



# VICTIM NOTIFICATION

QUICK GUIDE

Mary DuFour Morrow  
MorrowM4@michigan.gov

# **This Quick Guide was developed as a project of the Prosecuting Attorneys Association of Michigan and the Michigan Sexual Assault Kit Initiative**

**Special thanks to the Wayne County Sexual Assault Task Force and Wayne County Prosecutor Kym Worthy for sharing their Victim Notification Protocol, after which this Quick Guide was modeled.**

September, 2017

## **Questions or Technical Assistance:**

For an electronic version of these documents that can be edited, please contact Meghan Faught at the Prosecuting Attorneys of Michigan at 517-334-6060, ext. 806 or [FaughtM@Michigan.gov](mailto:FaughtM@Michigan.gov).

This project was supported by Grant No. 2015-AK-BX-K015 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

# Michigan Sexual Assault Kit Initiative Victim Notification Quick Guide Work Group

## Co-Chairs

**Joyce Siegel**  
System Manager  
Bronson Battle Creek Sexual Assault Services

**Mary DuFour Morrow**  
Project Director  
Michigan Sexual Assault Kit Initiative

## Committee Members

**Kathy Hagenian**  
Executive Policy Director  
Michigan Coalition to End  
Domestic and Sexual Violence

**Sgt. Gregory Hillary**  
Grand Rapids Police Department

**First Lieutenant Dale Hinz**  
Michigan State Police

**Lindsey Holden**  
Data Analyst, Michigan State Police

**Jennifer Janetsky, JD**  
Assistant Prosecuting Attorney  
Genesee County Prosecutor's Office

**Detective Sergeant Anne Kanitra**  
Wayne County Prosecutor's Office  
(Retired)

**Gail Krieger, JD**  
Michigan Domestic and Sexual Violence  
Prevention and Treatment Board

**Lieutenant Kristin Rogers**  
Grand Rapids Police Department

**Lore Rogers, JD**  
Michigan Domestic and Sexual Violence  
Prevention and Treatment Board

**Detective Gerald Stonebraker**  
Special Investigator, Department of  
the Michigan Attorney General

**Inspector Brad Wise**  
Battle Creek Police Department

# SEXUAL ASSAULT KIT INITIATIVE COLD CASE VICTIM NOTIFICATION QUICK GUIDE

---

This Quick Guide is intended to be used in cases where you have determined that notification is appropriate. It provides a “snapshot” of the procedures necessary to effectively engage a victim in a sexual assault cold case. Best practices dictate that each jurisdiction assemble a multi-disciplinary work group to develop a comprehensive Victim Notification Policy. This Quick Guide does not take the place of such a policy. However, if you do not currently have a comprehensive policy in place, you may adopt this Quick Guide as an interim measure or as a starting point for policy development.

## **Notifications Should be Victim-Centered and Trauma-Informed:**

This means that the victim is at the center of all decisions regarding recovery and involvement with the criminal justice system. The victim’s choices, safety, and well-being are the focus of the investigative process. The needs of the victim are everyone’s concern and a collective effort. Notification also plays an important part in the investigative process of cold cases. In addition to reducing trauma to the victim, a trauma-informed victim notification significantly increases the chance that the victim will participate in the investigative process.

## **The Investigating Officer’s Priorities Should Include:**

- Attending to victims’ emotional safety as well as their physical safety;
- Strengthening victims’ capacity to recover from the traumatic effects of abuse and violence by providing information, resources, and support services;
- Educating victims, service providers, and the general community about the impact of trauma on survivors’ health and well-being; and,
- Understanding the unique life experiences of each victim, including family, community, and cultural considerations.

**It is strongly recommended that all persons doing notifications have extensive experience in criminal investigations and undergo training in the following areas:**

- The Neurobiology of Trauma:  
<https://www.youtube.com/watch?v=qtWD1XJrhNo>
- 2-Day Law Enforcement Response to Sexual Assault:  
[https://www.michigan.gov/documents/mcoles/Course\\_Registry\\_250351\\_7.pdf](https://www.michigan.gov/documents/mcoles/Course_Registry_250351_7.pdf)
- Forensic Interviewing:  
<http://www.evawintl.org/WebinarDetail.aspx?webinarid=1036>  
<http://www.evawintl.org/WebinarDetail.aspx?webinarid=1037>
- Mental Health First Aide for Responders:  
<http://www.mentalhealthfirstaid.org>
- PAAM’s Four-Hour Victim Notification Training:  
<https://www.michiganprosecutor.org/training/training-calendar>

