



Oklahoma Attorney General

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL

Sexual Assault Kit Initiative Grant Victim Notification Protocol

BUREAU OF JUSTICE ASSISTANCE SEXUAL ASSAULT KIT INITIATIVE

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Table of Contents

OKLAHOMA OFFICE OF THE ATTORNEY GENERAL SEXUAL ASSAULT KIT INITIATIVE GRANT	2
VICTIM NOTIFICATION PROTOCOL PURPOSE	2
VICTIM NOTIFICATION GOALS.....	2
GUIDING PRINCIPLES FOR NOTIFICATION	2
CONFIDENTIALITY.....	3
VICTIM/SURVIVOR SAFETY.....	3
ALL VICTIMS/SURVIVORS OF TESTED SEXUAL ASSAULT KITS SHALL BE NOTIFIED	4
NOTIFICATION PROCESSES.....	4
SAKI MULTI-DISCIPLINARY TEAM AND LOCAL JURISDICTIONAL MULTI-DISCIPLINARY TEAMS.....	4
NOTIFICATION METHODS.....	6
EFFORTS TO LOCATE VICTIMS/SURVIVORS.....	6
INITIAL CONTACT.....	7
FOLLOW-UP CONTACT.....	9
MONITORING AND EVALUATING THE PROTOCOL	10
APPENDIX.....	11

Oklahoma Office of the Attorney General SAKI Victim Notification Protocol

Oklahoma Office of the Attorney General Sexual Assault Kit Initiative Grant:

The Oklahoma Office of the Attorney General was awarded the Sexual Assault Kit Initiative (SAKI) Grant by The Bureau of Justice Assistance (BJA) in October of 2019. The grant was sought based on the Oklahoma Sexual Assault Forensic Evidence (SAFE) Task Force findings and recommendations. The SAFE Task Force is a multi-disciplinary working group that consists of law enforcement, prosecutors, public defenders, sexual assault nurse examiner (SANE), lab personnel, victim service providers, survivors, and others. The Task Force conducted a statewide audit of unsubmitted sexual assault kits in 2019, which identified over 7,270 unsubmitted sexual assault kits.

The SAKI team is part of the Oklahoma Office of the Attorney General's Victim Services Unit. The team has professionals from different capacities including a Victim Advocate, Investigators/Agents, and a Resource Prosecutor/Site Coordinator. The SAKI team works with the Oklahoma SAFE Task Force, the Oklahoma State Bureau of Investigation community based sexual assault programs, local law enforcement agencies, tribal representatives, and state district attorney offices who serve victims in order to resolve the backlog of sexual assault kits.

Victim Notification Protocol Purpose:

The Victim Notification Protocol was developed to provide the framework for a victim-centered sexual assault response to the backlog of unsubmitted sexual assault kits by the Oklahoma Office of the Attorney General SAKI team. This protocol is intended to serve as a guideline for both the SAKI team and other professionals who will be involved in the notification of victims as it relates to cases from the Oklahoma Office of the Attorney General SAKI inventory. Because the circumstances of each case may differ significantly the protocol may need to be adapted to address the unique needs of individual cases. This protocol is intended to assist victims/survivors in gaining knowledge and information about their cases, with the purpose for them to regain a sense of power and control over their traumatic experiences. Victim/survivor empowerment is important in the notification process.

Victim Notification Goals:

The goal of victim notification is to inform, refer, apologize, and reengage victims/survivors while using victim-centered and trauma-informed approaches. It is important to validate and support victims/survivors during all contact. Safety of victims/survivors shall be considered throughout the notification process.

Guiding Principles for Notification:

Victim notification is the process of contacting victims/survivors and informing them of new information related to location, collection, submission, and analyzation or testing of a previously unsubmitted sexual assault kit. The following are core guiding principles for victim notification to be considered by those tasked with making notifications:

- Notifiers should consider the emotional and physical safety and well-being of victims/survivors.
- Notifiers should have specialized trauma-informed training.
- Notifiers should respect the wishes of victims/survivors regarding their level of involvement in the investigation, including when victims/survivors choose not to engage in the investigation.
- Notifiers should conduct notifications at the time planned by the SAKI multi-disciplinary team/local jurisdictions.
- Notifiers should prepare for reactions of victims/survivors to receiving new information, and to provide the support necessary.
- Notifiers should build relationships and trust with victims/survivors through transparent communication of information and decisions.

