

# 12 Key Questions to Guide Victim Notification Protocols

## 1. Who will be involved in creating the protocol?

A multidisciplinary team with representatives from key disciplines, including forensic nurses, other health care practitioners, victim advocates, survivors, police, crime laboratory personnel and/or forensic scientists, and prosecutors.

**Recommendation:** Include professionals (e.g., forensic nurses, advocates, social workers) who are well-versed in the mental health impact of crime victimization.

## 2. What are the protocol's guiding principles?

Meet with your team to establish the core values and philosophy you will use to guide decisions and interactions with survivors. Return to these principles to inform decisions at each step.

**Recommendation:** Focus strongly on victim's choice, safety, and well-being. The needs of the victim are *everyone's* concern and addressing them must be a collective effort.

## 3. What kind of protocol needs to be developed?

Choose which type(s) of notification to include in your protocol:

**Recommendation:** If you do not do active outreach with all survivors, offer an opt-in program for survivors who are not contacted to seek information about their cases.

### Active outreach notification

#### *Practitioners to Survivors*

Contacting survivors to let them know that there is information to be shared about their previously untested kits.

### Opt-in notification

#### *Survivors to Practitioners*

Providing a centralized office or program for survivors to reach out and learn about the status of their kits (e.g., a toll-free number).

## 4. When will victims be notified?

Decide whether victims will be notified before or after testing. In focus groups with victims, the Joyful Heart Foundation noted that some victims felt survivors should be notified before testing, so they could have input on testing decisions; this perspective was not widely endorsed by the majority of survivors or practitioners. In addition, the number of sexual assault kits (SAKs) being tested affects the feasibility of this approach.

**Recommendation:** Consider the timing of any legal action. Significant delays between notification and legal action can mean re-notifying and potentially adversely affecting survivors.

**Tip:** Design caseloads and align staff so that investigation and prosecution can begin right away if a victim expresses willingness

## 5. Why will victims be notified?

Most often, teams will notify victims after testing. Decide whether to adopt a notify-all approach, or carefully consider and identify your reasons for deciding why victims would or would not be notified.

**Recommendation:** Consider the case scenarios in the table below, and decide whether the notification team will conduct active outreach in each situation.

Result of Testing	Within (or no) Statute of Limitations	Expired Statute of Limitations
No DNA	Legal action possible if other actionable evidence is present (e.g., injury documentation).	Legal action unlikely. <b>Consideration:</b> Traumatic memories may be reactivated with no possible legal recourse.
DNA Present No CODIS Hit (yet)	Legal action possible if other actionable evidence is present and/or if there is a future CODIS hit. <b>Consideration:</b> Complex future scenarios can be difficult to explain to victims.	Legal action possible if there is a future CODIS hit to a case in which the statute of limitations has not expired. <b>Consideration:</b> The probability of future CODIS hits or legal action is unknown. It can be difficult to explain the complexity of these scenarios to victims.
DNA Present CODIS Hit	Legal action possible. <b>Consideration:</b> If legal action will not be taken, outreach will depend on the guiding principles. These scenarios should be carefully reviewed.	Legal action possible if CODIS hit to a case in which the statute of limitations has not expired. <b>Consideration:</b> The prosecutor may introduce evidence from the expired case as 404(b) evidence. Survivors may be able to give an impact statement to a parole board or at sentencing in another case.

**Tip:** SAKs without a DNA result or CODIS hit may eventually be solved through crime analysis or non-DNA investigative methods. Decide when and how your victim notification team will consider these cases.

## 6. Who decides whether victims will be notified?

Establish which disciplines and individuals will be involved in case-by-case decisions to notify victims.

**Recommendation:** Do not leave the decision to one discipline. Use a multidisciplinary notification review team that includes local police, prosecutors, community-based and systems-based advocates, and forensic nurses to decide whether a victim will be notified.

## 7. What should happen in the notification?

Fundamentally, the first contact with a victim represents an opportunity to rebuild trust.

**Recommendation:** Based on their first experience, sexual assault victims may have lost trust in the criminal justice system. For victims who have had negative experiences, sincere apologies from representatives of the system can promote healing, reestablish trust, and provide closure.

**Tip:** The first contact with the victim may be simple and brief, providing the option for an in-depth conversation at a second meeting. However, be prepared to proceed if the victim is ready for a more in-depth conversation.

## 8. Who will conduct the notifications?

Decide which profession(s) and individuals should be tasked with finding victims and conducting the notification.

- ◆ Law enforcement personnel are trained and skilled at finding people and have access to restricted-user databases and search tools. Law enforcement personnel affiliated with the prosecutor's office can provide a fresh perspective on the case.