### **Understanding Sexual Assault and Victim Response to Trauma:**

- Individuals respond to trauma in a variety of ways. Even when a long period of time has passed, victims may display a range of demeanors and emotions from crying, and appearing distressed, to appearing extremely calm and/or seemingly cheerful when talking about an assault.
- Trauma can also affect a victim's ability to give a detailed or chronological account of an assault. Persons experiencing trauma often will recall and/or disclose information over a period of time as memories are triggered and as trust is established with the interviewer.
- Do not make judgments about credibility of sexual assault victims based on their demeanor or their level of ability to report events in chronological order.
- Be aware that offenders often choose victims based on vulnerability or a perceived lack of credibility (for example, sex workers or individuals with a history of alcohol and/or substance abuse). Offenders understand that others may judge or doubt such victims.

### **Initial Considerations and Recommendations:**

- Determine whether the notification will be made in person, by telephone, or by letter. In-person notification is strongly recommended. (See Appendix A.) Notify victims by letter as a last resort. (See Appendix B.)
- Ensure that sufficient resources are available to investigate the case before notification.
- Before any initial contact, the investigating officer should obtain and review as much case information as possible. (See Appendix C.)
- Obtain and review all lab reports associated with the case. When analyzed, some sexual assault kits result in several DNA profiles. Some of these profiles may belong to consensual partners of the victim.
- A "two-step" model is recommended in which the comprehensive interview of the victim is conducted in a separate meeting (unless the victim indicates a strong desire otherwise).
- It is recommended that you coordinate with a local sexual assault advocate to determine whether an advocate is available to be present during notification.

### **First Contact with the Victim:**

The initial contact with the victim is an important part of the investigative process. Victims of cold case sexual assaults may have had a negative experience with the criminal justice system at the time of the actual assault. Also, please keep in mind that many victims have not thought about their assault for years and bringing up the topic may elicit memories that trigger emotional and psychological trauma.

- Start by asking the victim whether s/he remembers making a report to the police [state the year of the initial report].

- The victim should next be asked if s/he would be willing to attend a follow-up meeting with the investigating officer and advocate (if available) to discuss next steps. It is recommended that the victim be given a choice of meeting locations.
- Do *not* ask if the victim wants to prosecute at this time.
- Consider making a general apology to the victim that acknowledges the victim's suffering without assigning blame. (For example, "I'm sorry that this happened to you.")
- Offer the victim a comprehensive packet of community resources, including immediate contact information for a community-based advocate when available.  
<http://www.mcedsv.org/>.
- Ask the victim how s/he would prefer to be contacted in the future (for example, by email, telephone, or text messaging). Ask the victim if s/he would be willing to provide an alternative contact person in the event they cannot be reached. Note: Victims are entitled to designate a trusted friend, family member, or advocate to act as their liaison with law enforcement.
- If the victim is not present, do *not* leave any specific information regarding the nature of the case (including information on your business card or other materials).

#### **Second Contact with the Victim:**

- If the victim is willing, a second meeting should be scheduled for an extended discussion about test results, possible next steps, community resources, and available services.
- It is strongly encouraged that a community based advocate be present at the time of the second contact.
- If the victim is willing, the second contact should be scheduled at a community based advocacy organization.
- If the victim is willing and interested in continued contact with the criminal justice system, the investigating officer should conduct a victim interview.
- If the victim is not interested in continued contact with the criminal justice system, the investigating officer and/or prosecutor must explain what will happen with the case. The victim should be given contact information for the officer in charge in the event the victim changes his/her mind.
- At the conclusion of the second contact, victims should be offered an opportunity to meet privately with the advocate in a confidential setting.
- Regardless of the victim's participation in the criminal justice system, the community based advocate should offer the victim continued assistance and services if the victim desires.

#### **Victim Interview:**

An in-depth follow-up interview should be conducted after the victim has indicated that s/he is willing and interested in continued contact with the criminal justice system. Cold case sexual assault investigations are different than other criminal investigations. A victim's response to the trauma of the assault may result in details about the event being blocked from the victim's memory. Inconsistencies and delay in reporting events are to be expected. Although the victim interview is discussed as being in phases, the phases do not have to occur in any order. Interviewers should be flexible in their approach and "go where the

victim takes them.” This increases the chance that the victim will be able to recall the details of the assault.

