

Key Components of Building a Successful Victim Notification Protocol

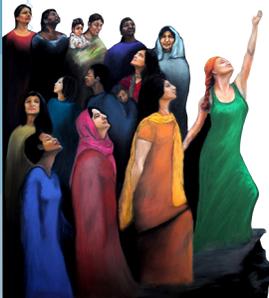
**A REPORT to the HOUSTON SEXUAL ASSAULT
KIT ACTION RESEARCH WORKING GROUP**

March 2015

Noël Busch-Armendariz, PhD, LMSW, MPA
Principal Investigator

Caitlin Sulley, LMSW
Project Director

Staff and Contributor:
Lindsay Morris



THE UNIVERSITY OF TEXAS AT AUSTIN

IDVSA

INSTITUTE ON DOMESTIC VIOLENCE & SEXUAL ASSAULT
School of Social Work

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PROJECT OVERVIEW

In 2011, the National Institute of Justice provided funding for the Houston Police Department to form a multidisciplinary team to study the problem of sexual assault kits (SAK) that had been collected but never submitted to a crime lab for screening and testing. The Houston Action-Research Project sought to understand the factors that produced the volume of unsubmitted SAKs, the way forensic evidence is used during criminal investigations and prosecutions of sexual assaults, and what stakeholders should expect when large numbers of previously unsubmitted SAKs are tested. The project adopted a holistic approach and considered the broader issue of responses, beyond testing the kits, to sexual assaults in the community.

Houston's Action-Research Project Working Group includes representatives from the following organizations:

- Houston Forensic Science Center²
- Harris County District Attorney's Office
- Harris Health System
- Houston Area Women's Center
- Houston Police Department Sex Crimes Investigative Units
- Memorial Hermann Health System
- Sam Houston State University – Department of Criminal Justice and Criminology
- The University of Texas at Austin – Institute on Domestic Violence & Sexual Assault

The group has been working collaboratively and collecting data that have allowed for an understanding of multiple aspects of the local response system. The organizations that have been working on this project have also been implementing and evaluating reforms that are meant to improve the response to sexual assaults. Action research entails an iterative process in which research evidence informs responses, and, for this reason, the project has generated multiple research reports. This is one of a number of reports and presentations that will be released to help other jurisdictions learn from our experiences as they seek to better understand and improve their own practices.

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Learn more about the project at www.houstonsakresearch.org

² During the course of the project the crime lab was reorganized so that in April 2014 the crime lab became an independent organization from Houston Police Department.

EXECUTIVE SUMMARY

Key Components of Building a Successful Victim Notification Protocol

Purpose

A goal of the Houston Sexual Assault Kit (SAK) Action Research Project was to collaborate across disciplines to create an innovative, sensitive, and trauma-informed model of victim notification. Thus, members of an interprofessional working group developed and implemented the *Complainant³ Notification and Information Line Protocols* (herein after referred to as “*Protocols*”). The *Protocols* outline the methods to re-engage sexual assault victims who had reported to police and undergone a forensic examination, but their forensic evidence was untested until recently.

The aim of this report is to present findings from original action research conducted about the process of developing and implementing the Houston Police Department (HPD) *Protocols*. Authors also provide recommendations for other jurisdictions that want to undertake or are undergoing similar assessments of their victim notification protocols related to cases with SAKs that sat untested in police property rooms.

Data Collection:

A survey was conducted on the *Protocols* development and implementation process. The survey was administered to the *Protocols* working group members, consisting of 12 participants (law enforcement professionals, advocates, and researchers). The goal of the survey was to document 1) key components of the development and implementation process, 2) challenges in the process, and 3) recommendations for other jurisdictions that undertake a similar process. Survey responses were analyzed using content analysis procedures of relevant survey questions.

Results:

Six major themes emerged from survey respondents regarding the process of developing and implementing the *Protocols*. They include: 1) Strategic planning, 2) Organizational support, 3) Active partnerships, 4) Resources, 5) Outreach, and 6) Victim-centered approach. Of the six themes, researchers identified the victim-centered approach as significant to the process of developing and implementing victim notification protocols. The authors encourage the Houston SAK Action Research Working Group, and other future jurisdictions, to continuously reassess their protocols in order to determine feedback and suggestions for ongoing improvement efforts.

