



Governor's Sexual Assault Kit Working Group Victim Notification Guidelines

February 2018

"Creating a survivor-centered and trauma-informed approach to notification is key to gaining trust and re-engaging victims whose rape kits were not tested and whose cases were not pursued by the criminal justice system."

Dr. Rebecca Campbell, Ph.D.
Michigan State University

ACKNOWLEDGEMENTS

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Members wish to acknowledge the valuable input from the Victim Survivor Advisory Council of the Connecticut Alliance to End Sexual Violence, and committee members, Melissa Malagutti, Safe Haven of Greater Waterbury, and Nina Vazquez, Connecticut Alliance to End Sexual Violence.

For more information about these guidelines and available technical assistance, please contact: SAKISpecialist@endsexualviolencect.org.

GOVERNOR'S SEXUAL ASSAULT KIT WORKING GROUP

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BACKGROUND

In March of 2016, Governor Dannel P. Malloy announced the creation of a specialized working group, the Governor's Sexual Assault Kit Working Group (SAKWG) to examine and limit the barriers for submitting sexual assault evidence to the Connecticut Division of Scientific Services. The multidisciplinary group which includes representatives from both the criminal justice and victim advocacy community is charged with making recommendations to standardize and facilitate the transfer, tracking, and testing of sexual assault evidence collection kits (SAKs) as well as developing guidelines for the notification of victims whose evidence, once tested, may result in a CODIS hit or lead to a new investigation.

The 2015 State of Connecticut Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations statewide survey of Connecticut municipal and state police departments found that there were 879 SAKs over a year old that had not been sent to the Connecticut Division of Scientific Services for testing.

What is a SAK?

Commonly known as a rape kit, a sexual assault evidence collection kit (SAK) guides the collection of evidence from a sexual assault victim's body during a forensic medical exam. The exam involves collection of potential DNA evidence, physical external and internal examination, and extensive documentation of injuries. Completed SAKs contain potential physical evidence specimens (swabs, hair, clothing, etc.) that are forwarded to a forensic lab for analysis.

Completed SAKs are an important tool that can yield critical evidence. Evidence found in a SAK may help establish if a sexual act occurred, may help eliminate or identify a suspect, may help identify someone who has prior convictions and may link cases based on evidence.

Delays to processing SAKs may impede justice for survivors of sexual assault and allow perpetrators of crime(s) to remain unaccountable for their actions.

What is CODIS? What is a CODIS Hit?

The Combined DNA Index System (CODIS) is a software tool that allows local, state, and federal accredited forensic science laboratories to exchange and compare DNA profiles. This software allows the linking of violent crimes to known offenders and to other violent crimes at the local, state, and federal level, also termed a CODIS Hit. CODIS allows DNA information to assist past, current, and future law enforcement investigations. CODIS is also used to identify missing and unidentified individuals. To date, over 190 public law enforcement laboratories participate in the CODIS system.

For more information see <https://www.fbi.gov/services/laboratory/biometric-analysis/codis>.

The Department of Emergency Services and Public Protection became one of 20 sites across the country in 2015 to receive a Federal Bureau of Justice Assistance National Sexual Assault Kit Initiative (SAKI) grant. Funding from this grant supports the testing of the SAKs identified in the original (2015) survey; the development of victim notification guidelines and the coordination and training among stakeholders to improve the response to and investigation of sexual assault crimes.

As of July 2017, over half of these SAKs have been tested and any eligible profiles have been entered into CODIS through the Connecticut Forensic Science Laboratory. Recent changes in Connecticut law, [Public Act 15-207](#) now require law enforcement officers to transfer and deliver all SAKs to the Division of Scientific Services within ten days of collection to be processed and tested within 60 days.¹

Guiding Principles

Sexual assault is an invasive and traumatic crime. As many of the SAKs which were identified in Connecticut and are now being tested are several years old, notifying victims about information or new information gathered as a result of testing can be understandably difficult for survivors² who may feel re-victimized or harmed as a result of the delay. Discussing their assault can cause traumatic memories to resurface. Some survivors may feel angry towards the criminal justice system that their SAK was untested for so long, while others may be pleased to have new information.

