**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.

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**Step 1**

**Law Enforcement Agency Submits Sexual Assault Kit for DNA testing**

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

**Step 2**

**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](http://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 3**

**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 4**

**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 5**

**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.
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 the 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, 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.

Additional Investigation Considerations

- 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 the perpetrator known to the victim or family? Is the perpetrator a possible serial sex offender?
- Research the suspect's background, criminal history, law enforcement contacts, work history, education, phone history, vehicle history, social media, unique characteristics, etc.
- Any additional corroborating evidence? Surveillance video, bank card usage, cell phone usage, touch DNA, fingerprints, shoe prints, receipts, social media, etc.
- What needs to be interviewed or re-interviewed?
- Any additional laboratories, polygraphs, etc.?
- Develop an interview and officer safety considerations.
- Do we need surveillance, search warrants, additional investigations, polygraph, etc.?

Collaborate with the prosecutor.
- Research the suspect's background, criminal history, law enforcement contacts, work history, education, phone history, vehicle history, social media, habits, known clothing and shoes, unique characteristics, etc.
- Any additional corroborating evidence? Surveillance video, bank card usage, cell phone usage, touch DNA, fingerprints, shoe prints, receipts, social media, etc.
- What needs to be interviewed or re-interviewed?
- Any additional laboratories, polygraphs, etc.?