

State of Iowa

Victim Notification Protocol

Iowa Sexual Assault Kit Initiative

"This project was supported by Grant No. 2015-AK-BX-K018 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

Iowa Sexual Assault Kit Initiative

Victim Notification Protocol

The Iowa Sexual Assault Kit Initiative (SAKI) was created in April, 2015 when the Crime Victim Assistance Division (CVAD) Iowa Department of Justice began the process of applying for a federal grant solicited by the Bureau of Justice Administration (BJA) under the Office of Justice Programs within the United States Department of Justice.

Following the protocol developed by findings of the Houston Sexual Assault Kit Action Research Working Group and the Detroit Sexual Assault Kit Action Research Project, the first step of the Iowa SAKI project was development of a multidisciplinary team (MDT) of professionals. From that MDT, a subcommittee was created to develop a specific victim notification protocol to ensure a victim-centered trauma-informed approach to survivor engagement.

The Iowa SAKI MDT consists of personnel from the following agencies:

- CVAD
- Iowa Coalition Against Sexual Assault (IowaCASA)
- Mid-Iowa Sexual Assault Response Team (SART)
- Johnson County Sexual Assault Response Team (SART)
- Iowa City Police Department
- Des Moines Police Department
- Iowa Division of Criminal Investigation
- Iowa Division of Criminal Investigation, Criminalistics Laboratory
- Iowa Law Enforcement Academy (ILEA)
- Iowa Department of Public Health

The Iowa SAKI MDT Subcommittee consists of personnel from the following agencies:

- CVAD
- IowaCASA
- Mid-Iowa SART
- Johnson County SART
- Iowa City Police Department

This victim notification protocol will be disseminated to all personnel who will be involved in the notification of victims as it relates to cases from the Sexual Assault Kit Initiative.

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Beginning February, 2016 a survey was sent to active police departments and all county sheriffs' offices in the State of Iowa in an attempt to obtain an accurate count of the number of unsubmitted sexual assault kits in Iowa. All 387 active police departments and sheriffs' offices responded to this survey resulting in the disclosure of 4,265 unsubmitted sexual assault kits. The resulting inventory report identified the development of a specific victim notification protocol as one of the next steps in the Iowa SAKI project. A subcommittee of the SAKI MDT lead by personnel created to develop the SAKI project's victim notification protocol. Resource information was obtained from the published reports by the Detroit project, the Kansas SAKI project, the Houston project, and national training and technical assistance provider, Research Triangle Institute (RTI) providing best practices and important considerations.

Purpose

This Victim Notification Protocol was developed to provide the framework for a unified response for agencies who receive new case information through the testing of previously unsubmitted sexual assault kits (SAKs). It should be noted that this protocol is intended to serve as a guideline, as the circumstances of each case will be unique and adaptation may need to occur.

Due to the effects trauma can have on victims of sexual assault, it is essential that this notification be conducted in a manner that is both victim-centered and trauma-informed.

- A victim-centered notification is one in which 'the needs of the victim are at the center of all decisions regarding recovery and any involvement with the criminal justice system.'¹
- A trauma-informed notification is conducted in a way that 'strengthens the victim's capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services, and support.'²

The SAKI MDT has developed this protocol with special consideration given to ensuring the victim in these cases is provided the opportunity to make an informed decision about his/her case in light of new information.

Important Considerations

The privacy and safety of the victim should be paramount in all victim notifications. In cases where a substantial amount of time has elapsed, law enforcement may be unaware of the current living conditions or life circumstances of the victim. For example, the victim may currently reside with

¹⁻² Campbell, R., et al. (2015). Detroit Sexual Assault Kit (SAKI) Action Research Project (ARP), Final Report, page 245.

someone he/she has not disclosed the assault to. Each notification should be handled with care to ensure that the victim's physical safety and right to privacy is paramount.

When interacting with the victim, it is important that cultural considerations are taken into account. If applicable, agencies may utilize culturally specific advocates for these interactions or draw upon the expertise of these advocates to develop an awareness of culturally specific considerations prior to conducting the notification. Agencies providing notification should also be prepared to provide language services for victims who are non-English speaking, which may include using a bi-lingual law enforcement officer or advocate, or utilizing translation services to assist in the notification. If an agency needs assistance securing language services they may contact the Crime Victim Assistance Division.