The Governor's Sexual Assault Kit Working Group considered many factors when deciding on a victim notification approach including:

- When should a survivor be notified?
- Could notifying a survivor years after the assault cause trauma and re-victimize the survivor?
- What is the best way to notify a victim, and who should be involved?

¹ SAKs for victims who do not want to immediately make a report to the police and initially submit as "anonymous" will be held for up to five years at the CT Forensic Science Laboratory

² In this document, victim and survivor are used interchangeably to acknowledge that persons who are sexually assaulted may not solely identify with one label.

- Does the potential harm of a law enforcement officer unexpectedly contacting a victim outweigh the benefit of notifying a victim after a CODIS hit?
- Would a passive approach of mailing a letter fail to convey the seriousness of the crime? Would it be enough to give the survivor the power to decide if they want to engage or reengage in the criminal justice system?

While no single approach can be applied to meet the needs of each victim, every notification must be considered on an individual basis with a multidisciplinary team. Re-engaging survivors is challenging and every effort must be made to mitigate harm or distress. Victim-centered and trauma-informed practices should be considered at every step in the notification process to protect the emotional and physical safety of the survivor.

Victim -Centered³

- The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system;
- Victim's choice, safety, and well-being is the focus;
- Meeting the needs of the victim is everyone's concern and a collective effort (not just the task of one partner).

Trauma-Informed⁴

- Tending to victim's emotional safety, as well as their physical safety;
- Strengthening victim's capacity to recover from their traumatic effects of abuse and violence by providing information, resources, services, and support;
- Educating victims, service providers, and the general community about the impact of trauma on victim's health and well-being.

VICTIM NOTIFICATION GUIDELINES

Taking into account all the potential factors that could arise in notifying a survivor, the Governor's Sexual Assault Kit Working Group has proposed the following guidelines:

The Victim Notification Guidelines should be used for SAKI grant cases in which a previously untested SAK results in a CODIS hit after testing.

Local Notification Team and Development of Notification Plan

After a case with a CODIS hit is identified, a local Notification Team including an assigned law enforcement officer from the jurisdiction where the assault occurred and a community-based sexual assault victim advocate should meet to review pertinent case details and work together to develop a victim-centered and trauma-informed victim notification plan. The Notification Team should meet and work to notify a victim within 30 calendar days of receiving the case information. The state's attorney should also be notified once the Notification Team has met.

The Team should decide how and when notification will occur to reduce and/or prevent any possible re-traumatization. The Notification Team should anticipate and ensure that the survivor is connected

³ Campbell, R., et al. (2015). Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report, page 245

⁴ Ibid

with any advocacy services or resources that are needed to address potential language or cultural barriers.

Victim Safety: The Notification Team should take into account the current life circumstance of the survivor (i.e., living with offender) and culture and other potential mitigating statuses (e.g., possible retribution). If the Team determines that notification would cause danger for the victim, the Team would then need to consider whether notification is appropriate. Again, notification must be reviewed on an individual basis.

How to inform: There are three possibilities for notification: in-person, phone call, or letter. Each comes with advantages and disadvantages.⁵ The Connecticut guidelines encourage Teams to make an initial phone call to the survivor followed by an in-person meeting to be provided at a time and place of the survivor's choosing, including but not limited to the police station. This approach allows for information and answers to questions to be answered in real time, and support to be offered by the sexual assault victim advocate as needed. It also allows for victims to protect their privacy.

First Contact

When possible, a telephone call will be made to the survivor by a community-based sexual assault victim advocate and a local law enforcement officer, so that together they can answer questions about the case and support the survivor and connect them to any needed services. Notification Teams should be prepared to provide full information on the case, address any questions on case progression should the survivor seek this information and offer an in-person meeting. Since the survivor's family, friends, and others may not be aware of the crime, phone messages should not be left in order to ensure the survivor's privacy.