Confidentiality:

Many professionals are involved in addressing the inventory of unsubmitted sexual assault kits. Any professional who speaks to or works with victims/survivors directly must immediately disclose to victims/survivors how confidentiality applies to their professional position. To support informed decisions, victims/survivors should understand information sharing and documentation practices of professionals. Professionals should provide victims/survivors with as much clarity on confidentiality as possible.

Victim/Survivor Safety:

The safety of victims/survivors is paramount and shall be considered in all victim notifications. The current living situations and life circumstances of victims/survivors must be taken into consideration before making any type of notification. Examples of special considerations include:

- If the victim/survivor is currently living with the perpetrator;
- If the victim/survivor was a minor at the time of assault;
- If the victim/survivor lives in a home where other household members may not know about the assault.

If the SAKI team and other professionals agree it is appropriate to make a notification and the victim/survivor is in a high-risk situation, the team must consider all available resources for the victim/survivor. The victim/survivor may need victim protective order information, Address Confidentiality Program information, or information about a sexual assault shelter or program. During initial notification, the notifier(s) shall develop a short-term safety plan with victims/survivors. Based on individual case factors, some victims/survivors may require the development of a long-term safety plan which can be discussed during follow-up contacts with victims/survivors.

All Victims/Survivors of Tested Sexual Assault Kits Shall Be Notified:

The goal of the SAKI team is to notify all victims/survivors who have had a sexual assault kit inventoried and tested during this project, unless deemed unsafe by SAKI professionals and/or local multi-disciplinary professionals. Many victims/survivors may not know what became of their sexual assault kits and may have been waiting for the results for years. Therefore, it is important to give all of the information possible regarding the kits and to be transparent with victims/survivors in order to empower them with the knowledge over their experience. For example, if testing the sexual assault kit results in no DNA and no new information, it is still important to relay this information to the victim/survivor. Any and all information about kits could aid in healing or assist in building trust with the criminal justice system. Victims/survivors deserve to be involved in each step their kit/case goes through.

Notification Processes:

Opt-In Notification: Victims/survivors can proactively convey information, concerns, and desires regarding sexual assault kits by contacting the Attorney General's SAKI team. Victims'/survivors' preferences (if known) should be at the forefront of consideration during all contact.

Victims/survivors can contact the Attorney General's SAKI team as follows:

- **Voicemail: (405)-715-9421**
- **Email: saki@oag.ok.gov**

The SAKI Victim Advocate will return the call or email within 3 business days. If the SAKI Victim Advocate is unable to call or email back for any reason, another member of the SAKI team will contact the victim/survivor.

Active Outreach Notification: Active outreach notification occurs when victims/survivors are contacted regarding information and results after testing of sexual assault kits. The contact can be used to inform victims/survivors of any new information, new evidence, or CODIS hits resulting from the testing of sexual assault kit. In the absence of new information or evidence, the contact can also inform victims/survivors that cases will now be considered closed, as no new evidence was found. Multiple contacts may be necessary to reach victims/survivors and notifiers must use their best judgment to know when to halt contact efforts with victims/survivors.

SAKI Multi-Disciplinary Team and Local Jurisdictional Multi-Disciplinary Teams:

The SAKI team (Victim Advocate, Investigator/Agent, Resource Prosecutor) and Oklahoma State Bureau of Investigation lab personnel and agents creates a SAKI multi-disciplinary team (MDT). The SAKI MDT will facilitate the creation of or utilize any previously existing MDTs from the jurisdiction for each SAKI case depending on where the incident occurred. Local jurisdictions may also choose professionals to invite or to participate in the MDT for the SAKI case. The local jurisdictional team may include:

- Law enforcement officers
- Community-based/system-based sexual assault advocates
- Victim witness coordinators
- Prosecutors
- SANE nurses
- Tribal representatives
- Child abuse advocates

Many counties in Oklahoma have working MDT teams; however, if the jurisdiction of the case does not have an MDT, the SAKI Victim Advocate will locate and contact professionals in the area that are deemed appropriate for the specific case and assist the jurisdiction in building a team for the case.

