

SAKI Victim Notification Protocol

SAEK Reform & SAKI Implementation Training

June 23, 2021





This project was supported by Grant No. 2018-AK-BX-0033 awarded by the Bureau of Justice Assistance, administered by the Governor’s Office of Crime Prevention, Youth, and Victim Services who funded this project under sub-award number SAKI-2018-0002. 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. All points of view or opinions in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice, or any State or other Federal agency.

Let's Review: Vocab

- Advocate
 - SAKI
 - Local Community-Based
 - Systems-Based
- Backlog
 - Unsubmitted
 - Untested
- CODIS: Combined DNA Index System SAKI
 - DNA Positive, CODIS ineligible
 - DNA Positive, COIDS eligible
 - DNA Positive, Offender hit
 - DNA Positive, Forensic hit
 - DNA Negative
- ViCAP: Violent Criminal Apprehension Program



Survivor vs. Victim

- *Victim* may refer to someone who has recently been affected by sexual violence, by a particular crime (like SA), or by aspects of the criminal justice system.
- *Survivor* may refer to an individual who (a) has gone through the recovery process or (b) is dealing with the short-or long-term effects of sexual assault.

When working with an individual that has been affected by sexual assault and the backlog, it's important to use the term that they prefer and mirror the language they use.

Most Prolific Serial Killer in U.S History



Samuel Little

- Confessions: over 90
- Confirmed cases: over 60
- States: 19
- SAKI funds: 11 cities



Samuel Little on victim selection:

“...try to pick the one they less miss”

“...not a very important person”

“...I stayed in the ghetto”

The Numbers

As of September 2020:

132,437 kits inventoried

73,094 kits sent for testing

11,439 CODIS hits

1,549 CODIS hits to serial sex offenders

5,800 CODIS hits to serial violent offenders



SAKI
SEXUAL ASSAULT
KIT INITIATIVE
Reform. Accountability. Justice.

The Numbers

There were **11,341** unsubmitted kits found in Detroit, Michigan.

- **824** kits tied to serial offenders
- **282** Adjudicated Cases
- **211** cases actively being investigated & **377** awaiting investigation
- **39** states had criminals extradited to MI for a Detroit SAKI case



The SAKI Project

- Goal
 - Address the national backlog
 - Prevent a backlog from occurring again
 - Help provide resolution
- Funding
 - Inventory, Tracking, Testing
 - Investigation & Prosecution
 - Victim Services & Engagement



Maryland SAKI Project

- Inventory
- Testing & Tracking
- Investigations & Prosecution
- Training
- Victim Services and Notification

Why not all \$3 million on testing?

MD Victim Notification Development

- The notification protocol was developed in collaboration with the SAEK Committee.
- Current practices used by other SAKI sites that have already been conducting notifications were utilized
- All SARTs in Maryland were visited by a members of the SAEK Committee, specifically the OAG and MCASA, to discuss the development.



Maryland Sexual Assault Evidence Kit
Policy and Funding Committee

Guiding Principles

- What do we mean by “victim notification”?
- Notification is **NOT** a one-time event
 - On-going communication, support, and advocacy
- Notification raises **both LEGAL and PSYCHOLOGICAL** issues
 - Notification is a reactivation of traumatic memories
 - Notification will have a long-term impact on survivors’ well-being

Guiding Principles

Victim Centered

- The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system.
- Victim's choice, safety, and well-being is the focus.
- The needs of the victim are everyone's concern and a collective effort (not just the concern of victim advocacy).



Guiding Principles

Trauma Informed

- Attending to victims' emotional safety AND physical safety
- Strengthening victims' capacity to recover with information, resources, services, and support
- Educating victims, service providers, and the general community about the impact of trauma on survivors' health and well-being.



Conducting Notifications

Active Notification

Practitioners to Survivors

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



&

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.

Ex. Hotline



When will notifications be conducted?

- In most cases notification will take place after testing has been completed.
 - Victims will be notified of the results of the testing and what next steps may take place
 - Includes cases in which no DNA was found or DNA was ineligible for COIDS.
 - This is supported by research conducted by End the Backlog in which the majority of survivors wanted to know when their kit was tested, regardless of the results.
 - Case by case basis will be considered
- In *some* cases, notification before testing will be necessary.
 - A waiver was signed by the victim at the time of the investigation or
 - Exclusionary samples from consensual partners are needed

Who will conduct notifications?

Team approach:

- MCASA SAKI Advocate
- Law enforcement representative
- Provides opportunity for an advocate to address psychological and emotional concerns and provide referrals
- Law enforcement is available to answer questions about the SAEK testing, possible new investigation, and next steps.

Can rape crisis centers conducted these notifications?

- Yes, but communication must still take place with MCASA
 - Determining opt-in preferences
 - Grant reporting requirements
- Policies and protocols should be developed in conjunction with MCASA and local law enforcement.

How do notifications take place?