³ A note about language: Throughout this report, survivors (or “complainants”) of sexual assault may be referred to simply as “victims” because this project is grounded in the criminal justice system and the usage acknowledges that a crime has been reported to a law enforcement agency. The word *victim* is not meant to be demeaning or judgmental. The project team recognizes that individuals have likely survived a combination of physical, emotional, and sexual trauma. As researchers, our aim is to honor every person’s choice in language to describe themselves and to name their experiences.

BACKGROUND

In the Houston SAK Action Research Project, working group members collaborated to address forensic analysis results from 6,663 sexual assault kits (SAKs) that were previously untested. One of the project goals was to develop a victim-centered response to notify victims about their cases. A subgroup of project members formed a working group that met monthly to operationalize the victim-centered response into strategies. The group produced a written product, the *Complainant Notification and Information Line Protocols*⁴, which describes the strategies in detail.

As part of its work, HPD decided to review each case in its entirety to ensure cases were re-opened for investigation when new evidence became available or if possible leads still existed. The *Protocols* outline multiple methods of victim notification, including roles for both law enforcement professionals and a law enforcement-based justice advocate. Strategies are described in the *Protocols*, including: 1) the CODIS Squad (CODIS is an acronym for Combined DNA Index System), 2) the justice advocate, 3) specific methods for notification, 4) the Sexual Assault Information Line (SAIL) and E-mail, and 5) and how to get the word out about the new services through outreach.

One of the project goals was to develop a victim-centered response to notify victims about their cases.

- 1) The *CODIS Squad* was created to address sexual assault cases from 2011 and earlier when forensic testing results returned with a CODIS hit. A CODIS hit occurs when a DNA profile obtained from forensic evidence in a SAK is uploaded to CODIS and matches a convicted offender or arrestee DNA profile⁵. Twenty investigators were assigned to work on the CODIS Squad, which included investigators for both adult and juvenile sex crimes. Other investigators were assigned to all non-CODIS hit cases for review. This means that all cases – those with CODIS hits and those without – were reviewed in their entirety for further investigative action.
- 2) The *Justice Advocate* was hired and housed in the Adult Sex Crimes Unit to work with victims in cold cases and new adult cases. This role is outlined in the *Protocols* and includes crisis intervention, education about the criminal justice process, connection to resources, and service as a liaison between investigators and victims, as well as between HPD and the community. The justice advocate was also assigned to help create the *Protocols* and to carry out victim notification.

⁴ For the full *Protocols* text, see the [Complainant Notification and Information Line Protocols](http://www.houstonsakresearch.org) on www.houstonsakresearch.org.

⁵ For information on CODIS, please see the [FBI CODIS webpage](http://www.fbi.gov).

- 3) The *Complainant Notification Protocol* outlines investigative and victim notification procedures when HPD receives forensic analysis results from a SAK. The *Protocol* standardizes thoughtful and sensitive responses to victims that aim to increase victims' comfort and engagement with the criminal justice system and to minimize risk for re-traumatization. SAK analysis outcomes are classified into 5 categories, each with a corresponding type of victim contact. These are:
- Suspect CODIS hit with identified suspect – HPD contacts victim in cases where statute of limitations has not expired, or in cases where statute of limitations has expired but the CODIS hit links the suspect who is in the trial or punishment phase for another similar case.⁶
 - Case-to-case CODIS hit without identified suspect – HPD does not contact victim, except if victim contacts SAIL or if a suspect is later identified in a CODIS hit or through other developments.⁷
 - DNA positive, CODIS eligible – HPD does not contact victim except if victim contacts SAIL or if suspect is later identified in a CODIS hit.
 - DNA positive, CODIS ineligible – HPD does not contact victim except if victim contacts SAIL.
 - DNA negative – HPD does not contact victim except if victim contacts SAIL.
- 4) The *Sexual Assault Information Line (SAIL) & E-mail* was created to provide victims with the option to contact HPD on their own. The SAIL section of the *Protocols* describes methods for responding to phone calls and e-mails made by a victim or someone making contact on a victim's behalf. This method is intended to give victims choice and control in the criminal justice process by providing a mechanism for them to make contact, ask questions, obtain referrals, and connect with an investigator and justice advocate.
- 5) Lastly, the *How to Get the Word Out* section describes outreach methods for sharing information on the above strategies through the internet, news, brochures, presentations, and word of mouth with the assistance of a public information officer.

