



-SEXUAL ASSAULT KIT BACKLOG-



VICTIM and INVESTIGATION “Best Practice” Tips for LAW ENFORCEMENT

The following is a compilation of best practices for your agency to consider when working with a victim of sexual assault and the SAK Backlog.

Step

Law Enforcement Agency Submits Sexual Assault Kit for DNA testing

- 1 ➤ Investigating Law Enforcement Agency is notified by Email that testing of has been initiated.

Pre-Test Results Planning for Investigators

- Review investigation, existing evidence and additional lab results. Refer to the *Power of DNA* website for the *Law Enforcement Tool Kit* at KentuckyBacklog.com.
- Notify local Victim Advocate and Prosecutor of pending test results, plan for needed personnel.
- Team Plan next steps (Investigating Agency, Victim Advocate, Prosecutor):
 - Do we know where victim and witnesses are located? Can we locate?
 - Do we have the right resources, protocols and training? What resources are available?
 - Is all evidence still available? Has all evidence been tested?
 - Is the investigation assigned to a current investigator? New investigators needed?
 - Case assignments? Consider-How can notification of victim be most successful?

Step

2

DNA / CODIS Results are sent to Law Enforcement, Victim Advocate and Prosecutor by KSP

- Review lab results to determine whether a suspect has been identified (Possible Results Listed):
 - Identified DNA Sample (Identifiable Individual(s)).
 - Unidentified DNA Sample (DNA exists but not in CODIS).
 - Unidentified DNA Sample with match to Other Victims (Mult. victims w/ Unk. perp.).
 - No DNA found to compare to CODIS or other victims.
- Team Plan next steps (Investigating Agency, Victim Advocate, Prosecutor):
 - Investigative and Victim needs

Step

3

Pre-Victim Notification Planning and Considerations

- Has the investigator or victim advocate maintained a relationship with the victim?
- What additional information do we need from the victim? What do we need to ask?
- Does the victim potentially know the perpetrator?
- What if the victim is reluctant to meet, testify or prosecute?
- Where is the victim? Will we have to contact victim by phone to locate, and how will we handle?
- Do we have an appropriate place to meet and interview the victim (not an interrogation room)?
- Do we interview the victim at the same time of the notification? Consider multiple responses.
- Who will do notification with victim advocate? Who will do interview with investigator?
- Are there any safety concerns? Consider domestic violence, drug hazards, etc.
- Do we have short and long-term resources prepared to help victim?

Step

4

Victim Notification and Interview Considerations

- Victim should be treated with compassion and empathy.
- Victim Advocate should always be utilized for notification and assisting with additional interviews.
- Build rapport with the victim before any investigative questioning. Patience is a priority.

Step

5

Victim Notification and Interview Considerations (Continued)

- Explain the role of the Advocate, Law Enforcement and Prosecutor.
- Be prepared to reschedule interview around the victim's needs.
- Use Victim / Trauma Centered Interview Techniques.
 - Ask if it is Okay to discuss the incident.
 - Let victim know that discussing the incident may be difficult and to take their time.
 - Traumatized victims often need 24 to 48 hours to process the incident before they should be interviewed.
 - Be patient.
 - Allow yourself and the Victim Advocate time to develop trust with the victim.
 - Be careful about touching or hugging a victim who you do not have a personal relationship with.
 - Show empathy through your responses.
 - Be aware of surroundings and if others may be able to hear your questioning and responses and how that may affect your interview.
 - Be aware that victims will react differently. Angry, confused, upset, lackadaisical, depressed, scared, etc. These are all normal emotions and responses for a victim.
 - Remember that a victim under the influence, dressed provocatively, or having promiscuous tendencies can still be a victim. Perpetrators often target these individuals knowing they are less likely to report to police or be believed.
 - Treat victims as if they were your most important family member.
 - Be aware that some victims will need to process the new information and you may need to reschedule an interview.

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Continued

Additional Investigation Considerations

- Know the details of your investigation and prioritize your case needs.
- What information and evidence needs to be collected to support the DNA findings?
- Where is the perpetrator? How do we find? What if in another jurisdiction?
- Is perpetrator known to victim or family? Is perpetrator a possible serial sex offender?
- Who needs to be interviewed or re-interviewed?
- Research the suspect's background, criminal history, law enforcement contacts, work history, education, phone history, active relationships, past and disgruntled relationships, finances, residence history, vehicle history, social media, habits, known clothing and shoes, unique characteristics, etc.
- Collaborate with the prosecutor.
- Do we need surveillance, search warrants, additional lab tests, polygraph, etc.?
- Will discreet DNA samples need to be collected (Abandoned DNA, trash pull)?
- Are there similar investigations / victims that may suggest a serial offender?
- Any additional corroborating evidence? Surveillance video, bank card usage, cell phone usage, touch DNA, fingerprints, shoe prints, receipts, social media, etc.
- Develop arrest operations and officer safety considerations.
- Develop an interview / interrogation, search warrant, and evidence gathering strategy.
- Perseverance - Be driven to get the conviction and don't give up when the case gets tough.
- Patience and empathy will allow the victim to regain confidence in LE, your resources and her investigation

Step

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