

Guidelines for Sexual Assault Victim Notification

Sample Protocol

> *The Denver Police Department has developed a sample protocol that has been utilized by that Department. We have provided that sample protocol as a reference source. Adapted from the Denver Police Department's VAU Cold Case Protocol.*

Case Assignment

- The Sergeant will notify the Victim Advocate of a CODIS hit or any new activity on a cold sexual assault case.
- The assigned Detective/Officer will brief the Victim Advocate regarding the status of the newly assigned case.
- The Detective/Officer will provide the Victim Advocate with victim or family contact information.
- The Detective/Officer will enlist the Victim Advocate prior to contacting the victim or family member of a cold sexual assault case.

Victim and Family Contact

- The Detective/Officer and Victim Advocate will jointly meet with the victim or the family of the victim whenever possible.
- In the event the Detective/Officer contacts the victim or family over the phone or without the Victim Advocate present, the Detective/Officer will provide Victim Advocate's contact information to the victim or the family.
- Upon contact, the Victim Advocate will provide the victim or family with:
 - > Information on DNA collection laws, the law regarding testing of backlogged kits, and what it means that their kit has been tested
 - > Local safety and support resources
 - > Opt-in options for further notification. If victims want to be contacted in the future, an alternative contact should be requested in case the victim's contact information changes and s/he does not notify law enforcement of changes.
- The Victim Advocate will identify the roles of the Detective/Officer, District Attorney and the District Attorney Victim Advocate and address any questions related to the investigative and legal processes.
- The Victim Advocate will assess the needs of the victim or family and initiate any intervention or victim services required or requested.
- The Victim Advocate will remain available to the victim for ongoing needs related to the case.

Follow-Up and Ongoing Contact

- The Victim Advocate will serve as the liaison between the victim/family and the Detective/Officer for general follow up.
- The Victim Advocate will provide ongoing victim or family contact and assistance as needed or requested.
- The Victim Advocate will maintain regular contact with the Detective/Officer and provide updates related to all ongoing victim or family contact.
- The Detective/Officer or their Supervisor will approve all **case-specific** information that the Victim Advocate provides to the victim or family.
- The Victim Advocate will document all victim or family contact provide the Detective/Officer with written documentation of that contact, as requested, for inclusion in the casebook.
- In the event the case remains unsolved, the Victim Advocate will maintain contact with the victim or family, as needed or requested, for ongoing support, services and assistance for the victim or family.
- The Victim Advocate will notify the Detective/Officer of any status change between the victim or family member of victim, including resolution.

Post Filing Victim Contact

- When the Detective/Officer files charges in previously unresolved cases, the Victim Advocate will notify the designated District Attorney Victim Advocate of the case filing. This notification will include victim name, contact information and any other status information relevant to the case.

Maintaining the Rights of Victims in Cold Cases

Pursuant to the Colorado Victim Rights Act (C.R.S. 24-4.1-301) the Victim Advocate will ensure that all notification requirements, procedures and any other rights afforded to victims in cold cases are maintained and fulfilled.

C.R.S. 24-4.1-302

(1.2) "Cold case" means a felony crime reported to law enforcement that has remained unsolved for over one year after the crime was initially reported to law enforcement and for which the applicable statute of limitations has not expired.

C.R.S. 24-4.1-303

(IV) The law enforcement agency shall provide the victim in a cold case information concerning any change in the status of the case. In addition, upon the written request of the victim, the law enforcement agency shall provide an update at least annually to the victim concerning the status of a cold case involving one or more crimes for which the criminal statute of limitations is longer than three years.

Sample Protocol

C.R.S. 24-4.1-302

(5) "Victim" means any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as crime is defined under the laws of this state or of the United States, or, if such person is deceased or incapacitated, the person's spouse, parent, child, sibling, grandparent, significant other, or other lawful representative. For purposes of notification under this part 3, any person under the age of eighteen years is considered incapacitated, unless that person is legally emancipated. It is the intent of the general assembly that this definition of the term "victim" shall apply only to this part 3 and shall not be applied to any other provision of the laws of the state of Colorado that refer to the term "victim".

(6) "Victim's immediate family" means the spouse, any child by birth or adoption, any stepchild, the parent, the stepparent, a sibling, a legal guardian, significant other, or a lawful representative of the victim.

- The Supervisor will provide the Victim Advocate a list of all cases that remain unresolved one year from the date the case was reported to the Denver Police Department. The supervisor or designee will provide the list **a minimum of 30 days prior to the annual anniversary date of the case**, and contain, at a minimum, the following information:
 - > Case Number
 - > Date of Incident
 - > Name of Victim
- The Victim Advocate will compile a list two weeks prior to each month of all Felony Sexual Assault cases that remain unresolved one year from the date the case was reported to the law enforcement agency, and contain, at a minimum, the following information:
 - > Case Number
 - > Date of Incident
 - > Name of Victim
- The Victim Advocate will mail Opt-In letters at least two weeks prior to the anniversary date of the crime to all victims of sexual assault.
- The Victim Advocate will maintain a record of all Victim Rights Act (VRA) cold cases beginning July 1, 2007 for any unresolved cold cases (as defined by statute) reported to the law enforcement agency after July 1, 2006. These records will be updated monthly. The records will minimally include the following:
 - > **Original Case Information:**
 - + Victim name
 - + Case number
 - + Date of Crime
 - + Victim Contact Information

Sample Protocol

> **Cold Case Information:**

- + Victim name
- + Current contact information
- + Case number
- + Date of Crime
- + Reassigned Detective if available
- + Date opt-in letter sent (all cases)
- + Date Opt-in from returned as undeliverable
- + Date request for opt in letter received