

The State of Alaska Sexual Assault Kit Initiative

Survivor Notification Protocol



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The State of Alaska Sexual Assault Kit Initiative

Survivor Notification Protocol

Purpose

This protocol is recommended for use in all cases where a survivor will be contacted as a result of forensically analyzing previously unsubmitted sexual assault kits (SAKs). This protocol can also serve as guiding principles in other cases requiring survivor notification due to other new investigative information becoming available.

Guiding Principles for Survivor Notification

The core guiding principles for survivor notification are that contacts will be survivor-centered and trauma-informed.

Survivor-Centered

- Considering the survivor may not have complete control over whether or not the case goes forward, respect and concern for the survivor should be at the center of all decisions regarding involvement with the criminal justice system;
- Focusing on survivor's safety and well-being;
- Collaborating among disciplines to ensure that the needs of the survivors are met;
- Understanding that survivors may have had previously negative experiences with various systems (e.g. Criminal Justice System);
- Considering diversity in cultures, races, and history.

Trauma-Informed

- Tending to the survivor's emotional safety, as well as physical safety;
- Strengthening the survivor's capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services, and support;
- Educating survivors, service providers, and the general community about the impact of trauma on survivors' health and well-being.

Survivor Notification

Survivor notification is the process of re-contacting the survivor where there is newly obtained information from analyzing previously unsubmitted SAKs. In some instances, survivor notification may be necessary to help inform the decision by law enforcement and/or prosecution as to whether investigations will be reopened or charges will be authorized in a particular case (e.g. additional information may be needed from the survivor to inform the prosecutor's decision with regard to whether or not the case can be charged). This also gives an opportunity for the survivor to voice their wishes as well.

Ensuring the Survivor’s Safety

Ensuring survivor safety is a principle goal within the survivor notification process. Depending on how or where survivor notification takes place, the physical safety of the survivor may be put at risk because of notification. As such, the approach must consider the survivor’s current life circumstances. For example, if the survivor is living with the suspect, steps should be taken to avoid any breaches of confidentiality or risk of retribution from the suspect or the suspect’s family and acquaintances. In these instances, it is important to be aware that some survivors may currently be in an abusive relationship and are at risk for serious, repeated, or lethal assault after notification.

In circumstances where it is determined that notification may have a high risk of danger for the survivor, consultation with subject matter experts (e.g. local advocacy groups, statewide advocacy groups, local law enforcement, Alaska Bureau of Investigation) will occur for guidance on how to safely notify the survivor.

Survivor Notification Protocol

Survivor notification approach will depend on specifics of the case. If results yield significantly new or different information than what the survivor was left with during last contacts with law enforcement or Department of Law, notification will be considered. This may include:

DNA Results	Notification
No DNA profile obtained	No notification; consult case review team if case specifics warrant
CODIS eligible profile obtained, no hit	No notification; consult case review team if case specifics warrant
Warm hit on CODIS eligible profile	Consult with case review team- notify if case specifics warrant
Cold hit on CODIS eligible profile	Notify survivor
Special considerations	Consult with case review team if: Survivor is a minor Survivor is a vulnerable adult Survivor is deceased Statute of limitations is passed/ case is adjudicated

The SAKI investigator and SAKI assistant district attorney (ADA) should work together to review the case for comprehensiveness. When necessary, investigative follow-up should be conducted. Additionally, the investigator and ADA should convene a multidisciplinary case review team including an advocate, prosecutor, and law enforcement officer as outlined above.

When contact with a survivor is deemed appropriate for any reason, the following steps should be taken:

a) Locate the Survivor

If survivor contact is appropriate, law enforcement personnel will begin trying to locate the survivor. Local law enforcement agencies and Village Public Safety Officers (VPSO) may be of assistance in this. Confidentiality of the survivor should be considered and only minimal details shared with and by local agencies to get necessary information. Once law enforcement has a probable location for the survivor, the SAKI investigator will proceed to *First Contact*.

b) First Contact

The first contact with a survivor is the most crucial and sets the tone for continued participation on the part of the survivor. The goals of the first contact are to be brief and supportive, offer an apology about the circumstances, provide a brief case update, and ask the survivor for a follow-up meeting. However, it is important to note that if the survivor wants additional information immediately during the first contact, the investigator should follow the survivor's lead and let the survivor choose when and how to receive the information. The investigator should plan their time accordingly to allow for a longer conversation at first contact if the survivor wishes.