If team is unsuccessful at reaching the victim by telephone after several attempts, Notification Teams are encouraged to send a letter. (See appendix for sample language.)

Acknowledgment

Survivors should be treated with compassion and respect. Information about the case should be discussed in an empathetic manner. It is important that an acknowledgement be given regarding the delay in testing, and that the survivor be given the chance to ask questions and express what may be a wide range of emotions.

Survivors should be empowered to choose how they want to receive information on the case going forward, how much detail they want to receive, and when they want to receive such information.

Decline of Second Contact: It should not be assumed that all survivors want to re-engage in the criminal justice process. If the survivor does not wish to meet in person after the phone

⁵ A passive approach, such as a letter, gives the survivor the power to decide in private whether to reach out for more information. The letter however is less personal, and if there is not anyone present to help support the survivor who does receive a letter, the survivor could be triggered and left without the support of an advocate or someone to answer the questions that they may have. Additionally, a letter could be read by someone other than the survivor, revealing private information, or raising questions about an event that a victim may not wish to discuss.

conversation, the law enforcement officer will provide contact information for any future questions the survivor may have. The community-based sexual assault victim advocate will provide the survivor with the number for the local community-based advocacy program and their number for any future support the survivor may need.

Second Contact:

The location of the meeting should be a place where the survivor feels safe and comfortable. If the survivor is unable to secure transportation or needs to meet after normal business hours, Notification Teams should maintain flexibility and follow the lead of the survivor.

Written information should be prepared ahead of time for any information they may need on the case, case progression or pertinent resources. The Notification Team should assure that there is enough time given for survivors to process any information and have time to respond with any questions. Notification Teams should make sure that survivors are clear on who to contact with questions on the case and confirm if they want to participate in the criminal justice process (this does not need to be decided at the meeting).

The goals of the meeting are to be supportive, make sure the survivor is informed, connect them to any needed services and make sure they know they can talk and meet privately with a community-based sexual assault advocate who can discuss emotions, re-traumatization, self-care, and ongoing services and resources that are available. Any follow-up detailed investigative interview will take place with the victim at another time to allow the victim time to process the information and to afford improved cognitive recall, unless the victim expresses a desire to proceed at that given time.

Self-Care for Notifiers: It is important to recognize that the work of notifying victims can be challenging and have various impacts on team members. Physical and mental self-care are critical when responding to crisis and stress. Local Notification Teams should consider whether there are strategies that can be implemented to support their self-care through peer support, stress management training and/or clinical supervision.

Victim Notification Flow-Chart

CODIS Hit



Letter to Notification Agencies

In addition to the standard notification letter to the State's Attorney's office and law enforcement agencies, a second letter from the Division of Scientific Services will be emailed to the above parties, the SAKWG Chair, and community-based sexual assault crisis services programs, to provide notification of a SAKI case CODIS Hit.



Case Review and Plan for Notification

The Notification Team, including a sexual assault victim advocate and law enforcement officer meet to discuss each case and plan for notification, including the State's Attorney.



First Contact Phone Call

The sexual assault victim advocate and law enforcement officer make the call to the survivor together.

If the victim is reached, an in-person meeting will be scheduled if the victim agrees.

3 or more attempts will be made by phone to contact the survivor before a letter or visit to the survivor's home is made.



Second Contact Meeting with Survivor

The sexual assault victim advocate and law enforcement officer make visit together.

Updates on case are provided and available resources are communicated.

Any follow-up detailed investigative interview should take place with the victim at another time and place to allow the victim time and to afford improved cognitive recall, unless the victim expresses a desire to proceed at that given time.



Follow up call to see if any additional resources or assistance is needed.



CT Sexual Assault Victim Notification Report sent to SAKI Project Coordinator

APPENDIX

Sample Phone Script

Sample Letter

Member Center Service Areas Map and Contacts

Victim Notification Report

Sample Phone Script

Important Reminders:

Phone calls are the preferred form of contact to begin notification

The community-based sexual assault victim advocate and law enforcement officer will make the call together. If victim is reached, an in-person meeting will be offered and scheduled at a time and location that is convenient for the victim.