After the *Protocols* were developed, HPD representatives undertook the task of implementation. Resources were obtained to hire and train personnel, to set up and staff the SAIL, to print and disseminate brochures, and to complete other administrative tasks. Under

⁶ Victims may be contacted in some cases where the statute of limitations has expired, but the evidence in that case may still be admissible if new charges are filed against a suspect. Under Texas Rules of Evidence 404(b) evidence of a prior bad act of the defendant can be offered into evidence to prove motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake if the judge determines that the prior bad act is relevant and more probative than prejudicial for the jury to consider. Also, during the punishment phase of the trial all prior bad acts of a defendant are admissible if the act can be proven beyond a reasonable doubt (see Texas Code of Criminal Procedure Art. 37.07).

⁷ HPD reviews all cases with case-to-case CODIS hits without an identified suspect. Separate from the results of CODIS, a victim may have identified the suspect at the time of the initial report. If there is a named suspect in the case, HPD will attempt to obtain a confirmation buccal swab to compare the DNA. In that case, HPD *may* contact a victim if a suspect is developed that allows the case to move forward.

the supervision of HPD leadership, the *Protocols* then became the daily operation procedures for CODIS squad investigators and the justice advocate. The *Protocols* served as guidelines for investigators and could be tailored to unique case circumstances. *Protocols* revisions may be made in the future as working group members continue to learn from the process.

METHODS

A survey was conducted on the *Protocols* development and implementation process. The goal of the survey was to document 1) key components of the development and implementation process, 2) challenges in the process, and 3) recommendations for other jurisdictions that undertake a similar process. Data were collected from working group members during the project's strategy implementation phase. Surveys were conducted in January 2014 with the 12 working group members, including law enforcement representatives, advocates, and other researchers, who developed and implemented the *Protocols*. The results summarized below are based on the responses about the development and implementation process of the *Protocols*.

FINDINGS

Six key components of the development and implementation of the *Protocols* emerged across the process. Respondents described each component and its related challenges, as well as recommendations to jurisdictions that plan to undertake a victim notification process for cases of untested SAKs. Notably, respondents from law enforcement, advocacy, and research backgrounds agreed on the six key components.

1. Strategic planning

Key component: Strategic planning in the development phase included establishing the mission and purpose of the *Protocols* and Information Line, identifying desired outcomes, planning for providing services, and making decisions about sharing information with victims. Strategic planning in the implementation phase included sharing information on progress with partners and continuously receiving feedback from partners to improve the plan.

Challenges: Finding the time and investing the necessary effort to conduct and follow up on strategic planning were challenges. Another obstacle was the lack of information about other models from which to learn.

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Recommendations to other jurisdictions: Respondents recommended that other jurisdictions form a group to conduct strategic planning. The group should collaboratively create a sustainable plan that outlines the mission, partner roles, meeting formats, schedules, etc. Respondents also recommended sharing information across disciplines, position levels, and ranks. The goals of information sharing should be to increase knowledge and to build succession strategies for when partners leave or join the working group. Protocol research was also recommended, including these steps: determining the need to transform current practices, identifying areas for improvement, taking corrective action; gathering more case-related information earlier in the investigative process, and critically assessing investigators' work and practices to engage victims.