**Recommendation:** Require individuals to complete training on trauma before they conduct notifications. Many victims did not have a positive experience in their initial report.

**Tip:** Having legal personnel can be beneficial if the victim wants to start discussing legal details at the initial contact.

- ◆ Advocates are skilled at working with victims in crisis and clearly conveying complex information.

**Recommendation:** Familiarize yourself with the important differences between community-based and systems-based advocates. Community-based advocates can offer confidential communication. Systems-based advocates cannot offer confidential communication, but are well positioned to help victims navigate the criminal justice system.

**Tip:** The notification team could have different configurations—for example, law enforcement and advocates together, law enforcement alone with an advocate on standby, or advocate alone arranging later meetings with law enforcement.

## 9. How will victims be contacted?

There are three primary methods for making first contact with victims.

	Phone	In-person	Letter
<b>Strengths</b>	<ul style="list-style-type: none"> <li>◆ Poses less threat to survivors’ safety, privacy, confidentiality</li> <li>◆ Less resource-intensive</li> <li>◆ Offers ability to build rapport and answer immediate questions</li> </ul>	<ul style="list-style-type: none"> <li>◆ Offers personalized approach</li> <li>◆ Can gauge survivors’ emotional reactions, answer questions, and connect the survivors to services immediately</li> </ul>	<ul style="list-style-type: none"> <li>◆ Least invasive</li> <li>◆ Allows survivor time to process information</li> </ul>
<b>Limitations</b>	<ul style="list-style-type: none"> <li>◆ Possible difficulty in finding current phone numbers for survivors</li> <li>◆ Difficult to assess victims’ emotional reactions and adjust approach</li> </ul>	<ul style="list-style-type: none"> <li>◆ Safety risk if survivor is living with assailant</li> <li>◆ Roommates or partner may be in residence, and may not know about assault</li> <li>◆ Notification in public poses safety and confidentiality risks</li> <li>◆ More labor-intensive</li> </ul>	<ul style="list-style-type: none"> <li>◆ Can be intercepted and read by others (e.g., intimate partner assailant, nonabuse partner/family)</li> <li>◆ This method should be a last resort</li> </ul>

**Recommendation:** Each method has its own strengths and limitations. Whatever approach you use, maintain respect for victims’ choices about whether they want to continue contact, and always protect their safety and confidentiality.

**Tip:** Notifying victims by letter should be a last resort and should only be used in cases in which you cannot otherwise locate the victim.

## 10. What information should be given to victims?

Give clear guidance to notifying personnel about what information can and will be given to survivors during notification about the testing results, the legal case, and next steps.

**Recommendation:** Victims should be given the choice about the information they receive. Provide victims with clear written information about next steps, key contact names, and phone numbers. Among the resources you offer clients, offer a comprehensive list of support services for survivors including safety planning resources. It can be helpful to provide written resource materials (in multiple languages), such as “frequently asked questions” (FAQs), that clearly explain forensic testing and the stages of the criminal justice system. State laws may require that specific information be provided.

**Tip:** Notifying personnel may want to meet with the prosecutor assigned to the case before notification to develop case-specific guidelines for each notification.

## 11. How will staff be trained to conduct notifications?

Develop a plan to train all personnel who will be involved in the process of notifying and supporting survivors.

**Recommendation:** Determine who needs to be trained from each organization and establish a timeline for completing the training prior to first notification.

Suggested training topics:

Neurobiology of trauma	Common trauma reactions among sexual assault survivors	Strategies/role plays to respond to victims in crisis	Working with survivors from marginalized and/or multicultural populations	Self-care for notification personnel
Collaboration between investigators and prosecutors on cold cases	Victim advocacy and support services	Victim notification procedures	Role plays to respond to common questions from survivors	Explaining CODIS/forensic science in layman's terms

To learn more about existing trainings on these topics or to receive training by the SAKI Training and Technical Assistance Program, visit [www.sakitta.org](http://www.sakitta.org) or email [sakitta@rti.org](mailto:sakitta@rti.org).

## 12. How will the protocol be monitored and evaluated?

Develop a way to assess the notification protocol, monitor progress, and conduct quality assurance reviews. When possible, gather feedback from survivors on their notification experience.

**Recommendation:** Schedule case review meetings to discuss what went well and what needs improvement.

**Tip:** If possible, develop a pilot protocol and have it evaluated by a research team prior to full-scale implementation. Remember, your victim notification protocol is a living document and should be updated as needed.

Checklist based on research conducted by Drs. Rebecca Campbell, Giannina Fehler-Cabral, and Sheena Horsford. For further resources and training on victim notification or related topics, visit [www.sakitta.org](http://www.sakitta.org) or contact [sakitta@rti.org](mailto:sakitta@rti.org).