Types of Notification

Iowa will utilize two different types of notifications for purpose of providing victims with information regarding their previously unsubmitted SAK. The use of a two-system approach ensures that each victim has the opportunity to receive information related to their SAK regardless of if it was submitted for testing or new evidence was found through testing.

Active Notification: Iowa will be utilizing active notification in selected kits that were tested through the SAKI project. Active notification is notification that is initiated by law enforcement after a previously unsubmitted SAK has been tested and the results have been received, reviewed, and determined to warrant this type of notification.

Opt-In: Iowa will be utilizing opt-in notification for cases that have not yet been submitted for testing or did not meet the threshold for active notification. Opt-In notification will be initiated by the victim making contact with a designated hotline to inquire about his/her case status. Community members will be notified of this option through various means such as media and public service announcements in an attempt to provide awareness of this service to as many individuals as possible.

When Notification Will Occur

Previously unsubmitted SAKs will be selected for testing based on criteria determined by the SAKI MDT. Through this testing process, it is expected that the results would fall into one of four general categories which will be utilized to provide a framework for when notification will occur. These categories are:

- Delayed CODIS hit suspect identified
 - When a DNA profile is developed from the DNA in the SAK, entered into CODIS, and a hit occurs that is associated with a known name
- Delayed CODIS hit suspect not identified
 - When a DNA profile is developed from the DNA in the SAK, entered into CODIS, and a hit occurs with a profile that does not have a name associated to it
- DNA present but not yet submitted to CODIS
 - DNA was found in the SAK, but it does not yet meet the eligibility for upload into CODIS
- No DNA present

It is recommended that active notification be utilized in cases where the presence of DNA is detected through the testing of previously unsubmitted SAKs. This will include the following categories:

- Delayed CODIS hit suspect identified
- Delayed CODIS hit suspect not identified
- DNA present but not yet submitted to CODIS
 - These cases will be evaluated for active notification on a case-by-case basis by a subcommittee of the MDT

Opt-In notification can occur for any victim who has submitted a SAK and has questions regarding the status of the SAK and would like continued notification regarding their SAK. This option provides any victim the opportunity to check on the status of their SAK regardless of if their SAK was selected for testing or met the threshold for active notification. Any victim is able to activate opt-in notification at any point in the process of testing the previously unsubmitted SAKs.

Evaluation of Protocol

This victim notification protocol is intended to be a working product. As the protocol is implemented, it is anticipated that feedback from individuals who are conducting victim notifications will help guide any potential changes that need to be made. Once the protocol is being utilized, feedback will be sought from individuals conducting the victim notifications to help ensure the protocol is reflective of the working model being utilized by those conducting the notifications. Victims will also have the opportunity to provide anonymous feedback about their notification experience. Feedback on the effectiveness and applicability of this protocol is essential to ensure that victim notification is conducted in a manner that is victim-centered and trauma-informed.

Active Notification

Active notification is notification initiated by law enforcement following the testing of a previously unsubmitted SAK. Active notification will occur in two different stages; (1) initial contact and (2) second contact.

Initial Contact

When it is determined that active notification will occur, the law enforcement agency will first need to utilize its available resources to locate the victim. In these cases it is possible the victim has relocated or no longer has the phone number listed in the original report information. There are many different resources a law enforcement agency can utilize in attempting to locate an individual, however, special consideration for the privacy, safety, and confidentiality of the victim should be taken into account during this step.

Once the victim has been located, initial contact can occur. It is recommended that initial contact be conducted by a law enforcement officer via telephone. If possible, it is preferred that the law enforcement officer who conducts the initial contact have no direct association with the original case. The primary purpose of initial contact is to notify the victim that new information

has been identified regarding their case and to determine if the victim would like to set up a secondary meeting to discuss that information.