The communication options will depend on the case specifics and are as follows:

i. Letter Contact

A discreet letter will be sent to the survivor via certified mail. No case information will be included in the letter; however, the letter will provide the survivor with contact information for the cold case investigator (see appendix A).

Letters will be used for contact in cases that may have new information as the result of DNA analysis but that information **will not** be changing the status or outcome of the case at that time. A letter contact will allow the survivors to make their own decisions on contacting law enforcement to discuss their past cases. The goal of this method is to empower survivors to make the choice to reengage if they choose. Revisiting the case without a change in the outcome of the investigation may cause undue additional trauma (e.g. generated results belong to deceased suspect; DNA matches named suspect but does not impact case decision).

ii. Telephone Contact

Telephone contact will likely occur in three different scenarios: 1. Survivor receives a letter and contacts the local trooper post; 2. Survivor receives a letter and calls the centralized number, reaching the SAKI investigator; 3. SAKI investigator makes a proactive initial contact due to case specifics.

In scenario 1, the local trooper post will start the conversation by first verifying he or she is speaking to the correct person using methods and records available to them to confirm identity. They will gather contact information and provide it to the SAKI investigator for follow up.

i. Investigator Initiated Contacts

In cases that are being considered for re-opening, proactive contacts will be initiated by the SAKI investigator. The first contact in these cases will usually be a phone call. Identity of the survivor will be verified and the investigator will introduce him/herself. The investigator should ask if it is a good time to talk. The survivor will be asked if s/he remembers making a report to the police (e.g. "Do you remember making a report to the Alaska State Troopers in 2010?") rather than announcing s/he is calling about a reported sexual assault. The investigator will tell the survivor that new information has been discovered in his/her case, and allow for a response from the survivor.

The investigator will ask to schedule a time to meet in-person or over the phone for a more in-depth conversation. The investigator should notify the survivor that an advocate can be present at the meeting to offer support (if possible). The investigator should be prepared to move forward with a more in-depth conversation right at that time if the survivor chooses.

The investigator will go over the SAKI Survivor Notification Release of Information before the conclusion of the phone call (see appendix B). The survivor can choose to decline contact by the advocacy agency.

Note: Scheduling an in-person meeting will depend on travel logistics. Taking into consideration the needs and wishes of the survivor, an appointment will be scheduled with the survivor, investigator and advocate. If possible, the investigator and advocate should prepare ahead of time and attempt to schedule this meeting as soon as practicable after the first contact; however, the investigator and advocate should be amenable to scheduling within a timeframe that best accommodates the survivor and maximizes their ongoing safety.

iii. Coordinating with Another Jurisdiction

If the survivor lives outside the state and has been unable to be reached, coordinating with a law enforcement agency in the survivor's current jurisdiction is an option. The investigator should check to determine if the agency has a special victim's unit or cold case unit, as these officers are more likely to have received specialized training. Like contacting a secondary person, the investigator should not provide the new case-related information but rather request that the survivor contact the primary investigator in the jurisdiction of record.

iv. If the survivor is unable to be contacted by phone, the investigator can consider utilizing other approaches:

a. In-person Visit

If an initial telephonic contact is not possible, the investigator may consider an in-person visit to the survivor's residence and follow the same protocol for the first contact by telephone. In some instances, the investigator may rely on local law enforcement or a VPSO to make contact, gather brief information, and get the best contact information from the survivor for the investigation. To ensure the survivor's privacy, it is recommended that the responding law enforcement agency be dressed in a non-identifying manner and arrive in an un-marked vehicle.

b. Alternate Contact

If telephone or in-person communication with the survivor is not possible, searching for contact information of a person close to the survivor is the next best option. Preferably, this would be someone mentioned in the original case so it is known that the individual knew about the sexual assault. When speaking with the secondary person, the investigator should attempt to collect the survivor's updated

contact information without providing information about the survivor's case. If the secondary person will not provide the survivor's current contact information, the investigator should ask that contact information be passed along to the survivor. The investigator should be very vague to protect the privacy of the survivor.

