

Guidance for Victim Notification Protocols in Sexual Assault Cases

The information in this brief applies to cold case sexual assaults as well as current case sexual assaults. Mentions of sexual assault apply to both types of sexual assault cases.

Developing a victim notification protocol ensures that unified practices, policies, and accountability exist for everyone working on sexual assault cases. Sexual assault victims experience many forms of unresolved trauma that are oftentimes masked, are buried deep in their memory, and invade the safe space they've created to find a sense of normalcy in their lives. Before victim notification occurs, it is critical for multidisciplinary team (MDT) members to understand that the methods of practice that we, as victim advocates and law enforcement officials, use to support sexual assault victims can make all the difference in how—or if—victims engage with us.

The Value of MDTs During Protocol Establishment

MDT members bring a plethora of experience, knowledge, and skills to their team. These individuals enhance each other's ability to learn from one another and see things from different perspectives. Team members come from diverse backgrounds and communities, and these individuals likely have worked in different positions in the field. Establishing a diverse MDT creates opportunities for victims to have someone to relate to and it creates a robust, inclusive atmosphere that supports multiple perspectives and sources of knowledge. When establishing a victim notification protocol, two of the most valuable perspectives are those of (1) victim advocates and (2) law enforcement officials because both parties will be initially interacting with the victim during the notification process. Taking both perspectives into consideration supports a trauma-informed, victim-centered approach.

A Unified Partnership: Victim Advocates and Law Enforcement

The most beneficial notification practice involves law enforcement and victim advocates working side by side from the beginning of an investigation until the case has been closed. The collaboration between law enforcement and

victim advocates has proven to be the most effective way to engage current case sexual assault victims, reengage cold case sexual assault victims, and maintain victim engagement throughout the criminal justice process for both types of cases.¹ Oftentimes, when a victim advocate accompanies law enforcement to meet a victim in person, a victim's anxiety is dramatically reduced; additionally, this practice increases a victim's willingness to talk about their assault.

SAKI Site Example

In Cuyahoga County, Ohio, the most valuable interactions were made in person using the unified partnership approach. Law enforcement had support from victim advocates thanks to the expertise of both parties and victims were effectively supported thanks to the team effort from these stakeholders.

Considerations for Victim Notification Protocols

No two people are the same, so the approach to developing a victim notification protocol should be just as unique. Consider the populations you serve in your community to ensure

- ◆ victims receive efficient resources;
- ◆ MDT members have a unified practice of contacting victims and maintaining accountability in victim engagement and follow-up;
- ◆ everyone has proper ongoing training; and
- ◆ everyone works to have personal, authentic interactions with victims and to be a pioneer in advocating for the justice each victim deserves.

¹For more information, refer to the SAKI brief *Victim Advocates and Law Enforcement: A Critical Partnership for Victim Support and Healing*.

The following considerations discuss factors to evaluate when developing a victim notification protocol. Prior to creating the victim notification protocol, have MDT members participate in training opportunities about sexual assault, trauma (including vicarious trauma), mental health, victim-centered interviewing, diversity, and prosecuting Combined DNA Index System (CODIS) cases.

Develop a notification protocol that prioritizes the victim’s wellbeing.

Personal experiences play a significant role in a victim’s decision to engage with law enforcement and the criminal justice system; such experiences may include the length of time that has passed between reporting the crime and being notified, past interactions with law enforcement, and cultural differences.

Creating a trauma-informed, victim-centered notification protocol promotes the possibility of a positive relationship with the victim and encourages the healing process. Victim notification protocols should be supportive by acknowledging that victims may be in a different place in their lives now compared to when the crime occurred; this is especially true for cold case sexual assault victims. Additionally, victims may have never told anyone about their assault, even if the crime happened years ago. Understanding the victim’s perspective is crucial to maintaining a trauma-informed, victim-centered approach.

Determine who will be involved in the notification process and how the notification will occur.

These details are important to ensuring your group takes a proactive approach to engaging victims. If systems-based advocates are not available, make connections with local community-based advocacy agencies to collaborate efforts with notifications.