Prior to the initial notification of victims/survivors, the SAKI MDT and representatives from the local jurisdiction and/or MDT should meet once the testing results are received from the Oklahoma State Bureau of Investigation Laboratory. The meeting will consist of a multi-disciplinary case review (prepared by the SAKI Victim Advocate and the SAKI Investigator/Agent). Jurisdictions will most often have multiple cold case SAKs being testing at once. If there are multiple cases, the SAKI MDT and local law enforcement may communicate and decide to wait for a case review once testing results from multiple cases are received; this is in an effort to keep the number of meetings to a minimum. The SAKI Victim Advocate will schedule the meeting with all appropriate professionals after receiving the results. Meetings with the SAKI MDT and local MDT could be via telephone conference, in person meetings, or via virtual platform. During the case review, the following areas and information may be discussed:

- Results of the sexual assault kit
- Victim/survivor information (life changes since assault, family information, if anyone on the MDT has current contact or a current relationship with them)
- Offender information
- If any additional case investigative follow-up is necessary
- If prosecutors believe charges could be filed
- If law enforcement believes case could be investigated
- Level of involvement of the SAKI team in the investigation and prosecution of the case
- Collective decision of MDT of if/when/how the victim/survivor shall be notified of completed testing and results of sexual assault kit
- Which professionals would be available for an in-person notification after initial contact
- The process of the SAKI Victim Advocate making the first initial contact and referral to local community-based/system-based advocates
- Local resources available to fully support and serve the victim/survivor

All victims/survivors will be notified except when the team has determined notification will pose a safety risk.

Notification Methods:

The SAKI team, along with other professionals within the jurisdiction of the case, will determine if and when victims/survivors will be contacted, and which method would be ideal for each specific case. Notifications could be made in person, via phone, by mail, or via a virtual platform. Both a SAKI Advocate and a SAKI Investigator/Agent shall be available for notification and to answer any questions of victims/survivors.

- **In-Person-** Notifications done in person add a personal touch to the contact. Victims/survivors will be able to have immediate support, and the notifier will be able to provide advocacy more efficiently and effectively than the other notification methods.
- **By Phone-** Notifications by phone can be positive because the notifier(s) can address immediate questions from victims/survivors and can begin to build rapport with victims/survivors. This method takes fewer resources to achieve than the other methods do. When notifying victims/survivors by phone, the notifier(s) shall identify victims/survivors by asking date of birth and/or jurisdiction or date of offense/kit. If the person is not the victim/survivor, the notifier shall either leave a name and number for the victim/survivor to call back at another time, or the notifier(s) may state that they must have the wrong number, using discretion based on current living circumstances of the victim/survivor. A second phone call can be made at a later time. Discretion shall be used when speaking to involved or not involved parties over the phone based on case information, and the notifier(s) shall work diligently to keep private information safe. *(Please refer to Voicemail Prompt in Appendix A)*
- **By Mail-** Notifications by mail can be less invasive than other methods and can give victims/survivors time to process information. It also gives victims/survivors the control to make the decision of contacting the SAKI team. Letters will be worded vaguely in an attempt to not violate the privacy of victims/survivors. *(Please refer to Letter Prompt in Appendix B)*
- **By Virtual Platforms-** Notification via virtual platforms can give victims/survivors and notifier(s) a chance to connect in a safe, distanced, and convenient way. Virtual platforms could include WebEx, Microsoft Teams, Zoom, Skype, or any available virtual platform. Notification via virtual platform shall ultimately be the victim's/survivor's choice.