c) Second Contact-Conducted by Law Enforcement Investigator and Advocate

A law enforcement investigator, and when possible, a survivor advocate from the community or region will conduct the second contact. The investigator and advocate should speak prior to second contact to review information, roles, and expectations. The advocate will provide support to the survivor during the contact and provide information regarding advocacy services available in the survivor's community. The goals of this meeting are to be supportive and follow the survivor's lead, provide more detailed information about the case and evidence, review options, and connect the survivor with advocacy services. When possible, survivors will be transported to a regional hub for this meeting if the survivor agrees. This allows the advocate to be present for the meeting. If a survivor wishes to remain in their community, the investigator will travel to them and attempt to connect the survivor to an advocate, before, during, or after the meeting depending on the observed needs or request of the survivor as well as safety considerations made by the investigator.

At times survivors may request to have another form of support during the interactions by having family, friends, tribal advocates, etc. with them rather than a survivor advocate. Ultimately the survivor's wishes should be honored, but the investigator may advise against it depending on the role the person had in the previous investigation.

The investigator and advocate should meet the survivor in person at a location that feels safe to the survivor. If the survivor does not wish to or is unable to come to the law enforcement agency, the district attorney's office, the advocacy organization, or another location may be considered. It is important to follow the survivor's lead in establishing a meeting location.

The investigator should come to this meeting prepared to answer questions and offer an apology. The purpose of an apology is to acknowledge this is a difficult and painful circumstance for the survivor and acknowledge if there were failures with previous communications. The investigator should explain that they have additional information on the case that may allow the criminal justice system to proceed with an investigation and/or the filing of criminal justice charges. The investigator should then explain the results of the SAK testing and allow time for the survivor to respond and share reactions and concerns.

It is important to recognize the survivor will likely have questions, so investigators should be prepared to discuss issues related to the statewide accumulation of untested SAKs. The investigator can utilize the SAKI brochure to help facilitate this conversation (see appendix C).

After the survivor has had time to take in the information and ask questions, the investigator should ask the survivor to consider how s/he would like to participate and be kept informed during the process. This should not be emphasized as something that must be decided in the moment. If the survivor needs time to talk with someone else

(family member, friend, advocate, religious leader, or therapist) they should be able to do so. Please note, while the survivor does not have the ability to make the final decision on if the case will move forward further in the criminal justice system, they should be involved as much as they would like to be in the discussions. For example, the survivor should be notified of additional steps, case updates, or final decisions on case closure.

At the conclusion of the meeting, the investigator or advocate will provide the survivor with a comprehensive packet of community resources, which will include a handout explaining the role of the advocate (see appendix D). This will include a review of the parameters regarding the confidentiality of information the survivor shares with the advocate. The survivor will be offered the opportunity to privately meet or speak telephonically with an advocate in a confidential setting. If the survivor chooses to meet with the advocate, the advocate will discuss emotions, re-traumatization, self-care, and provide resources and ongoing services to the survivor. This will be offered to all survivors, regardless of whether or not they wish to continue to participate in the investigation.

d) Continued Support

It is important that the survivor is treated with respect and compassion at each and every contact throughout the process. The first contact with the survivor is the most crucial and sets the tone for continued participation on the part of the survivor.

At each step of the Survivor Notification Protocol, the investigator and advocates should remain flexible and modify strategies as needed to be responsive to specific needs and wishes for each survivor. For example, if the survivor wants more information and a more extended discussion at the first contact, follow the survivor's lead. The investigator should try to have the advocate be present during the meeting or be on-call for the survivor after the meeting to connect the survivor with available resources regardless of whether or not the survivor wants to participate in the criminal justice process.

The investigator and advocates will make routine follow-up contacts with the survivor if the case has been reopened. If the survivor decides to no longer participate in the criminal justice system, the advocate can follow-up with the survivor to assure him/her that all the resources will continue to be available.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

DIVISION OF ALASKA STATE TROOPERS
Office of the Director

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Date

Survivor Name
Address Line 1
Address Line 2

Dear {Survivor Name},

My name is {Investigator name} and I am an investigator with the Alaska State Troopers. I have some new information about a case that occurred in {year}.

Please contact me at your earliest convenience. I can be reached by phone at {phone number} or by email at {email address}. My office hours are {office hours}.