It is essential that law enforcement handle initial contact in a manner that is victim-centered and trauma-informed. In many of these cases, the victim is unaware of the status of their SAK and may experience trauma symptoms when informed their SAK was not previously tested and new information is available regarding that kit. Law enforcement should exercise patience during the initial contact and should schedule ample time for this contact to ensure the victim is allotted time to process the new information and ask any questions he/she may have.

Initial contact should begin by law enforcement ensuring they are speaking with the correct individual. If it is apparent law enforcement is not speaking with the correct individual, they may consider just leaving their first name and telling the person they are speaking with that they will try again later. There may be instances where law enforcement is unsure of with whom they are speaking and the person on the line is requiring identification prior to disclosing their identity. In these situations it is recommended that law enforcement use vague language such as saying the victim's name has come up in an older investigation so as to not give any information to an unauthorized individual. Once it is determined the correct individual is on the line, law enforcement may ask if the person is able to talk at the moment or if it is safe for the individual to talk. Once this has been determined, it is recommended the law enforcement officer introduce themselves (first name, title, department) and then proceed with a vague statement to initiate the conversation regarding the unsubmitted SAK, such as asking if the victim remembers filing a report with their agency on a certain date. This affords the victim the option to opt out of the notification if they decide to. If the victim states they do not remember filing the report, the officer should provide a contact number for the individual should anything change. If the victim recalls filing the report, the officer may notify the victim that new information is available regarding their case and ask them if there is a time and place they could meet to discuss this in more detail.

To ensure this process is victim-centered and trauma-informed, it is recommended the officer allow the victim to determine the location and time of the second contact. Certain jurisdictions may have advocacy services that will not facilitate in-home visits. Having this knowledge prior to conducting the initial contact allows law enforcement to adjust the conversation to be reflective of those policies. In these cases, law enforcement may explain that they would like to bring an advocate along to the second meeting and explain the barriers to meeting in the home. They may then provide the victim a few alternative locations and allow the victim to select one that works best for them. In most cases, this second contact should be scheduled within 72 hours of the initial contact. If the victim is unsure if they would like to schedule the meeting, law enforcement should respect their wishes. If the victim requests that a support person, aside from the law enforcement officer and advocate, attend the second meeting with them, this request should be honored by the law enforcement officer. Prior to ending the initial contact, the law enforcement officer should ensure the victim is provided with the officer's contact information should they need to cancel or reschedule the second contact.

If the victim is unable to be reached via telephone, initial contact may occur in person. Because the victim's current living conditions may be unknown to law enforcement, it is especially important in these cases to ensure the safety and privacy of the victim. If initial contact is done in person, this contact will be conducted by a two-person multidisciplinary team composed of a law enforcement officer and an advocate from a local advocacy center. It is recommended that the law enforcement officer and advocate arrive in separate, unmarked vehicles. If possible, law enforcement should arrive in plain clothes. The law enforcement officer should initiate contact with the victim by ensuring they are speaking with the correct individual, introducing themselves (first name, title, department). The officer should then ask a vague question pertaining to the filing of a police report to determine if proceeding on is in the best interest of the victim. Beginning with a vague question allows for the victim to opt out of the notification if it is unwanted or unsafe. Providing contact information allows the victim the opportunity to reach out at a later time, should they decide to. If the victim engages in the notification, law enforcement should explain that there is an advocate available and ask the victim if they would like the advocate to join the conversation. It should not be assumed the victim will understand the role of the advocate; therefore law enforcement may need to explain the role of an advocate to the victim. When the initial contact occurs in person, the law enforcement officer should ask the victim if there is a time and place they are able to meet to discuss the new information in greater detail and then ask the victim to assist in determining a time and location for that meeting. If an advocate was included in the conversation, law enforcement should offer to allow the victim to meet in private with the advocate to discuss resources prior to their departure. If the victim declined to have an advocate present, the law enforcement officer should provide the victim with resources prior to his/her departure.

During initial contact, some victims may want to forego setting up a future meeting and may be ready to discuss the new information immediately. If this occurs, law enforcement should provide details as appropriate to the victim and be prepared to provide the victim with advocacy and support service referrals at the conclusion of the contact. For this reason, it is imperative that law enforcement be familiar with the case details, have a basic understanding of the issues surrounding unsubmitted kits, and be prepared to discuss how that issue relates to the victim's case prior to conducting the initial notification.