Efforts to Locate Victims/Survivors:

In order to locate victims/survivors, the SAKI Investigator/Agent will use information received from original and current jurisdictional MDT case reviews, information from sexual assault kits and intelligence and crime analysis resources offered through the Attorney General law enforcement agents in an effort to find their contact information.

Once contact information (such as phone numbers, addresses, or email addresses) are found, the SAKI Investigator/Agent will pass the information to the SAKI Victim Advocate.

Once the SAKI Victim Advocate receives the information the SAKI Victim Advocate will contact victims/survivors as outlined below, including a minimum of 3 attempts to contact by phone, mail, or in person. All attempts will be documented in the case files of victims/survivors.

There shall be 3 attempts to contact victims/survivors with information about their kits.

- Initial contact- Once notification plan is formed by SAKI MDT/local jurisdictions
- After one week - 2nd contact
- After one month - 3rd contact

Initial Contact:

The SAKI team will use a trauma-informed and victim-centered approach in each notification and decision regarding initial contact.

The SAKI team understands that each victim/survivor, case, and local jurisdiction is different; therefore, initial contact methods will vary. During the case review, the SAKI team and local MDT will decide who should make the initial contact and notification to victims/survivors. Initial contact and notification may be conducted by:

- The SAKI Victim Advocate
- The SAKI Investigator/Agent
- The SAKI Site Coordinator/Resource Prosecutor
- Local jurisdiction law enforcement
- Local jurisdiction community or system based advocates
- A professional who is deemed appropriate by the SAKI team, local MDT, or representatives.

The initial contact and notification can also be completed by multiple professionals such as a combination from the above list. Local jurisdictional MDT professionals or designated representatives will be included and involved in both the notification decision process and the notification process. It is important for victims/survivors to be connected to resources and professionals in their communities for ongoing and future support and assistance. It is also important to acknowledge and utilize existing relationships between victims/survivors and local jurisdictional MDT professionals. A SAKI MDT professional or a local professional should reach out by phone to victims/survivors first, in order to know if victims/survivors would like information on their SAKs or on their case, as well as to set up an in-person meeting, virtual meeting, or any other type of notification process the victims/survivors would like to take part in, if they do want information on their SAKs or on their case.

- The decided professional(s) will reach out by phone to victims/survivors. If no answer, a voicemail will be left with contact information. (Only basic information shall be left on the voicemail as shown on the attached Voicemail Prompt in Appendix A).

- If the victim/survivor answers the phone, the professional(s) will confirm the identity of the person they are speaking to, in order to ensure notification is given to the victim/survivor.
- Once the identity of the victim/survivor is confirmed, the professional(s) will begin with an introduction of themselves.
- The professional(s) will state they have sensitive information pertaining to a case from (jurisdiction of case) in (year sexual assault nurse examination occurred) and ask if they would like more information.
- If victims/survivors would like more information, the professional(s) will provide the choice of proceeding with receiving the information over the phone or asking if they would like to schedule a time to meet in person.

If victim/survivor chooses to schedule an in-person meeting for receiving the information:

- Professional(s) will allow victims/survivors to choose a location, date, and time for the meeting. *(The meeting can take place anywhere victims/survivors feel comfortable, such as, SAKI Advocate's office, local Domestic Violence Sexual Assault program, police department, district attorney's office, a safe public place, or victim's/survivor's home.)*
- If the professional contacting victims/survivors is an advocate, the advocate will ask if an Investigator/Agent may also be present to explain evidence and investigations clearly. If the professional contacting victims/survivors is the SAKI Advocate the SAKI Advocate, will also offer for a local community-based advocate to attend the meeting as well. It is important that victims/survivors are given a menu of options and to be in control of who can be present at the in-person meeting.
- When meeting with victims/survivors, it is important to be aware of and inform them of possible trauma triggers that they could experience as a result of the conversation. Be prepared to provide victims/survivors with information such as:
 - The results of the testing of the sexual assault kit
 - Any new information the SAKI team has obtained
 - An explanation of DNA and CODIS
 - Their options as far as investigation/prosecution
 - Their options for future involvement with the case
 - An apology and explanation of why the testing was completed now (careful not to damage relationships with partners)
 - A physical and emotional safety plan if they would like one
 - Sexual assault victims' rights
 - Local and statewide resources for crime victims, and any other resources they may be interested in
 - Contact information for the SAKI team as well as for local jurisdictions of law enforcement and advocacy
- The professional(s) providing the initial contact/notification will ask for permission to follow up with victims/survivors at another point in time.

