroyed. This can be especially devastating for survivors in our state's rural communities where confidentiality is most crucial and difficult to maintain.

2. Trauma-Informed Care

Victim advocates play a unique role in supporting survivors of sexual violence. Unlike other professions subjected to mandatory reporting requirements, advocates have extensive training in family dynamics, interpersonal violence, crisis intervention, and trauma-informed care. They also have deep relationships with community organizations and providers, allowing them to provide referrals and connect survivors to other meaningful resources. Studies show that victim services benefit survivors by mitigating further trauma and assisting in accessing resources, which decreases the instance and length of PTSD, increases reporting and cooperation with law enforcement, and increases the likelihood of receiving medical care.ⁱ However, youth report that they are much less likely to seek services if they are not confidential – 95% for confidential sexual assault care vs. 50% for non-confidential care.ⁱⁱ When we subject advocates to the same mandatory reporting requirements as teachers and dentists, we risk deterring survivors from seeking help at all, limiting their access to essential services studies show offset the negative impacts of victimization.

3. Cooperation with Law Enforcement

Marginalized communities have additional barriers and consequences in making formal reports to law enforcement and in having reports made about them. The historical relationships between communities of color and the criminal justice (CJ) system have not proven to be fair or unbiased, which continues to nurture distrust of those systems that should protect communities. Families who have interactions with human services and law enforcement are oftentimes in need of referrals to meaningful resources but instead become labeled. Community-based victim advocates form professional relationships with those in law enforcement and CJ systems, which help bridge the limited capacity of responders with the humanity of trauma. Community-based advocates' responsibility is to survivors and the decisions that survivors make about what healing and justice is for them.

Only six other states in the U.S. list victim advocates as mandatory reporters, and it is time for Colorado to align with the vast majority of states in exempting them from mandatory reporting requirements. We share the belief with Task Force members that suspected sexual abuse of children should be reported in a timely manner; yet, requiring community-based confidential advocates to automatically step into this role leaves little room for them to do what they do best: ensuring the safety of victim(s) and providing immediate support. Recognizing advocates' unique role in supporting survivors who are seeking help and safety, **we strongly urge the Task Force to support the specialized occupation subcommittee's vote to move forward with this recommendation in the final report.** Doing so will affirm survivors' privacy and autonomy, support trauma-informed practices, and ensure those seeking help can do so without hesitation or fear.

Thank you for your time and thoughtful consideration. CCASA remains committed to working collaboratively to improve Colorado's mandatory reporting laws and appreciates the Task Force's time, effort, and dedication to this important effort.

Sincerely,

CCASA

The Blue Bench

Center for Advocacy, Prevention and Empowerment (CAPE), University of Denver

Deaf Overcoming Violence through Empowerment (DOVE)

Project Hope

Rise Above Violence

Rocky Mountain Victim Law Center (RMVLC)

Amy Hasinoff, University of Colorado Denver Professor

ⁱ Shaw, J., & Campbell, R. (2011). "Rape crisis centers: Serving survivors and their communities." In T. Bryant-Davis (Ed.), *Surviving sexual violence: A guide to recovery and empowerment*. New York: Rowman & Littlefield Publishers, Inc.

ⁱⁱ Hall, E. R., & Gloyer, G. Jr. (1985). "How adolescents perceive sexual assault services." *Health & Social Work, 10*(2), 120–128.