Notification teams should be prepared to provide full information on the case, address any questions on case progression (should the survivor seek this information), and offer an in-person meeting. Telephone messages should **not** be left in order to ensure the survivor's privacy.

Hello. May I please speak with _____.

If not available: Can you suggest a good time for me to reach them?

Do not leave a message: Thank you. I will try them back then.

If available:

My name is _____ from (local PD) and I'm joined by _____ from the _____ (community based sexual assault crisis services program). Do you recall reporting a crime in xxxx(year)?

We have additional information about your case and hoped that we could schedule a time to meet to discuss it with you. We can meet at a time and location that is convenient with your schedule.

If victim would like additional information:

We have processed your evidence collection kit and would like to update you. The state has created testing protocols and has gone back to test kits that were previously untested. With your permission, myself and a community-based victim advocate would like to meet at a time and place of your choosing to discuss your case.

If victim would like additional information and it is a case where an apology may be necessary:

The state has created testing protocols and has gone back to test evidence kits that were previously untested. We are sorry for the delay in testing, but we have now processed your evidence collection kit and would like to update you. With your permission, myself and a community-based victim advocate would like to meet at a time and place of your choosing to discuss your case.

Sample Letter

Important Reminders:

Phone calls are the preferred form of contact to begin notification. If a survivor cannot be reached by phone, a letter is the next suggested form of contact.

In order to increase victim privacy, letters should be sent in a plain envelope utilizing the following PO Box as a return address:

P.O. Box XXX
Hartford, CT 06XXX

All returned letters will be forwarded to the department which it was sent from.

Local PD Letterhead

Date

Title, First & Last Name

Address

City, State, Zip

Dear Title, Last Name:

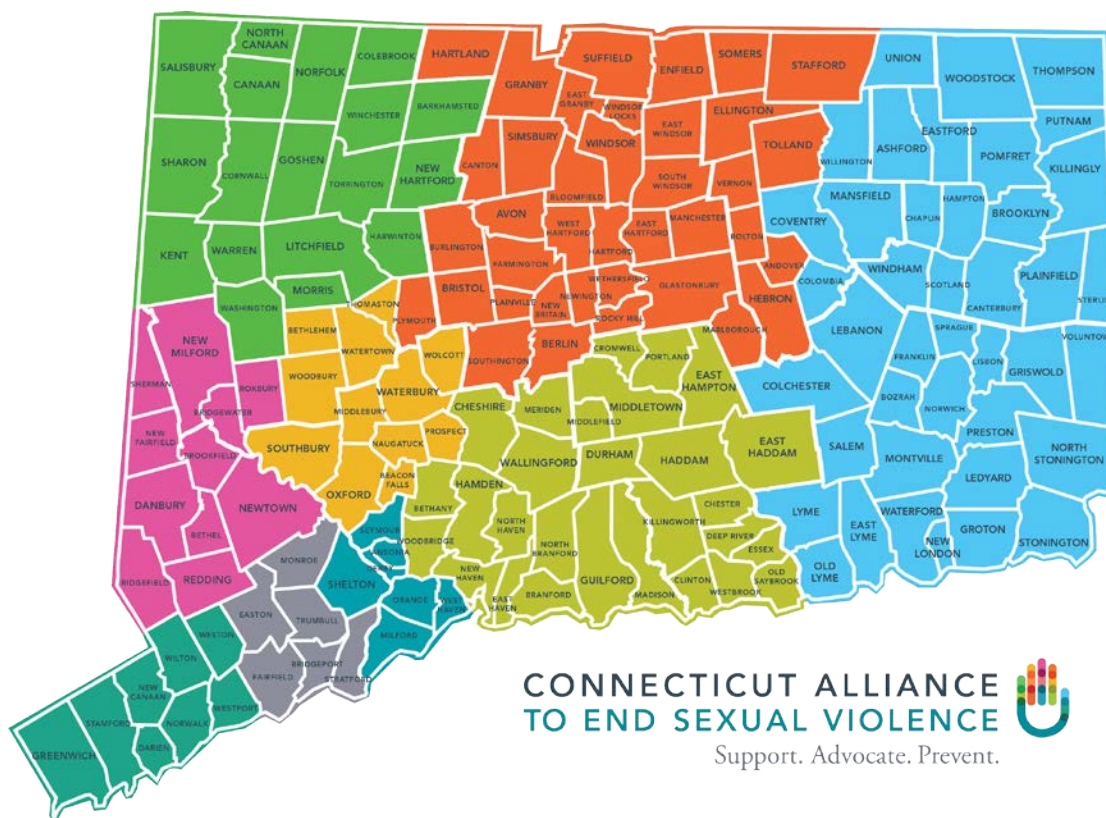
The xxx (local police department) is conducting a review of cases and would like to speak with you to provide an update on your case.