If the victim does not wish to set up a second contact, law enforcement should ask if the victim is comfortable with a victim advocate following up with a phone call. If the victim is comfortable with this, law enforcement should confirm they have permission to share the victim's contact number for the follow up.

There may be instances where the law enforcement officer is unable to make initial contact with the victim. It is expected that law enforcement officers will utilize their best judgment in ensuring that an adequate attempt to contact the victim is made. It is recommended that law enforcement officers not leave messages when attempting to make initial contact with the victim. Leaving a message could become detrimental if the person who receives that information is not the intended recipient. Therefore, in order to ensure the safety and privacy of

the victim is respected, law enforcement officers should only provide information to the person they are intending to notify and only after it has been determined that they are speaking to the correct individual.

Second Contact

The second contact is the meeting that was set up between the victim and the law enforcement officer during the initial contact. It is recommended that this meeting occur at a time and location determined by the victim. If the victim is unable to make recommendations for a meeting place, the law enforcement officer may offer suggestions for private, safe locations to meet such as the police department, prosecutor's office or local advocacy center. Under Iowa law, all victims have the right to have a victim counselor present at any meeting with law enforcement; therefore all second contacts will be conducted by a two-person multidisciplinary team composed of the law enforcement officer who conducted the initial contact and an advocate from a local advocacy center.

To provide the victim with options, it is recommended that the law enforcement officer and advocate arrive in separate, unmarked vehicles. If possible, law enforcement should arrive in plain clothes. The law enforcement officer should initiate contact with the victim by ensuring they are speaking with the correct individual, introducing themselves (first name, title, department), and informing the victim an advocate is available if they would like them to be involved in the conversation. The law enforcement officer may need to explain the role of the advocate as it should not be assumed the victim will be aware of the role of this resource. If the victim would like the advocate to be present during the conversation, the advocate should be invited to the conversation and given time to introduce themselves and explain their services. If at any point in time throughout the discussion, the victim states they would like to meet with the advocate privately, the discussion should be stopped to allow for this meeting.

It is the recommendation of the SAKI MDT that victim notification **not** be recorded. It is understood that some agencies may have policies that require all interactions to be recorded. In these situations, the victim should be informed upon initial contact that the second contact will be audio or video recorded. Law enforcement should also remind the victim at the second meeting that the conversation will be audio or video recorded. Interactions between the advocate and victim cannot be recorded, as this conversation is considered confidential under Iowa Code.

The goal of the second contact is to notify the victim their SAK was not tested when it was originally submitted, explain why it was tested now, and discuss the test results and how they pertain to the case. This discussion should be transparent, honest, and conducted with empathy and understanding. It is important to keep in mind that there is no right or wrong way for a victim to respond to this information. Both the law enforcement officer and advocate should be monitoring the victim for signs of trauma or crisis and responding accordingly if they are observed.

The law enforcement officer should discuss the options the victim has moving forward and explain what the criminal justice process will entail. The officer should allow the victim to determine if they are interested in re-engaging in the criminal justice process. The victim should not be pressured to make a decision during the second contact if they would like time to process or discuss with other individuals. If the victim decides they are not interested in re-engaging, their decision should be acknowledged respectfully and contact information should be provided to the victim. The law enforcement officer should also allow for any questions the victim may have regarding the information that was discussed during the meeting.

If the victim decides they would like to re-engage, the law enforcement officer should make a plan for future contact with the victim. If the victim is undecided, the law enforcement officer should ask the victim if it would be okay to contact them at a later date to check in and make arrangements to do so.

Regardless of the decision of the victim, the advocate should be available at the conclusion of the meeting to provide local referrals, set up future meetings, or meet in private depending on the wishes of the victim. If the advocate was not involved in the notification, the law enforcement officer should make the victim aware of local referrals. If available, the law enforcement officer or advocate should provide a handout containing contact information for local referrals to the victim for future reference.