If the victim/survivor chooses to receive the information via telephone:

- The professional(s) will confirm that they are safe to receive detailed information at that time.
- The professional(s) will discuss possible trauma triggers that they could experience as a result of the conversation. Victims/survivors may receive the same information as if they were meeting with the professional(s) in person, such as:
 - The results of the testing of the sexual assault kit
 - Any new information the SAKI team has obtained
 - An explanation of DNA and CODIS
 - Their options as far as investigation/prosecution
 - Their options for future involvement with the case
 - An apology and explanation of why the testing was completed now
 - A physical and emotional safety plan if they would like one
 - Sexual assault victims' rights
- Local and statewide resources for crime victims, and any other resources they may be interested in.
- Contact information for the SAKI team as well as for local jurisdictions of law enforcement and advocacy
- The professional(s) will ask for permission to follow up with victims/survivors at another point in time.

Follow-Up Contact:

At the time of initial notification, victims/survivors may choose whether to participate in a follow-up. Follow-up contact should be conducted by either the SAKI Victim Advocate or a local community-based/system-based advocate of the victim's/survivor's choice. The advocate:

- Should discuss with victims/survivors any confidentiality limitations related to their professional role
- Should review roles and information sharing practices of all professionals involved in the victim's/survivor's case to include confidentiality releases
- Should respect the victim's/survivor's choice related to sharing information
- Is responsible for maintaining a relationship with victims/survivors and advocating for their rights and expressed and identified needs throughout the entire process, even if they are not pursuing actions through the criminal justice system
- Should assist in coordinating through the other team members for updates and scheduling with victims/survivors

Monitoring and Evaluating the Protocol:

This protocol is intended to be a living document. By moving forward with these informed practices, the Oklahoma Office of the Attorney General SAKI team hopes to build trust and improve the overall experience of victims/survivors. As this protocol is implemented, feedback is anticipated from victims/survivors and those individuals who will be conducting and involved with the notification process. The feedback will help guide any potential changes to the protocol identified by MDTs. Victims/survivors should be provided the opportunity to give feedback by an anonymous survey about the notification process. The SAKI team or any local jurisdiction/agency may provide victims/survivors with anonymous surveys. Solutions and changes will be made to any identified problems to this protocol in a timely manner as the Oklahoma Attorney General's Office is dedicated to serving the citizens of Oklahoma.

Appendix

Appendix A. Voicemail Prompt for Victim/Survivor Notification:

Hello, this is _____ from _____. I would like the opportunity to provide you with some updated information about a matter that the _____ police/sheriff department investigated in _____ (year). If you are interested in receiving this information, please call me at _____ for further information. Thank you for your time.

Appendix B. Letter Prompt for Victim/Survivor Notification:

[Date]

[Victim/Survivor Name]

[Address]

[City, State Zip code]

Dear Victim/Survivor Name,

My name is _____ and I am the Advocate/Investigator/Site Coordinator with the Oklahoma Attorney General's Office. I am contacting you because additional information has been received on a case from _____.

Please contact me at your earliest convenience for additional information. I can be reached by email at _____ or by phone at _____.

If I miss your call, please feel free to leave a message with your contact information and whether or not I have permission to contact you, and if so if I may leave a voicemail at that number.

Be assured that the Oklahoma Attorney General's Office is committed to providing excellent service to the citizens of Oklahoma.

Thank you.

Sincerely,

Name

Title/Division

Agency