- Step 1: Planning

- Law enforcement contacts MCASA to request a notification. The request should include why the notification is being conducted.
- MCASA SAKI Advocate will search the Opt-In database to determine if the victim has “opted-in.”
- MCASA SAKI Advocate will create an Individualized Notification Plan based on the opt-in preferences, if available.
- If no opt-in preferences are available, the SAKI Advocate will collaborate to create an Advocate Initiated Notification Plan
 - Develop the notification plan based on contact information available in the case file or additional law enforcement searches.



How do notifications take place?

- Step 2: Contact
 - If opt-in preferences are available:
 - Contact will be made in accordance to those preferences
 - Survivors that contact the opt-in line will be asked a number of questions about notification.
 - If the survivor has not opted-in:
 - MCASA and law enforcement will use the available contact information to connect with the survivor.
 - MCASA makes first contact. No information about testing results are provided. Schedule meeting with law enforcement.



How do notifications take place?

- Step 3: Follow-up meeting
 - A follow-up meeting will be held based on the preferences outlined during initial contact.
 - An apology will always be offered by both the advocate and law enforcement.
 - Law enforcement will discuss what the test results mean, next steps, and empower the survivor to determine how they want to proceed.
 - The advocate will make referrals to appropriate resources.
 - MCASA will collaborate with each rape crisis center and SAFE program to outline when/if referrals will be made



Source: <https://taylorcounselinggroup.com/service/individual-counseling/>

An apology?

- Yup! This is critical!
 - Other SAKI sites, and Maryland agencies, have already witnessed the power of offering an apology.
 - Research shows that many survivors feel better about the circumstances of their case when someone acknowledges errors that were made and how they were treated.
 - Survivors that receive an apology are more likely to reengage.



Tips for offering an apology

Tip for Advocates: An apology from an advocate is just as powerful, and necessary, as one from law enforcement. A survivor whose SAEK was not submitted for testing may never have received the services and support they needed after the assault. Be prepared to apologize and demonstrate the collaborative effort of advocates and law enforcement moving forward.

Try saying:

"I'm sorry for the pain and uncertainty you experienced after reporting the sexual assault. I am available to support you and provide information for local resources that are available."

Tip for Law Enforcement: Offer an apology to each survivor for the pain and uncertainty they experienced. Although you may not have been involved in the original investigation, it is important that your apology is sincere, and that you acknowledge an understanding of this systemic failure. Doing so will help restore lost trust and build rapport.

Try Saying:

"I am sorry for the original handling of your case and I apologize on behalf of the police department. We are changing our policies to ensure that all investigations are thorough, and that is why we have tested your kit. I'm here to support you and answer any questions you may have."

How do notifications take place?

- Step 4: Empower
 - After the follow-up meeting takes place, the survivor will have the opportunity to outline next steps.
 - How do they want to be contacted moving forward?
 - Will a detailed interview take place? When? Where?
 - How involved do they want to be in an investigation?
 - How will they get therapy?
 - Opportunity to speak privately to the advocate or law enforcement



Image source: <https://www.additudemag.com/female-empowerment-adhd-authenticity-tips/>

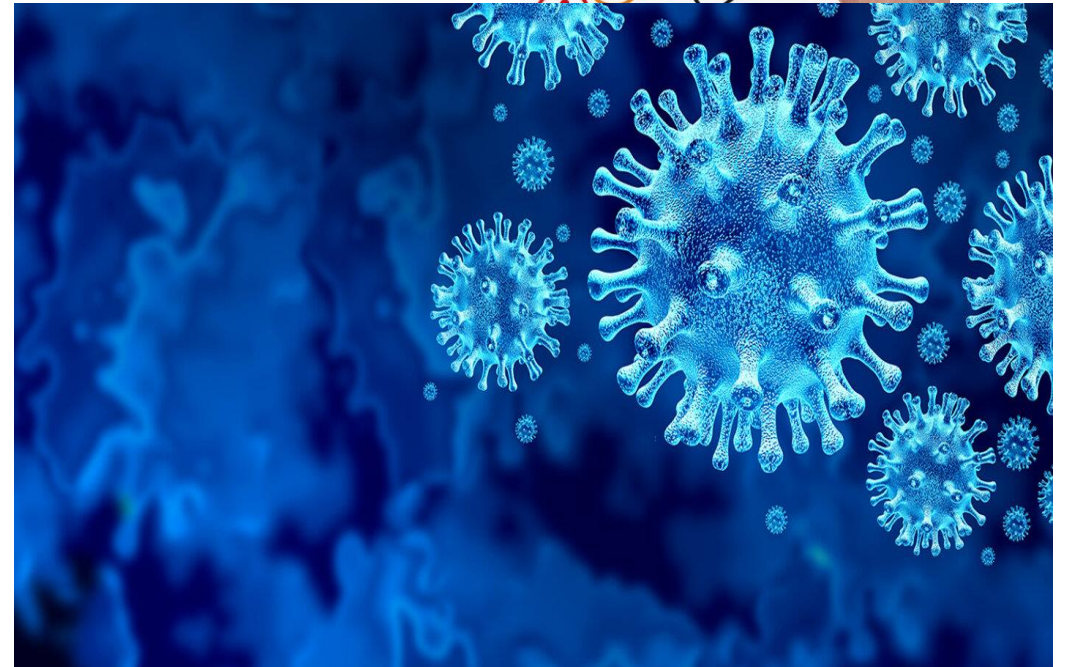
How do notifications take place?