### **Preparing for the Interview:**

- Make the interview room comfortable so that you can best listen to the victim and accurately report his/her experience.
- Choose a location that is convenient, accessible, and comfortable for the victim. The investigating officer should arrange for transportation for the victim if needed.
- Assess any special needs of the victim and accommodate them when possible. If an interpreter is necessary, avoid using the victim’s friends or family members. Victims may feel uncomfortable disclosing sensitive information in front of friends or family. Additionally, people not trained as interpreters may summarize or paraphrase the victim’s statements instead of providing a literal interpretation.
- Identify any need for photographic or live line-ups to identify suspects or rule out potential consensual partners.
- If available and the victim wishes, have a victim advocate on site to provide support to the victim throughout the interview process.
- For a victim with developmental disabilities, consider utilizing the child advocacy center or the child forensic interview protocol. [https://www.michigan.gov/documents/dhs/DHS-PUB-0779\\_211637\\_7.pdf](https://www.michigan.gov/documents/dhs/DHS-PUB-0779_211637_7.pdf).

### **Building Rapport:**

- Provide the victim with an overview of the interview process:
  - Discuss the purpose and scope of the interview.
  - Review contact information for both the victim and the investigating officer to ensure that they are up to date.
  - Convey your understanding of the seriousness of the crime of sexual assault.
- Understand that building rapport with the victim is a process that begins at the time of notification and continues throughout the case. Treating the victim with respect will develop rapport and result in more thorough and accurate statements.
  - Convey and maintain a relaxed, friendly atmosphere. It is important that the interviewer remain objective, compassionate, and non-judgmental throughout the interview.
  - It is important that the interviewer display appreciation and gratitude to the victim for their willingness to meet.
  - Assure the victim that the case is important and will be thoroughly investigated.
  - Take your time with the victim and be prepared to offer frequent breaks.

**Establish Interview Guidelines: The interviewer should explain each of the following guidelines and seek the victim's agreement to follow them prior to conducting the interview:**

- **The victim should feel free to correct the interviewer:** "While we are talking, I may get something wrong. I need you to correct me if I make a mistake."
- **The victim should be instructed not to guess:** "Sometimes I may ask questions and you might not know the answer. It's important that you say, 'I don't know.' I don't want you to guess. I'm also not allowed to guess. That means that sometimes I may have to ask you questions that seem silly or stupid. They are not meant to be. It is just that sometimes people may say the same thing but mean two different things. It is important that I understand exactly what you mean."
- **The victim should let the interviewer know if s/he does not understand a question:** "It is important that you tell me if I say something that you don't understand. I will then explain or ask it a different way. I will also tell you when I don't understand something that you say."
- **The interviewer should assure the victim that s/he is not in trouble:** The interviewer may need to clarify this statement if the victim has outstanding warrants or immigration issues, etc.
- **Ask the victim to let you know if they remember something after the interview:** "You may remember things that happened, or remember things differently after you have had a chance to think about it. It is important that you let me know anything that you remember or if you remember things differently."

*If the victim does not agree to follow any of the guidelines, attempt to ascertain why. Ask the victim: "Is there a reason that \_\_\_\_\_"; or, "Is there something I can do to make it easier for you to \_\_\_\_\_." Consider rescheduling the interview or spending more time building rapport with the victim.*

**Utilize a Free-Narrative Method of Interviewing:**

- Begin with an open-ended question and allow for a free narrative. Start with questions such as: "What you are able to remember about your experience?" "Tell me what happened; start wherever you think it makes sense to start."
- Allow the victim to describe what occurred without interruption.
- Follow up with simple prompts for the victim to continue a free narrative:
  - "You said \_\_\_\_\_. Tell me more about that."
  - "What else can you remember/tell me about \_\_\_\_\_?"
- Do not suggest feelings or responses. For example, do not say "I know this is hard." Instead acknowledge the victim's feelings or emotions. For example, "I see that you are upset. Is there something I can do to make this easier for you?" or "I can see that you are upset, can you tell me about that?")

- In cold case investigations, the follow-up interview may occur several years after the assault. The victim may not remember specific details about the assault. Permit the victim to review prior statements to police or medical personnel if the victim indicates it would be helpful.
  - Provide the victim with an opportunity to review and process the reports.
  - Document the reports or records given to the victim to review.
  - Document any nonverbal responses of the victim to the reports, including demeanor, emotional response, verbal outbursts, etc.
  - If the victim shows signs of anxiety or stress, consider taking a break or, if the level of stress is extreme, consider offering to reschedule the interview to allow the victim time to process the information.