Notification for Minors

Through the process of testing previously unsubmitted SAKs, there may be situations where the victim law enforcement is notifying is under the age of 18. Special considerations for notification with minor victims include the following:

Minor victims may currently be residing with the suspect who was identified through testing. In these cases, it is extremely important the safety of the minor victim is paramount and notification is carefully thought out and conducted in a manner focused on safety and privacy. Minor victims, depending on their specific situations, may also lack familial support which can make notification and subsequent communication more challenging. It should also be noted that minors over the age of 13 may consent to a sexual assault examination without their parents having to be notified. Therefore, it is possible that some minors who had SAKs collected after age 13, may be residing with parents or guardians who have no knowledge of the SAK collection.

The age of the victim at the time of the assault could impact the victim's recollection. It is possible the minor victim will have no recollection of the events of the assault or may have never heard the details about the assault prior to notification. In these cases, consulting with an advocate who specializes in child advocacy may help in formulating a plan on how to best conduct the notification in a manner that is victim centered and trauma informed.

Out of Jurisdiction Notification

There may be instances where it has been determined the victim is no longer residing in the jurisdiction of the original case. In these instances, if law enforcement is able to obtain a valid telephone number for the victim, the law enforcement officer may make the initial contact via telephone as mentioned above. If law enforcement is not able to obtain a current phone number, the officer may decide to contact the jurisdiction of the victim's current residency to ask for assistance in establishing contact with the victim. If the assisting jurisdiction has a division specifically devoted to working with victims of crime (crimes against persons unit, sexual assault unit, or cold case unit) an investigator within that unit may have received specialized training that could be beneficial in the initial contact and therefore, may be requested.

When only the local address of the victim is known, the assisting agency should make an attempt to contact the victim in person and connect them with the law enforcement officer attempting to conduct the notification. The assisting agency should not provide any case-specific information to the victim; however they may assist in referring them to local advocacy and support agencies.

It is expected that law enforcement agencies will make a reasonable effort to contact an assisting agency to facilitate this connection. There may be situations where law enforcement is unable to establish contact with an assisting agency, or the victim's current jurisdiction is unwilling to assist. In these cases, law enforcement should ensure they have utilized all resources in attempting to contact the victim to provide the notification.

Opt Out of Process

Any request from a victim to opt out of the process or an attempt to disengage at any time should be respected by law enforcement and advocacy. There may be instances where a victim re-engages with the process and after time has elapsed, decides that he/she is no longer interested in continuing. The victim can opt out at any point in time of the process. It is appropriate to ensure the victim is connected with local resources if this is something that he or she desires, however, the victim should not be pressured or questioned about their decision to opt out.

Opt-In Notification

The protocol for the opt-in notification option is contained in a separate document entitled Iowa Sexual Assault Kit Initiative Opt-In Victim Notification Protocol.

Culturally Specific Services

Amani Community Services

Amani works with African American survivors of sexual assault and domestic violence in Linn and Black Hawk Counties.

Crisis Line: 888 983-2533

Deaf Iowans Against Abuse

DIAA provides advocacy services to Deaf, Hard of Hearing, and Deaf-Blind survivors of all crimes.

Text: 515 661-4015

VP/P Line: 319 531-7719

Email: Help@diaaiowa.org

Latinos Unidos por Nuevo Amanecer (LUNA)

LUNA works with Latina/o survivors of sexual assault and domestic violence. LUNA provides crisis intervention in Polk, Warren, and Marshall Counties and other counties as staff capacity allows.

Crisis Line: 866 256-7668

Meskwaki Victim Services

Meskwaki works with Native survivors of sexual assault and domestic violence, and their families, living on the Meskwaki settlement and throughout Iowa.

Call or text: 641 481-0334

Monsoon United Asian Women of Iowa

Monsoon works with Asian and Pacific Islander survivors of sexual assault and domestic violence statewide in Iowa.

Crisis Line: 866 881-4641

Nissa African Family Services

Nissa works with African immigrant and refugee survivors of sexual assault and domestic violence statewide in Iowa.

Crisis Line: 515 255-5430

Transformative Healing

Transformative Healing works with lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA) and other marginalized sexual and gender identify survivors of sexual assault in Polk, Johnson, Story, and Linn Counties.

Crisis Line: 515 850-8081