- Step 5: Survey
 - At the time of the follow-up meeting, all survivors will be asked if they would be willing to take a survey about their experience at a later time.
 - If yes, MCASA will contact the survivor to conduct a survey
 - Information obtained will guide any future changes to the protocol and highlight areas that may have been looked over.
 - This is new territory for SAKI!



What about COVID-19?

- Notifications during COVID-19:
 - Not conducting unless necessary for investigative purposes or to ensure testing requirements are met.
- Investigative purposes:
 - CODIS hit offender or forensic
 - An individual needs to be arrested immediately
 - An investigation is being reopened
- Testing requirements
 - A jurisdiction has not kits to submit without conducting notifications or doing a SART case review
- Exceptions:
 - Opt-In preferences



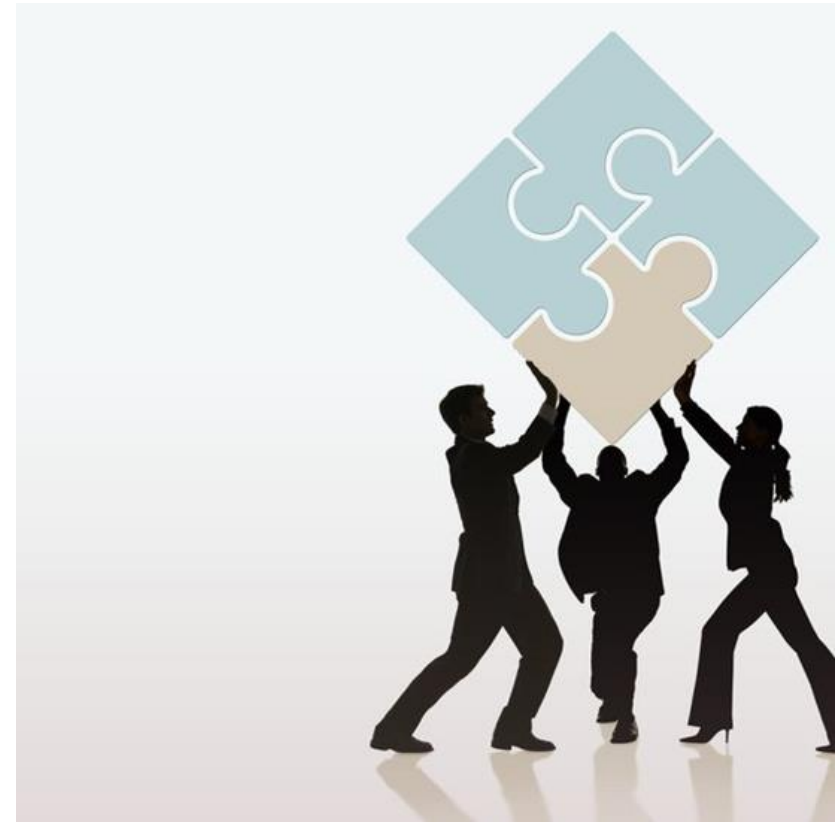
The local SART Involvement

- Collaborate and Communicate
 - Discuss what survivors impacted by SAKI may need
 - Determine how you can meet those needs
 - Understand the protocol and work with MCASA and law enforcement to make sure proper referrals are made.
 - Encourage team members to look at your numbers and your cases with open eyes.
- Conduct outreach for agency participation
 - MCASA will help!



The local SART Involvement

- Educate and train
 - Why is SAKI important?
 - What is SAKI showing us?
 - How can our disciplines collaborate and help support survivors (in both current and cold cases)?
- Ensure proper implementation
 - This is a statewide protocol approved by the SAKI Project
 - Not optional



What can you do to help?

- Share the protocol with your member agencies;
- Post opt-in line information to agency websites and social media accounts;
- Work toward ensuring your SART meets COMAR requirements;
- Conduct outreach to agencies that are not actively involved.
 - MCASA can help with outreach to non-participating agencies



The State of Maryland Sexual
#SAKI

Maryland's Sexual Assault Kit Initiative -
Find out what happened to your rape kit.

Call the confidential
SAKI Survivor Information Line:

833-364-0046

Or email:
notification@mcasa.org

Survivor Notification Protocol

CONTACT INFO

MCASA

(301) 328-7023

info@mcasa.org

Sexual Assault Kit Initiative

301-328-7166

notification@mcasa.org

Sexual Assault Legal Institute

(301) 565-2277

Website

mcasa.org

Laura Jessick

SAKI Victim Notification Project Manager

ljessick@mcasa.org

301-328-7166