

Talking Points & Information

> Initial Contact – Prepare And Predict

1. *Have a Plan for Your Initial Contact with a Victim*

- > Phone – best not to leave a message, but if you do, be vague (not an emergency, this is victim services, etc.)
- > In-person
 - + Leave a card at the door asking victim to contact you
 - + Brief phone contact to pre-arrange a meeting time and place, chosen by the victim if possible
 - + When making initial contact, make sure person is alone and the conversation cannot be overheard
 - + When meeting, ensure that victim knows they can choose to bring someone to support them, or have a victim advocate present, or both.

2. *Know the Case*

- > Each case will have unique issues; take time to understand them
- > Was case ever investigated? If not, why not? If so, what was outcome?
- > If case was rejected for prosecution, why?

3. *Potential Questions*

- > I thought my kit was already tested. Why wasn't it tested earlier?
 - + Kit did not initially meet CBI criteria – the criteria has now changed
 - + At the time the offender was known to us and we did not need the DNA evidence; however, we now know more about sex offender dynamics and their propensity to be repeat offenders and want to determine if this offender is linked to other crimes
- > Why is this happening now?
 - + Colorado Legislature passed a law in 2013 called “Concerning Evidence Collected in Connection with a Sexual Assault.” This law, HB13-1020, required some previously untested kits to be tested, and yours fit the new criteria.

Talking Points & Information

Sexual Assault Kit Testing Law Basics:

- Passed unanimously in 2013 by the state legislature
- Required an inventory of untested sexual assault kits in Colorado
- Required many kits that had never been tested to be tested; that process is underway now
- Purpose: the law was pursued by victims; better understanding of sex offender behavior; re-examine individual cases; look for connections between cases

- > What does this mean for me? Will my case be re-opened?
 - + Case dependent (statute of limitations, circumstances of case, test results)
 - + Test Result Possibilities (*see "Sexual Assault Kit Testing and Possible Outcomes Overview" section below for more information*)
 - Is a profile developed?
 - Does a developed profile meet CODIS criteria?
 - Once uploaded, did the profile get a "hit" or not.

DNA Profile and CODIS Basics (FBI's Combined DNA Index System)

- Laboratory analysts test the items in the sexual assault kit to determine if enough biological material exists to develop a DNA profile
 - > A person's DNA profile is a unique identifier
 - > DNA is found in every cell with a nucleus and is a chain of 4 chemical compounds that uniquely combine and form approximately 3 billion base pairs in each individual
 - > Some DNA is called "junk" DNA because it is inactive in the sense that it has no role in determining a person's physical characteristics; this DNA is used for criminal justice DNA profiling
 - > In the criminal justice context, a DNA profile is a numerical representation of 13 specific points (loci) on a person's inactive DNA
 - > A criminal justice DNA profile is essentially a string of 26 numbers and shows less than one-millionth of all the information contained in a person's DNA
 - > DNA profiles used for criminal justice purposes can only be used to compare a profile to other profiles to see if they match; they cannot determine a person's physical traits

Talking Points & Information

DNA Profile and CODIS Basics (FBI's Combined DNA Index System)

(continued)

- DNA profiles are entered into CODIS and run against all profiles in the system (profiles come from federal, state and local labs)
- DNA profiles can “hit” to another profile – meaning that person’s DNA profile is in the database; that person’s DNA has been linked to another crime.
- Hits can be to convicted offenders, known arrestees, known suspects, or unknown suspects.
- CODIS hits can provide another piece of evidence for the case

4. Opt-in offer

- > Create option at earliest possible opportunity
 - + Victim Rights Act (VRA) contains an opt-in requirement for all cold cases (not solved one year after incident date)
 - + Victim provides a written request to receive annual updates
 - + VRA also requires victim notification for an status change in a case
- > Ask if they want to continue to be notified
- > Ask for best contact method and numbers/addresses
- > Is it okay to leave messages
- > Are there others who can be safely contacted if the victim cannot be reached; if so, their contact information needs to be listed
- > Document their responses in the file and enter information in agency cold case process

5. Offer of resources

- LE advocate
 - + Utilize “Survivor Handout” included with these Guidelines
 - + Provide information about what is available
 - + Provide contact name and contact information
- Community-based services
 - + Utilize “Survivor Handout” included with these Guidelines
 - + Provide information about what is available
 - + Have name and number of advocate/counselor – or at least an organization (individual would be better)

Talking Points & Information

Sexual Assault Kit Testing and Possible Outcomes Overview

- Kit testing means that evidence collected during the medical forensic exam will be tested for DNA evidence.
- If enough material is found, a DNA profile is developed, which is unique to that individual.
- If the profile meets CODIS eligibility, it will be submitted and run against all other DNA profiles in the databases to determine if there are any “hits” (matches to an existing profile already in the database). A “hit” means the person’s DNA has been linked to another crime.

Potential Outcomes:

- No profile is developed
 - > This does **not** mean the victim was not assaulted, it simply means the lab could not get enough material to develop a profile.
- A profile is developed and uploaded to CODIS
 - > **No CODIS hit:** offender profile did not match to existing DNA profiles in CODIS database; profile is now permanently in CODIS and will be run against all profiles that get uploaded in the future
 - > **CODIS hit:** the uploaded profile matches an existing profile in the CODIS databases; it could match an unknown suspect in another crime, a known suspect in another crime, or a known convicted offender or a known arrestee.