

-SEXUAL ASSAULT KIT BACKLOG-

VICTIM and INVESTIGATION “Best Practice” Tips for LAW ENFORCEMENT

The following is a compilation of best practice tips to continue your investigation after receiving notice that a SAK has been submitted for testing.

Law Enforcement Agency Submits Sexual Assault Kit for DNA testing

- Investigating Law Enforcement Agency notified by Email that testing is being initiated.

(Pre-Results) Planning for Investigators while Waiting for Results of SAK Test

- 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 and provide case overview.
- 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 and training? Where do we get what we need?
 - Is all evidence still available?
 - Is the investigation assigned to a current investigator?
 - Investigative assignments?

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 needs
 - Victim notification

Pre-Victim Notification Considerations

- Has the investigator maintained a relationship with the victim? (Don't notify until results known)
- 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 want to interview the victim at the same time of the notification?
- Who will do notification? Who will do interview?
- Are there any safety concerns?
- Do we have resources prepared to help victim?

Victim Notification and Interview Considerations

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

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.

5
Cont.

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? 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.

6

