



Survivor Notification Recommendations

Office of the Missouri Attorney General, Multi-Disciplinary Working Group
Survivor Notification Subcommittee
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Survivor Notification Recommendations

Background

The Attorney General's Office (AGO) launched the Sexual Assault Forensic Evidence (SAFE) Kit Initiative in 2018 with the help of federal funding from the Sexual Assault Kit Initiative (SAKI) from the Bureau of Justice Assistance to support a unified response to multiple critical needs associated with a statewide backlog of sexual assault kits (SAKs). The following actions represent areas of targeted improvement:

- Inventory, track, and test previously unsubmitted SAKs;
- Provide investigation and prosecution services that result from evidence and Combined DNA Index System (CODIS) hits produced by tested SAKs; and
- Optimize survivor notification services.

Law enforcement professionals and advocates must have a communication strategy to approach survivors of sexual assault, who have in many cases waited years to obtain DNA results from the invasive examination of their body. While the circumstances of each case differ, standardized survivor-centered notification recommendations will result in thorough communication, assist to re-engage and develop rapport with the survivor, and set an appropriate tone to encourage engagement with the criminal justice system.

The foundation of these Survivor Notification Recommendations began with work by the Victim Notification Subcommittee of the Multi-Disciplinary Work Group (MDWG). The MDWG is comprised of victim advocates, law enforcement representatives, prosecutors, corrections personnel, crime laboratory analysts, SANEs (Sexual Assault Nurse Examiners), doctors, and hospital representatives. The AGO worked with this committee to synthesize its experience and expertise into these recommendations for local authorities to use when notifying survivors of sexual assault.

Implementation of Survivor Notification Recommendations

Whether the traumatic event was years ago or a recent incident, within the criminal justice system the responsibility of survivor notification ultimately falls to local law enforcement. Officers are encouraged to use community resources to ensure their approach is trauma-informed, survivor-centered, and meets the needs of the survivor in a holistic manner. Police and Sheriffs are encouraged to create or actively work with existing local Sexual Assault Response Teams (SARTs) to pool knowledge and resources to support survivors during and after the notification.

Typical SART Membership

- Local law enforcement (officers and advocates)
- Local prosecutor (prosecutors and advocates)
- Community-based advocacy organizations (defined in §§ 455.003 & 455.220, RSMo.)
- Forensic medical personnel or medical providers
- Crime lab personnel where available



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Survivors may need trauma therapy, legal advice, and/or assistance with housing, medical care, and emotional support. By effectively incorporating SART members with specialized skills into response efforts, law enforcement and prosecutor members can focus on the investigation and conviction of offenders while being assured that victims' needs are being met. Each community/county should inventory the resources that already exist and explore what model will offer a sustainable continuum of survivor support in their locale.

SART members may not actually participate in survivor notification in-person, but rather help plan a jurisdiction's general response to sexual assault cases and their survivors. For example, lab personnel often avoid contact with survivors to remain impartial in their analysis, however, they assist other professionals in learning to interpret DNA analysis results. The team that is formed to actually notify the survivor will be referred to as the notification team. It is recommended that these professionals receive training to ensure their communication approach is trauma-informed with an understanding of the impact notification may have on the survivor to avoid or minimize further traumatic injury. See Appendix A for training and technical assistance resources.

Guiding Principles for Survivor Notification

All decisions and interactions with survivors should be survivor-centered, trauma-informed and:

- Attend to the survivor's emotional well-being and physical safety.
- Strengthen the survivor's capacity to recover from the traumatic effects of sexual assault by providing information, resources, services, support, and relevant contacts.
- Empower the survivor by providing informed choices.
- Respect the survivor's confidentiality, privacy, and potential choice not to engage in the criminal justice system.

Key Terms

Survivor-Centered: The survivor is the center of all decisions regarding recovery and any involvement with the criminal justice system. The survivor's choice, safety and well-being are the focus and the needs of the survivor are everyone's – not just victim advocates' – concern.

Trauma-Informed: Attends to the survivor's emotional and physical safety using resources, services and support to increase the survivor's capacity to recover and educates survivors, service providers, and the general community about the impact of sexual assault trauma on the health and well-being of the survivor.

Source: Notifying Sexual Assault Victims After Testing Evidence, National Institute of Justice

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Goals of Survivor Notification

There are several goals that any notification team should strive to accomplish in every notification event. These goals are:

- Ensure the survivor's safety
- Gain or regain the survivor's trust in the criminal justice system.
- Establish or reestablish rapport with the survivor.
- Interact with survivors with empathy and sensitivity to mitigate emotional distress and ensure safety.
- Provide an apology to survivors for the trauma they have suffered as a result of sexual assault.

The safety of the survivor during the notification process is of premier importance. The notification team should take into consideration a survivor's current life circumstances while planning the details of notification to avoid risk of physical or emotional harm to the survivor.

If the survivor currently lives with the offender, steps should be taken to avoid any breach of privacy and risk of retribution. If notification creates a high risk of danger or lethality for the survivor, the local team should consider whether notification is necessary and/or appropriate. If local team members decide to proceed with notification in a high-risk situation, they should be prepared to provide additional resources, such as safe shelter or relocation services.