### **Questioning and Clarification:**

- Once the victim has completed his/her free narrative, continue the interview by asking questions that clarify the victim's narrative.
  - Avoid asking specific questions about time: Don't ask, "How many times did this happen and how long did it last?" Instead say, "You told me \_\_\_\_ [repeat event specified by the victim]; has that happened one time or more than one time?"
  - When clarification is necessary, say, "Help me understand \_\_\_\_\_ [repeat event specified by the victim]; or, what are you able to tell me about \_\_\_\_\_?"
  - Inquire about what the victim may have smelled, heard, seen, felt or sensed.
  - Ask the victim, "What can't you forget about your experience?"
  - Ask the victim, "What was the most difficult part about assault for you?"
- Avoid "Why" questions (as they tend to suggest blame). Instead ask "Do you remember what you were thinking at that time? "What were you thinking while \_\_\_\_\_ was happening?" "Is there a reason that \_\_\_\_\_?" Or, "How come you \_\_\_\_\_."
- Considers using markers to help establish timelines, for example, "Was that before or after your birthday?" "Was that before or after you put the baby to bed?"
- Address inconsistencies respectfully. "I'm confused. You told me \_\_\_\_ [repeat event specified by the victim] \_\_\_\_\_, then you said \_\_\_\_\_ [list inconsistency]. Can you help me understand?" Remember, *not* all inconsistencies can or need to be resolved in the victim interview.
- Explore the impact of trauma and post assault behavior by the victim. Compare it with pre-assault behavior. For example, document dramatic physical changes (such as weight loss/gain) the victim may have experienced or work performance issues and changes in daily routine.

### **Concluding the Preliminary Interview:**

- Let the victim know about what may happen next, including next steps in the investigation. Let the victim know when they can expect to be contacted again.
- Provide the victim with contact information for the officer in charge of the case.
- Encourage the victim to contact you if they remember any additional information or evidence. Assure the victim that it is common to remember additional information with the passage of time. For example, tell the victim, “You may remember things that happened, or remember things differently after you have had a chance to think about it. It is important that you let me know anything that you remember later or if you remember things differently.”
- Let the victim know what to do if s/he is contacted by the suspect or by the suspect’s family or friends. Any such contact should be documented as a supplement in a police report.
- Discuss any safety concerns that the victim may have. Work with the community based advocate, if available, to assist in addressing the victim’s concerns and long-term well-being.
- Ensure that the victim has received a Victim’s Rights Card which includes any notices required by law.
- The victim’s appearance today may be different than at the time of the assault. Consider asking the victim for a photo of himself or herself at the time of the original assault.

## **CONTINUING COMMUNICATION WITH THE VICTIM**

---

*Victim participation enhances the success of the criminal investigation and eventual prosecution. The investigating officer’s ability to maintain trust and encourage victim participation in the criminal process is built on rapport and open communication with the victim.*

### **Communication after the Follow-Up Interview**

- **Provide proactive ongoing contact:** The officer in charge of the case should maintain contact with the victim and proactively notify the victim of significant updates until the case is resolved <http://legislature.mi.gov/doc.aspx?mcl-752-951>. Continued contact with a community-based advocate is also recommended.
- **Victim consultation:** When appropriate, the victim should be consulted about witness interviews or other investigative decisions that may impact victim safety or privacy. This can build trust with the victim and restore the victim’s sense of control.
- **If the victim recants or decides not to participate:** A victim may have many reasons for not wanting to participate in the criminal justice system. The investigator should investigate the case as thoroughly as possible while respecting the victim’s wishes.

## **Appendices and Additional Resources**

Sample Victim Notification “Script”	Appendix A
Sample Victim Notification Letter	Appendix B
Sample Investigation Checklist	Appendix C

## APPENDIX A

### Michigan State Police Statewide Sexual Assault Kit Initiative

#### IN-PERSON VICTIM NOTIFICATION

##### SAMPLE SCRIPT

#### BEFORE YOU GO:

Make sure that you have all resource pamphlets, your contact information and/or business card, and contact information for the sexual assault service (SAS) provider in your community.

#### Notification

1. Hello, my name is \_\_\_\_\_ and I work with [name of agency] on older cases in [name of community]. I am looking for [name of victim].
2. If you are confident that you are talking with the correct person, ask if s/he has a few minutes to talk to you. Explain that you are an investigator/detective working with the [name of your agency] on older sexual assault cases.
3. Ask the following:
  - a. “Do you recall making a police report in [name of city] on [date] when you were assaulted? If s/he wants to talk, let them speak!
  - b. Offer an apology for their suffering without assigning blame. For example, “I am sorry that happened to you.”
  - c. If s/he merely indicates that s/he recalls reporting the incident, but does not appear to want to discuss it, ask him/her if you can get his/her contact information and whether it would be alright for one of the community-based advocates to call him/her. Be sure to let the victim know that anything s/he shares with the community-based advocate is confidential.
  - d. If s/he indicates that s/he does not recall the incident, you may provide details to prompt his/her memory.
  - e. Always have information about the case with you in the event that the victim wishes to talk in depth immediately.