If I miss your call, please leave a message with your contact information and whether I have permission to leave a message at that number.

Thank you.

Sincerely,

{Investigator name}

{Insert formal signature}

Appendix A



THE STATE
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SAKI SURVIVOR NOTIFICATION RELEASE OF INFORMATION

I, _____, have been contacted by the Alaska State Troopers and informed that a Sexual Assault Kit attached to my name has undergone testing under the Alaska Sexual Assault Kit Initiative (SAKI).

I am providing my express permission to the Alaska State Troopers to share my contact information with a victim advocate from a domestic violence / sexual assault response center indicated below:

(Program Name) (Location) (Phone number)

Or

STAR (Standing Together Against Rape, Inc.) Anchorage, AK 1-800-478-8999

I understand I may reach out to a victim assistance program at any time and have received contact information for such resources across the state, but I am specifically asking for the above program to initiate contact with me in regards to this matter. I have listed contact information where it is safe to contact me:

(Address) (Phone number)

***Please do or do NOT leave an identifying message or voicemail at this number.

A safe alternative number I can be reached is _____, belonging to _____.
(Phone number) (Name)

***Please do or do NOT leave an identifying message or voicemail at this alternative number.

I understand that any communications I have with a victim advocate from a sexual assault response center in Alaska is strictly confidential, and an advocate cannot share any information about me or my case with law enforcement or any other entity, without further written permission to do so.

(Signature) (Date)

(Witness) (Date)

Important Definitions

Sexual Assault Kit (SAK)

A set of items used by medical personnel for the preservation of physical evidence collected from a person, living or deceased, following an allegation or suspicion of sexual assault.

Unsubmitted SAKs

SAKs that have not been submitted to a forensic laboratory for testing and analysis using CODIS-eligible DNA methodologies.

CODIS

The Combined DNA Index System (CODIS) is a system of federal, state and local databases that contain DNA profiles from both known offenders and crime scenes. CODIS is used to generate investigative leads.

CODIS Hit

When a DNA profile is uploaded into CODIS and finds a matching DNA profile from a separate criminal offense or known offender, it is referred to as a "CODIS Hit" and can be used as an investigative lead by law enforcement.

Working Group

Representatives of agencies that provide services or interventions for victims of sexual assault that have come together to implement specific aspects of the SAKI project. See back panel for a list of member agencies.

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Alaska SAKI Working Group Members

Alaska Department of Public Safety

Alaska Department of Law

Alaska Office of the Governor

Alaska Native Tribal Health Consortium

Alaska State Troopers

Alaska Scientific Crime Detection Laboratory

Anchorage Police Department

Council on Domestic Violence & Sexual Assault

Bering Sea Women's Group

ADE Forensic Nurse Consultant

Office of Victim Rights

Standing Together Against Rape

University of Alaska Anchorage Justice Center

C

SAKI Sexual Assault Kit Initiative



Alaska SAKI Project

The Sexual Assault Kit Initiative (SAKI) is a proactive, objective evaluation of the issue of previously unsubmitted sexual assault kits in the State of Alaska. In 2016, Governor Bill Walker, in partnership with the Department of Public Safety, launched the Alaska SAKI to address unsubmitted SAKs and revise policies and practices, with a vision of improving the response to crimes of sexual assault and abuse in a victim-centered way.

Alaska was awarded \$1.5 M in grants to support the efforts. An additional \$2.75 M was appropriated by the legislature to test the remaining unsubmitted SAKs in possession of law enforcement agencies across the state.

A multidisciplinary working group was formed to address the factors that led to SAKs being unsubmitted and provide input to begin addressing barriers to testing.

Goals & Objectives

Create a coordinated statewide response that ensures just resolution to sexual assault cases through:

- 1 A comprehensive and victim-centered approach;
- 2 Supporting the investigation and prosecution of cases for which SAKs were previously unsubmitted
- 3 Reviewing and implementing best practices and recommendations put forth by the Alaska SAKI working group.

Alaska's Response

The State of Alaska has identified the number of unsubmitted SAKs and has begun testing these kits.

As these kits are being tested, the DNA evidence may result in a CODIS-Hit which helps to identify or confirm the suspect. In these instances, contact with victims from assaults that may have occurred several years ago may be necessary.