For additional information, please contact officer/detective _____ at (xxx) xxx-xxxx.

Sincerely,

XXXXX

The Alliance Member Center Service Areas



- **Sexual Assault Crisis Center of Eastern Connecticut (Located in Willimantic and New London)**
 Maria Busineau, Associate Director mbusineau@sbcglobal.net 860-456-3595
- **Women and Families Center (Located in Meriden, Middletown and New Haven)**
 Rebecca Fernandez, Advocacy Coordinator rfernandez@womenfamilies.org 860-344-1474 x111
- **Rape Crisis Center of Milford (Located in Milford)**
 Peggy Pisano, Director of Victims Services peggy.mrcc@yahoo.com 203-874-8712
- **The Center for Family Justice (Located in Bridgeport)**
 Gail Wiggins, Coordinator of S.V. Services gwiggins@centerforfamilyjustice.org 203-334-6154 x118
- **YWCA New Britain Sexual Assault Crisis Service (Located in New Britain and Hartford)**
 Nuriye Rumeli, Senior Advocate nrumeli@ywcaneubritain.org 860-215-8180
- **Safe Haven of Greater Waterbury (Located in Waterbury)**
 Melissa Malagutti, Program Director mmalagutti@safehavenofgw.org 203-753-3613
- **Susan B. Anthony Project (Located in Torrington)**
 Michelle Marone, Program Director mmarone@sbaproject.org 860-489-3798
 x329
- **Women's Center of Greater Danbury (Located in Danbury)**
 Raquel Lopez, Adult Counselor Advocate raquel.l@wcogd.org 203-731-5200 x206
- **The Center for Sexual Assault Crisis Counseling and Education (Located in Stamford)**
 Marsha Placide, Adult Advocate m.placide@thecenter-ct.org 203-487-0665

Connecticut Sexual Assault Victim Notification Record

(Bureau of Justice Assistance – Sexual Assault Kit Initiative (SAKI))

Case Number _____ Date _____

Law Enforcement Officer (Name & Agency) _____

Victim Advocate (Name & Program) _____

If victim notification will **NOT** be attempted, state reason

Reason for notification ___ Lab Results ___ CODIS Hit ___ Other (please specify) _____

Was contact made with the victim? ___ Yes ___ No

Method of contact? ___ phone ___ in person ___ letter ___ other (please specify)

Would the victim like to be kept informed about the status of the case? ___ Yes ___ No

How would the victim like to receive this information? (phone/email/letter/etc.) _____

Would the victim like to participate in possible court case? ___ Yes ___ No

Was the victim referred for support services? ___ Yes ___ No To Whom? _____

Is follow-up contact planned? ___ Yes ___ No By Whom? _____ Date _____

If contact was attempted, but no contact was made, please list attempts (*not limited to 3 attempts*)

Attempt	Date	Name (officer)	Method	Detail
1 st				
2 nd				
3 rd				

Suggestions to improve victim notification (attach additional sheet if necessary)

Return a copy of this record to dss.saktracking@ct.gov

Or by mail:

SAKI Program Coordinator, Division of Scientific Services, 278 Colony Street, Meriden, CT 06451