



# Communicating With Individuals Impacted by Cold Case Violent Crimes

## Strategies for Ongoing Engagement

Renewing a cold case violent crime investigation may require engaging several individuals to relay new information, clarify prior efforts and decisions, or discuss the return or destruction of property that was originally collected through investigative actions.

A need often exists to communicate with individuals—other than those identified as **next of kin** and **victims**—who have been impacted by reported crimes; those individuals are collectively referred to as **co-victims** or **survivors** and can include romantic partners, close friends, roommates, colleagues, or other family members who are not legally next of kin.

Law enforcement officials and prosecutors are invested in solving these cases because they have authority over the investigation of violent crimes and over decisions related to legal accountability, respectively. Co-victims/survivors are often just as invested on an emotional level in the progress of cases, and these individuals often express a desire for routine and timely updates and communication.

Additionally, having access to case-related information can influence co-victims'/survivors' responses and decisions related to a crime's psychological, physical, social, and economic effects. For example, sharing information about a suspect's status may affect overall stress levels for those impacted by crime and allow them to use the information for key decisions related to housing and safety concerns.

Justice system professionals may believe that they can cause emotional harm by sharing information that is not meaningful or involves details that are too distressing. This belief can lead to minimizing contact with those impacted by cold case violent crimes in an attempt to shield them from potentially upsetting information. However, when these individuals do not receive additional communication and are contacted

only to serve as a potential source for case information, they may experience a lack of control and develop negative impressions of the justice system—resulting in downstream engagement issues.

As information gatekeepers, justice system professionals are encouraged to embrace the potential not only to minimize harm but also to facilitate positive outcomes. Developing balanced and consistent communication plans allows justice system professionals to foster trust with co-victims/survivors, creating a mutually beneficial relationship that enhances investigators' ability to access comprehensive information from co-victims/survivors. This approach aids the investigation and improves case outcomes, while meeting the needs of those impacted by violent crime.

Those impacted by cold case violent crimes often experience the following effects in connection with those crimes:

- ◆ **Psychological** (distress, mental health concerns)
- ◆ **Physical** (sleep/nutrition disruption, stress-related illnesses, elevated suicidality)
- ◆ **Social** (struggling relationships, lack of sense of community)
- ◆ **Economic** (financial hardships, loss of income, expenses related to caring for loved ones)

The number and severity of these effects may vary over time.

- ◆ **\*Co-Victim**—individual who has lost a loved one to homicide, including family members, other relatives, and friends of the decedent
- ◆ **Next of Kin**—individual who is the closest living relative of the deceased; denotes a person's legal status to receive information related to criminal homicide investigations and authorize transfer of the decedent's body to a funeral home
- ◆ **Point of Contact**—individual identified by deceased prior to death, next of kin, co-victims, or law enforcement as designated contact for communication
- ◆ **\*Survivors**—often used interchangeably with "victim" and "co-victim" when conveying context related to resilience and healing
- ◆ **\*Victim**—individual who is an independent participant in the criminal case under federal or state victims' rights laws; denotes a person's legal status (unavailable to the general public), and defines the level and extent of participation that the individual is entitled to in the criminal matter

*\*Definitions used in Law Enforcement–Based Victim Services publications, which are produced by the International Association of Chiefs of Police.*

# Trauma-Informed and Victim-Centered Responses

**Trauma-informed** and **victim-centered** practices serve as foundational concepts that contribute to the development of effective communication plans for individuals impacted by cold case violent crimes. Although these terms are broadly used, varied meanings or understandings exist among professionals. The transition from philosophical concepts to practical application of these terms requires straightforward, consistent strategies.