The Alaska SAKI working group has developed a victim notification procedure to ensure this process focuses on victims' needs and wishes while aiming to minimize potential re-traumatization. Other police departments in Alaska are encouraged to use this procedure as a template.

A specially trained investigator and prosecutor will be assigned to the SAKI project. They will work in partnership to reevaluate cases that may be impacted by the results of DNA evidence. They will consult and work with local victim advocacy agencies located throughout the state to ensure victims have needed resources and confidential support.

The Alaska SAKI working group will also be making recommendations to enact changes to the collections, processing, and handling of forensic evidence in sexual assault cases.

Frequently Asked Questions:

Why haven't some SAKs been submitted?

Historically, SAKs are not submitted for a variety of reasons, including, but not limited to:

- Identity of suspect was known
- DNA would not aid a prosecution
- Lack of training or understanding about DNA/ CODIS
- Inadequate criminal justice resources

Why are SAKs getting tested now?

Advances in science and technology can be leveraged to benefit these investigations more today than ever before. Cases may be linked and serial offenders identified, which may prevent subsequent assaults. The State of Alaska recognized the importance of proactively and objectively evaluating the issue of unsubmitted kits in our state. DPS received federal funds to specifically test unsubmitted SAKs. The legislature then provided additional funds for testing.

What is being done to prevent accumulation of SAKs in the future?

The Alaska SAKI working group will continue working to evaluate current practices, identify where change is needed, and develop a path forward. This is a systematic approach that will take time while we continue to be mindful of the immediate and ongoing needs the criminal justice community has for forensic laboratory services in the State of Alaska.

How advocacy can help:

Frequently Asked Questions

What is an Advocate?

An advocate is a trauma-informed professional who has received training to provide support and resources to survivors of sexual assault and other violent crimes. They are free and confidential.

What does the Advocate do?

An advocate walks alongside you through the criminal justice system, other resource agencies, or through processing your experience, whatever that might look like for you. Some examples might include:

- Providing information on reporting options
- Providing support and accompaniment during the reporting process and forensic exam
- Assessing safety concerns and providing safety planning assistance or help applying for protective orders
- Assist in identifying and applying for resources such as crime victim compensation, emergency shelter, case management services, financial resources, etc.
- One on one support in person or over the phone, support groups, counseling services
- Accompaniment to court proceedings or meetings with criminal justice professionals (prosecutors, law enforcement)

Who does an Advocate work for?

In Alaska, advocates work for nonprofit victim service agencies throughout the state. They are independent of the state and the criminal justice system. Their responsibility is to you, not to the criminal justice system. You do not have to report to police or work with the criminal justice system to work with an advocate.

Will the Advocate tell anyone about me or what happened to me?

No, the advocate will not disclose any information regarding what happened to you. Advocates may only release very limited information about you or your needs with your written permission. The advocate is held under strict confidentiality guidelines, and information will not be shared with anyone else, unless it falls under mandated reporting laws. If you are under the age of 18 years of age, or you disclose that something harmful has happened to a minor or vulnerable adult, an advocate is mandated to file a report about the incident under Alaska statute.

I don't want to talk to the Troopers; do I have to?

You do not have to work with the Alaska State Troopers or any other law enforcement agency if you do not wish to. If you have already reported your assault to them, understand that they may continue their investigation without your cooperation.

Will the person who assaulted me be arrested?

A complex set of factors contribute to an arrest warrant being granted and served. Those decisions are made by a team that includes law enforcement and criminal justice professionals on a case by case basis, so it is difficult to know what will occur in a specific case. If the assailant is arrested, they may post bail and be released under certain conditions. You can elect to be notified of release by an automatic service.

What if they don't prosecute the person who assaulted me?

The decision to prosecute is a complex one, and is based on evidence available to the prosecutor. The evidence available and the facts of the case are two separate things. A decision not to prosecute does not mean you are not believed! It just means there is not enough independent evidence available to prove to a jury that it happened that way, beyond a reasonable doubt. Regardless of the prosecution decision, the most important thing is that you are following your own healing journey, feel supported and informed, and know that whatever happens in a court process (which is out of your hands) is separate from your own trauma recovery process. An advocate can help you connect to resources to help you in your healing.

Appendix