2. Organizational support

Key component: Both external and internal organizational support were described as key components of the process. In the development phase, organizational support included obtaining internal “buy-in” from HPD command staff to implement changes. Internal “buy-in” involved the participation of leaders, approval of the mission and strategies, and agreement to allocate additional resources. External organizational support was also sought from community agencies. Support across agencies ensured agreement on victim notification methods and support for victims who were contacted by law enforcement or triggered by publicity on the issue of untested SAKs. In the implementation phase, respondents described the need to maintain organizational support. Working group members shared ongoing needs with their respective leadership. Leaders contributed through decision-making, delegation of responsibilities, and allocation of resources (discussed more in [Resources](#) section). Working group members maintained support by sharing information on their progress. They demonstrated accountability to their respective organizations, the working group, and the community.

Challenges: Respondents noted that finding time and effort in order to obtain and maintain organizational support was a challenge.

Recommendations to other jurisdictions: Respondents recommended that professionals seek support from their leadership, colleagues, and community partners. Respondents also conveyed the importance of the project to secure “buy-in,” which should include obtaining both approval of the strategies to implement and the resources to carry them out. Respondents also noted the importance of including investigators in strategy development. Investigator involvement promotes their investment in the new victim notification strategies and they provide valuable information about the application of protocol guidelines in daily investigative practice.

3. Active Partnerships

Key component: Active partnerships emerged as a key component for the process. Partners developed new and existing relationships through collaboration across agencies and disciplines, including obtaining multidisciplinary input from various position levels and the consultation of experts in the field. Active partnerships involved communicating through regular meetings, phone calls, and e-mails; discussing various approaches to notification; examining community needs; using common language across disciplines; and conducting ongoing *Protocols* revisions.

Challenges: Challenges included the role of politics within and between organizations and the time and effort needed to come to common understanding on the *Protocols* process and revisions.

Recommendations for other jurisdictions: Respondents recommended that jurisdictions commit to collaborative relationships with community partners to determine best methods to accomplish goals. Formal partnerships should be established, specifically with community-based advocates. Partners should collaboratively assess their challenges and work to address them together. Finally, communication should include in-person meetings, phone calls, and e-mails for continuous feedback and information sharing.

4. Resources

Key component: Resources were a key component on multiple levels. An assessment of current capacity and resource needs was conducted. Once resource needs were identified, pre-existing resources (e.g., personnel, equipment) were re-allocated to meet needs, and new resources were identified and obtained to accomplish objectives. Existing personnel supervised and trained new investigative and SAIL personnel, and also recruited additional staff in light of staff turnover and rotating schedules. Lastly, resources were used to develop and operationalize the *Protocols* and to develop and purchase tools and technology. Related tasks included the development of a database and the set-up of a phone line and messages recorded in English and Spanish.

Challenges: Respondents indicated that identifying and obtaining resources was a time-consuming process. Ensuring funding to hire the justice advocate and staff members to provide the SAIL services was difficult.

Recommendations for other jurisdictions: Respondents noted that allocating resources to the project was critical. Recommendations include conducting a resource assessment of: 1) resource needs, 2) existing budget, 3) personnel capacity, and 3) cost for new tools and technology. Resources should be prioritized for a process that effectively re-engages victims. Additional funding will be helpful to obtain outreach materials and fund additional training for law enforcement (e.g., training on the neurobiology of trauma).

5. Outreach

Key component: Outreach in the development phase included planning how to distribute information and promote the services, in addition to the creation of brochures and presentations. During the implementation phase, outreach was conducted through education of community professionals on new services, dissemination of brochures to the partner agencies, and sharing information through a press conference.

Challenges: Resources to conduct outreach and distribute materials proved to be an ongoing challenge. Respondents noted the difficulty in reaching community members due to limited time to commit to outreach. Another challenge was the time needed to develop the appropriate tools to reach victims, including the phone and e-mail system.

Recommendations for other jurisdictions: Respondents recommended that new and existing relationships be developed to spread the word about victim notification services, especially with community-based advocates.