Encourage collaboration between victim advocates and law enforcement personnel.

Collaboration between these parties helps to maintain engagement and strengthen rapport with victims. Victim advocates oftentimes develop a personalized relationship with victims—allowing a victim advocate to be an effective support person and encouraging law enforcement and prosecutors to focus on other ways to support victims by investigating cases and preparing for criminal trials. Some

jurisdictions may work with community-based advocates and others may work with systems-based advocates, depending on their community resources.²

Provide victims with available community resources at the time of notification.

This practice allows victims time to process the information and contact referrals, if needed. MDT members should be aware of all available resources for victims, especially in crisis situations. Victims will respond in various ways during notification, so having access to mental health services, chemical dependency agencies, and hospitals is critical to responding in a supportive manner.

Account for cases with expired statute of limitations.

Notifying the victim that the statute of limitations (SOL) has expired is a common practice, even though the case cannot move forward for prosecution. This approach allows victims to gain closure and enables investigators to accomplish their due diligence. Additionally, this approach gives the victim an opportunity to potentially help other victims find justice. Although the SOL may have expired for one victim’s case, that victim can still opt to have their sexual assault kit (SAK) tested so that the offender’s DNA will be uploaded into CODIS, which—in situations involving a serial offender—may result in a CODIS hit in another case.

For expired SOL cases, the victim notification protocol should state how victims will be notified (e.g., in person or by phone), who will notify them, and under what circumstances (e.g., CODIS hit, SAK testing) victims will be notified. Much thought should go into developing this protocol to avoid causing more emotional harm to the victim; on the other hand, notification could give closure to a victim who has been waiting years or even decades to receive an update about their case. In particularly sensitive situations like these, having a strong law enforcement-victim advocate partnership is vital.

SAKI Site Example

The Cuyahoga County Sexual Assault Kit Task Force utilized systems-based advocacy on current cases and CODIS cases, but also collaborated with their local rape crisis center for the expertise, advocacy, and training opportunities the crisis center provided to the team.

²For more information about victim advocates and their various roles, refer to the SAKI brief [Community- and Systems-Based Advocates](#).

Take notes about your interactions with victims.

Taking real-time notes about interacting with each victim allows for all team members to review the progress being made on a case. MDTs may alternate members due to staffing concerns, or case assignments may change—so having the ability to pick up a case without any knowledge gaps or other disruptions can ensure a seamless transition of support for victims.

Develop ways to keep victims informed.

Implement a tracking system and/or other ways victims can stay informed about the status of their SAK and their case. Develop online access for victims to privately track the status of their case, request information about their case, and have access to necessary community resources. Keeping victims informed can increase victim engagement, encourage reengagement, and help victims receive updates in a timely manner.

Establish consistent communication throughout investigations and the judicial system process.

Victims will often disengage if communication is inconsistent or they do not receive follow-up when promised. Victim advocates are extremely resourceful in connecting victims to support options in the community; these support options include counseling/therapy, housing, employment, and food/utility assistance. Most importantly, victim advocates have the skills to identify safety concerns, provide crisis intervention, and maintain communication with victims throughout their case.

Ensure that MDT members participate in ongoing training opportunities.

Establishing this critical consideration will help to sustain evidence-based best practices in working with sexual assault victims. Developing a process for trauma-informed, victim-centered, continuous training ensures sustainably of evidence-based best practices when working with sexual assault victims. Furthermore, to align with SAFER Recommendation #35, such training should be incorporated into an agency's overarching strategic plan to ensure victims receive appropriate treatment.

Conclusion

The more prepared MDT members are to conduct victim-centered and trauma-informed notifications, the better they will be at empowering victims to engage and participate in the criminal justice system. Victims who are well informed about what to expect and who feel fully supported can focus on healing and building resiliency.

Subject matter expertise contributed by Marya Simmons of the National Sexual Assault Kit Initiative Training and Technical Assistance (SAKI TTA) Team.