**Trauma-Informed Response**—an approach that involves informing victims, service providers, and community members about how trauma impacts a victim’s health and well-being; addressing victim safety on emotional and physical levels; and increasing a victim’s ability to recover through the use of resources, services, and support.<sup>1</sup>

**Victim-Centered Response**—a victim-centric approach for making all decisions related to victim recovery and involvement within the criminal justice system; this approach focuses not only on victim’s choice, safety, and well-being but also on how the victim’s needs are the concern of all involved professionals.<sup>1</sup>

<sup>1</sup> National Institute of Justice. (2016, January). *Notifying sexual assault victims after testing evidence*. U.S. Department of Justice, Office of Justice Programs. <https://www.ojp.gov/pdffiles1/nij/249153.pdf>

A robust trauma-informed response will involve all disciplines that communicate with individuals impacted by cold case violent crimes; these disciplines include communications, patrol, investigators, supervisors, nurses, community advocates, prosecutors, legal services, and agency victim services personnel. Having professionals from various disciplines recognize the impact of historical, intergenerational, and personal trauma is vital to effective response and engagement efforts. Equally vital are trauma-informed environments, policies, and personnel conduct. Examples of these vital elements include the following:

- ♦ Redesigning or designating physical spaces for unrecorded communication and support can help those impacted by crime feel at ease
- ♦ Ensuring that policies include communication expectations around case status can keep those impacted by crime informed and engaged
- ♦ Implementing agencywide trauma training can help prepare all personnel who interact with those impacted by crime

Modifying professionals’ responsibilities in consideration of the needs of those impacted by cold case violent crimes is critical, and the success of comprehensive victim-centered practices relies on recognizing this fact. Providing co-victims/survivors with full, transparent explanations about all actions and decisions is essential to effective response and engagement efforts. The following list provides some examples:

- ♦ Expectations for personnel to participate in multidisciplinary and collaborative efforts to ensure that regard for those impacted by crime is at the forefront of daily work
- ♦ Policy revisions that focus on enhancing participation, such as encouraging options for interview locations and including support persons chosen by those impacted by crime
- ♦ Focus across the agency on procedural justice (e.g., fairness, voice, transparency, impartiality) to support compassionate, effective responses to those impacted by crime

Agencies and system professionals should be prepared for the impact these practices will make in the areas of costs associated with appropriate training, adjustments to work schedules, and extended time frames for completing responsibilities. Additionally, clear and consistent supervisory oversight and guidance around communication expectations should be factored in to all strategies for ongoing engagement efforts. Established systems should ensure that trauma-informed and victim-centered policies are followed.

## Advocacy Coordination

Incorporating advocacy can further support effective communication plans that are rooted in trauma-informed and victim-centered practices. Additionally, this approach supports engagement efforts and helps agencies meet impacted individuals’ expectations. Agencies assist these individuals as communication

transitions from occurring only when tangible information is available to occurring on a regular and consistent basis.

Impacted individuals often benefit from having a designated representative who focuses on their critical needs of safety, support, information, access, continuity, voice, and justice.<sup>2</sup> Through characteristic actions of advocacy involvement—*prediction, preparation, and presence*—co-victims/survivors may also experience fewer crisis responses (e.g., unpredictable emotional reactions, difficulty processing information). These efforts can help co-victims/survivors effectively make decisions and engage more fully with justice system processes and personnel.

### Common Advocacy-Related Actions That Can Minimize the Frequency and Intensity of Crisis Responses:

**Prediction:** Anticipating various behaviors, reactions, or vocal expressions a survivor may use in responses to specific information

**Preparation:** Having training and experience with specific cold case victim populations

**Presence:** Being available and engaged in the moment

## Legal and Policy Considerations

State statutes and agency policies often impact communication during the investigation and prosecution of cold case violent crimes. State statutes regularly define who is legally considered the **victim** of a crime and who can be contacted as the **next of kin**. Consider a case involving the homicide of an adult who lived with a romantic partner but was still legally married. State statutes—including specific victims' rights statutes—may require law enforcement to communicate with the spouse instead of the romantic partner.

Agency policies may detail communication expectations during investigations (e.g., how information can be shared with co-victims/survivors and points of contact). Consider again the previously referenced homicide case. Agency policies and practices can support delivering a death notification to the spouse in person, in a timely manner, through a team approach, through the use of plain language, and with compassion. Ongoing communication with the spouse and the romantic partner can be guided by policies and practices that are trauma-informed and victim-centered.<sup>3</sup>

System professionals (e.g., law enforcement personnel, prosecutors, community- and system-based advocates) should familiarize themselves with statutes and policies within their respective jurisdictions and consult with their local prosecutors for clarification when needed. This approach will inform communication plan development and guide ongoing engagement strategies that intersect with cold case violent crime responsibilities.