**APPENDIX B**

Date:

Name  
Address  
City, State, Zip

RE: Police Report #:

Dear Ms./Mr. \_\_\_\_\_,

We are investigating a police report that was made on [date]. I understand that you may have some information regarding this report and I would like to discuss the matter with you. Please contact me at your earliest convenience. If I am not in my office, please leave me a phone number and/or email address where you can be reached, along with a good time to contact you, and I will arrange to meet with you at a time/ location that is convenient for you.

Sincerely,

Name  
Department

\*Do not provide any indication that this is a sexual offense.

**APPENDIX C**

**MICHIGAN SEXUAL ASSAULT KIT INITIATIVE  
CASE INFORMATION**

POLICE AGENCY NAME: \_\_\_\_\_ COMPLAINT #: \_\_\_\_\_  
DETECTIVE: \_\_\_\_\_ DATE INVESTIGATION INITIATED: \_\_\_\_\_  
DATE OF OFFENSE: \_\_\_\_\_ LOCATION OF OFFENSE: \_\_\_\_\_  
COMPLAINANT NAME: \_\_\_\_\_  
COMPLAINANT ADDRESS: \_\_\_\_\_  
COMPLAINANT TELEPHONE: \_\_\_\_\_ COMPLAINANT EMAIL: \_\_\_\_\_  
ALTERNATE CONTACT: \_\_\_\_\_  
CODIS HIT (SUSPECT) NAME: \_\_\_\_\_ SUSPECT SID#: \_\_\_\_\_

**CHECKLIST**

- 1. Review all relevant reports: \_\_\_\_\_ incident reports; \_\_\_\_\_ prior inv. report; \_\_\_\_\_ MSP lab reports; \_\_\_\_\_ medical reports; \_\_\_\_\_ triage; \_\_\_\_\_
- 2. Run LEIN including CCH for the suspect: Date: \_\_\_\_\_ Investigator: \_\_\_\_\_
- 3. Run LEIN including CCH for victim: \_\_\_\_\_ Date: \_\_\_\_\_ Investigator: \_\_\_\_\_
- 4. Run Lexis/TLO for victim and principal suspect location: Date: \_\_\_\_\_ Investigator: \_\_\_\_\_
- 5. Locate victim: Friend of the Court; \_\_\_\_\_ OIG; \_\_\_\_\_ parole; \_\_\_\_\_ probation; \_\_\_\_\_ NCIC; \_\_\_\_\_ landlord; \_\_\_\_\_ property owner; \_\_\_\_\_ other police contacts; \_\_\_\_\_ casinos; \_\_\_\_\_ phone records; \_\_\_\_\_ Google; \_\_\_\_\_ Facebook; \_\_\_\_\_ Twitter; \_\_\_\_\_
- 6. Victim statement taken: \_\_\_\_\_ Date: \_\_\_\_\_; Signed HIPAA form: \_\_\_\_\_ Date: \_\_\_\_\_
- 7. Compile suspect photo array for the identification process: Date: \_\_\_\_\_ Shown by: \_\_\_\_\_
- 8. Obtain medical records (signed release or search warrant): Date req. \_\_\_\_\_ Date rec'd. \_\_\_\_\_
- 9. Obtain search warrant for buccal swab of suspect: \_\_\_\_\_ Date: \_\_\_\_\_
- 10. Obtain buccal swab of suspect and attempt interview of suspect: \_\_\_\_\_
- 11. Victim photograph: \_\_\_\_\_ Date: \_\_\_\_\_
- 12. Submit buccal swab to MSP: \_\_\_\_\_ Date: \_\_\_\_\_
- 13. Obtain confirmation lab reports: \_\_\_\_\_ Date: \_\_\_\_\_
- 14. Complete Investigator's Report/Warrant Request: \_\_\_\_\_
- 15. Complete witness list: \_\_\_\_\_; Date: \_\_\_\_\_
- 16. Submitted to APA: \_\_\_\_\_; Date: \_\_\_\_\_
- 17. APA Charging Decision: \_\_\_\_\_ Date: \_\_\_\_\_