6. Victim-centered approach

Key component: Respondents indicated that their goal was to create protocols that used a victim-centered approach. During development, research was conducted on victim-centered approaches, including a review of the literature, a review of other jurisdictions' protocols to identify victim-centered practices, and research interviews⁸ conducted by The Institute on Domestic Violence & Sexual Assault (IDVSA) on victim notification with victims and the professionals who serve them. IDVSA's research was used to understand victims' perspectives and recommendations on how they wanted to be notified. Using the evidence-based information, respondents described that victim-centered protocols were discussed and developed. The *Protocols* used multiple victim-centered methods, including: 1) rapid and compassionate response to victims, 2) trauma-informed practice based on the neurobiology of trauma, 3) increased collaboration between the justice advocate, community-based advocates, and law enforcement, who all aim to support victims in the notification process, 4) choices for how victims can re-engage in the criminal justice process, and 5) setting expectations with victims on potential limits of confidentiality when working with the justice advocate. These four methods were written into the guidelines of the *Protocols*. Lastly, during implementation, staff were hired and trained on the *Protocols* and victim-centered practices and began to provide services – all of which make the *Protocols* function as intended.

Challenges: Respondents noted the inherent difficulty of creating a victim-centered approach that limits re-traumatization. Investigators and the justice advocate remain sensitive to the reality that engaging victims of sexual assault years after they reported can be re-traumatizing.

Recommendations for other jurisdictions: Respondents emphasized the need to ensure that a victim-centered approach shape the victim notification process. The approach

⁸ To read the about the research interviews and in-depth findings, see the report – *How to Notify Victims about Sexual Assault Kit Evidence: Insight and Recommendations from Victims and Professionals*.

should include information related to the neurobiology of trauma, a range of choices for victims to re-engage, victims' access to a justice advocate and community-based advocates, and incorporation of other best practices for engaging victims of sexual assault. Research should be done to obtain this information. Jurisdictions should write the identified victim-centered practices into policies and procedures, with great care taken to operationalize them effectively. Lastly, respondents noted that assessment of the policies and procedures should be ongoing and include evaluation of the investigators' practices to sensitively contact and engage victims.

DISCUSSION

Defining Success

Researchers determined the *Protocols* to demonstrate preliminary success through the action research process. However, limited time and resources prevented a systematic evaluation the *Protocols* in their entirety.

What does a successful notification protocol look like? The report on victims' experiences with the notification process points towards preliminary success. Please see the report: *Sexual Assault Victims' Experiences of Notification after a CODIS Hit*, which describes the impact of notification on victims. Victims reported positive outcomes related to the *Protocols* guidelines for contacting and notifying victims on CODIS hit cases. Victims stated that although contact brought up a range of emotions, they perceived investigators and the justice advocate to be compassionate, informative, and flexible. The victims received information and options during the notification. In sum, the practices within the *Protocols* demonstrate preliminary success.

Victims said they wanted choice and control in the process.

The following is a discussion of the findings that emerged as interesting or significant to the process of creating a successful victim notification protocol.

Discussion of Findings

Among the key components that emerged from survey responses, having a victim-centered approach is particularly significant. The victim-centered approach component involved critical learning for the group. The approach was described as using evidence-based information from victim interviews to understand victims' perspectives. This represents a commitment to and investment in victim-centered services and respect for victims' voices. For example, victims said they wanted choice and control in the process, and recommended that a hotline be used to do this. In response to victims', SAIL was developed and implemented as a way for victims to contact HPD.

Discussion of Recommendations for Other Jurisdictions

As the national movement grows to test previously untested SAKs, jurisdictions will need to consider how to undertake this work, respond to victims, and develop and manage their own protocols. Other jurisdictions can apply the respondents' recommendations to the development and implementation of victim notification for untested SAKs in their communities. The process used in Houston can be adapted in other contexts and serve to improve understanding of victim-centered notification approaches.

Discussion of Challenges

Challenges are inherent to new strategies, interdisciplinary work, and innovation, yet, in this project, challenges also helped to create change aimed to improve services for sexual assault victims. Data appear to support that despite challenges, the development and implementation processes successfully address victim notification and improve community partnerships.

Recommendations to HPD and Working Group

HPD and working group members should continue to assess and evaluate the *Protocols*. The group should discuss what they learned since implementation and how the process could be improved. This information should be reported to the Houston SAK Action Research Working Group, which can provide feedback and suggestions for ongoing improvement efforts.