## Communication Plan Development

Developing a communication plan involves sharing expectations about relaying information to individuals impacted by crime; this information may include case actions, decisions, and personnel changes. Communication plans should be tiered and flexible, accounting for realistic personnel time and the incorporation of co-victims/survivors' preferences whenever possible. These plans should align with requirements in state statutes and in specific victims' rights statutes. At a minimum, plans should include transparent explanations for investigative standards, agency policies, parameters for details that can be shared with co-victims/survivors, personnel responsible for carrying out the communication plan, and expected timelines for all communication. Agencies should also be prepared to share the communication plan with co-victims/survivors to support consistent expectations.<sup>4</sup> See **Table 1** for more information.

<sup>2</sup> International Association of Chiefs of Police. (n.d.). *Training bulletin—Critical needs of victims*. <https://www.theiacp.org/sites/default/files/ELERV/1.%20Training%20Bulletin-%207%20Critical%20Needs.pdf>

<sup>3</sup> Federal Bureau of Investigation and Penn State University. (n.d.). *Death notifications*. <https://www.deathnotification.psu.edu/>

<sup>4</sup> National Institute of Justice. (n.d.). *National best practices for implementing and sustaining a cold case investigation unit*. U.S. Department of Justice, Office of Justice Programs. <https://www.ojp.gov/pdffiles1/nij/252016.pdf>

**Table 1. Communication Plan Considerations**

Communication Method	Advantage(s)	Disadvantage(s)
<b>In-Person</b>	<ul style="list-style-type: none"> <li>◆ Offers a personalized approach</li> <li>◆ Allows for immediate support for emotional reactions, questions, and referral needs</li> <li>◆ Conveys a sense of importance</li> </ul>	<ul style="list-style-type: none"> <li>◆ Presents increased safety, privacy, and confidentiality risks</li> <li>◆ Requires more resources</li> <li>◆ May feel invasive</li> </ul>
<b>Virtual Meeting</b>	<ul style="list-style-type: none"> <li>◆ Allows for immediate support for emotional reactions, questions, and referral needs</li> </ul>	<ul style="list-style-type: none"> <li>◆ May experience digital divide, which impacts accessibility</li> <li>◆ May require user to have additional software and skills</li> </ul>
<b>Phone</b>	<ul style="list-style-type: none"> <li>◆ Reduces safety, privacy, and confidentiality threats</li> <li>◆ Requires fewer resources (e.g., less personnel time, no travel costs)</li> <li>◆ Offers opportunity to build rapport and schedule additional contact</li> <li>◆ Allows for immediate support for questions and referral needs</li> </ul>	<ul style="list-style-type: none"> <li>◆ May be difficult to locate and verify current contact information</li> <li>◆ May be present during conversations</li> <li>◆ May have limited ability to assess emotional reactions</li> </ul>
<b>Text Message/ Email</b>	<ul style="list-style-type: none"> <li>◆ Offers option that aligns with expressed communication preference</li> </ul>	<ul style="list-style-type: none"> <li>◆ Can be perceived as impersonal</li> <li>◆ May experience digital divide, which impacts accessibility</li> <li>◆ Can be intercepted and read by others</li> </ul>
<b>Letter</b>	<ul style="list-style-type: none"> <li>◆ Allows time for processing information</li> <li>◆ Can include written resource and referral information</li> </ul>	<ul style="list-style-type: none"> <li>◆ Can be perceived as impersonal</li> <li>◆ Can be intercepted and read by others</li> <li>◆ Cannot provide immediate support for emotional reactions and questions</li> </ul>
<b>Website contact form</b>	<ul style="list-style-type: none"> <li>◆ Provides option for self-initiated communication</li> </ul>	<ul style="list-style-type: none"> <li>◆ May experience digital divide, which impacts accessibility</li> </ul>

Adapted from National Sexual Assault Kit Initiative. (2019, July). *Victim notification: Why, when, and how—A guide for multidisciplinary teams*. <https://sakitta.org/toolkit/docs/Victim-Notification-Why-When-and-How-A-Guide-for-Multidisciplinary-Teams.pdf>

Written policies and protocols that set clear communication expectations can further reinforce engagement efforts. Recommendations for minimum communication milestones include the following:

◆ **Case Status Changes**

- **Inactive to Active**—Advise co-victims/survivors when cases are reviewed to determine if advances in investigative technology or methods could lead to case resolutions.
- **Arrest**—Advise co-victims/survivors of arrests. Notification of arrests should be made in person whenever possible. Co-victims/survivors should be encouraged to invite other family members and support persons to meetings regarding these notifications; agency- and community-based advocates who have worked with co-victims/survivors should also be included. If in-person notifications cannot happen, then agencies should ensure co-victims/survivors are not alone at the time of notification and are supplied with resources for processing the information after the contact.
- **Active to Inactive**—Advise co-victims/survivors that cases were brought up to current investigative standards, but those efforts did not lead to resolutions. Advise that cases are no longer active but will become active if new leads or technological advancements arise.

- ◆ **Key Investigative Actions**—At the conclusion of witness/suspect interviews or new forensic testing, co-victims/survivors should be made aware of the results. Detailed conversations about why testing was or was not attempted should take place.
- ◆ **Key Dates**—Agencies should consider contacting co-victims/survivors on the anniversaries of unresolved homicide cases and involving victim advocates in this process. Advocates can use these conversations to update contact information and assess current needs. Agencies can adopt an “opt-out” policy for co-victims/survivors who prefer not to be contacted.
- ◆ **Media Contact**—Agencies can use local media outlets, social media platforms, and press conferences to increase awareness and solicit tips in cold case investigations. Best practices for planned media contact include advanced notification of, consent by, and invitations to participate for co-victims/survivors. Failure to inform co-victims/survivors of media interactions can intensify trauma responses and erode trust. Furthermore, co-victim/survivor participation in media opportunities without law enforcement should be discouraged, as it can lead to sharing misinformation, damaging community trust with law enforcement, and jeopardizing future prosecution of cases.
- ◆ **Property Decisions**—Personal effects in evidence should be reviewed to see if items can be returned to co-victims/survivors when cases become inactive as well as after arrests and convictions. Co-victims/survivors should have opportunities to review evidence lists to determine if agencies are holding any sentimental items.
- ◆ **Staff Changes**—Timely notification should be made to co-victims/survivors when lead investigators are promoted, transfer, or retire. If new investigators are assigned, they should contact co-victims/survivors to introduce themselves, provide contact information, and review case status and communication plans.

## Communication for Complex Circumstances

When communicating with those impacted by cold case violent crimes, investigators and advocates may encounter complex circumstances in which multiple advocates may be needed. These circumstances may include

- ◆ language access needs,
- ◆ next of kin or points of contact who are separated or divorced from the victim,
- ◆ estranged relatives,
- ◆ multiple deaths, and
- ◆ attribution of blame between co-victims/survivors.

Additionally, there may be circumstances in which the case is closed or cleared with exonerated defendants. In these cases, law enforcement and prosecution personnel are encouraged to meet with co-victims/survivors in-person prior to any public notice. Co-victims/survivors should receive factual and honest answers regarding what led to the exoneration and the likelihood that charges can or will be brought against other parties.

Lastly, there may be cases that involve suspects who are active or former justice system professionals. In these situations, co-victims/survivors should be informed prior to press conferences and public notice. The inclusion of objective advocates (community-based advocates or advocates from partner agencies) may help alleviate concerns of conflicts of interest interfering with support and access for co-victims/survivors.

The overall goals in any complex circumstances are to minimize harm and facilitate positive outcomes through victim-centered, trauma-informed communication and inclusion of advocates. This approach ensures available support and resource connections for co-victims/survivors.

## Key Takeaways

- ◆ Fostering trust with individuals impacted by violent crime can be accomplished through effective communication plans, leading to improved case outcomes and overall enhanced relationships with communities. **Trauma-informed** and **victim-centered** practices serve as foundational concepts for these efforts.
- ◆ Incorporating advocacy can support engagement efforts and help agencies meet impacted individuals' expectations through enhanced communication plans.
- ◆ Being familiar with statutes and policies can inform and guide ongoing engagement strategies that intersect with cold case violent crime responsibilities.
- ◆ Communication plans should be tiered and flexible—accounting for realistic personnel time and the incorporation of impacted individuals' preferences when possible.
- ◆ Minimizing harm and facilitating positive outcomes is critical in complex circumstances that are multilayered.

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