If the sexual assault is a cold case with a lapse of time, survivors may be more vulnerable and distressed about notification information, harbor long-term resentment toward the criminal justice system, or feel abandoned by law enforcement. Professionals must be prepared to provide complete and thorough information to bridge the barriers created by the lapse of time. Beyond the initial notification, professionals must plan for multiple meetings and opportunities for communication with survivors. Successful investigations that lead to case resolution often depend on the involvement of the survivor.

In current sexual assault cases, proactive communication by law enforcement and advocates at every stage of the investigation and prosecution can earn and maintain trust and engagement of the survivor, which is vital to the conviction of the offender.



Cultural Sensitivity

Cultural sensitivity should be heavily considered when planning survivor notification.¹ A survivor's identity and culture may impact not only their interactions with the system, but also their healing process. In some communities, it will be especially important for the notification team to consider the implications of contacting the survivor, such as the survivor potentially being ostracized or excluded from their home or community. Examples of a survivor's cultural dynamics might include coming from a foreign community or strict religious tradition with a radically different understanding of sexual assault or living in a community with a poor relationship with law enforcement.

A survivor's specific cultural concerns should be addressed in any discussion of emotional and physical safety planning. Cultural concerns can be as individual, varied, and nuanced as survivors themselves. To better prepare for culturally sensitive notifications, the notification team should consider using the services of a culturally specific advocate or agency in planning to work with a particular survivor. The notification team can also seek out cultural awareness training that improves their capacity and skills to serve survivors whose thinking, behavior, and modes of expression are culturally different.

Survivor Notification with Special Circumstances:

If the survivor is under 18 years of age or 18 years of age or older at the time of notification and subject to legal guardianship, the parent/guardian has the right to receive information about the status of any criminal case involving the survivor's sexual assault,² unless the parent or guardian is the offender. This could take the form of pending court dates and other case logistics once charges have been filed. The notification team should consider any relationship the parent/guardian may have with the offender as well as the survivor's age, developmental capacity, physical and emotional needs, and wishes when determining if parent/guardian is included in the notification process. If the parent/guardian is the offender and the survivor resides with him/her, it is important for the notification team to consider the survivor's safety when determining the best notification option. Regardless, the survivor should be included in this process as much as willing or able.

Survivors who are 18 years of age or older and not subject to guardianship at the time of notification are considered legal adults and should directly receive all notification information. The notification information should not be shared with the parent/guardian. It is the survivor's choice whether or not they wish to relay information to another person.

¹ See National Sexual Violence Resource Center's Victim-Centered Approaches materials at <https://www.nsvrc.org/sarts/toolkit/6-1> for more information on this topic.

² See Missouri Revised Statutes Section 595.209.1(5)(a) and Missouri Constitution Article I, Section 32

Survivor Notification in Cold Case Sexual Assaults

Statewide inventory numbers generated from the 2018 SAFE Kit Initiative revealed the location and quantity of SAKs that need to be tested for DNA.³ In December 2019, the testing process began with the goal to test 1,250 kits, about 28% of the total, during the grant period ending in September 2021. Based on suggestions from the Testing Subcommittee, the Missouri Attorney General's SAFE Kit Coordinator began to submit SAKs to a private laboratory for DNA testing based on these principles:

- Cases approaching their statute of limitation are prioritized, when feasible;
- The benefits of grant funding are distributed across all regions of Missouri; and
- Jurisdiction backlogs are eliminated entirely, when possible.

As these SAKs are tested, eligible DNA profiles will be loaded into CODIS, a nationwide DNA database, and searched against other profiles in CODIS. Local jurisdictions will be informed of the DNA testing results and subsequent CODIS hits and faced with the decision of whether and how to notify survivors at that point. In cold cases, defined here as cases that have either been suspended or closed or in which the survivor has not been contacted for two or more years, survivors should be notified following a CODIS hit. This recommendation was influenced by several factors in an effort to consider potential traumatic consequences to the survivor. The benefit survivor notification brings must justify potential re-traumatization. This threshold is most reliably met when the DNA from a SAK has led to a CODIS hit, whether to an offender or another incident. Please see Appendix E for a table that can be used to conceptualize the benefits and drawbacks of notification under various circumstances.

If results are generated from grant-funded DNA testing, the AGO will provide the results to the local law enforcement agency. The local law enforcement agency will then determine the next investigative steps and options for survivor notification.

³ The inventory report released in November 2019 found 7,019 unsubmitted kits across Missouri. See the report for more details: https://ago.mo.gov/docs/default-source/press-releases/2019/safe-kits-inventory-report.pdf?sfvrsn=bb6708ab_2



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While notification decisions will be made at the local level on a case-by-case basis, law enforcement agencies are strongly encouraged to seek policy guidance from their local SART and assemble a multi-disciplinary notification team to decide whether and how the survivor should be notified. The notification team members should gather as much information about the survivor's current place in her/his life, work together to locate the survivor, plan how to make contact with the survivor, and what will be shared with the survivor during the initial contact. The notification team could have different configurations based on the circumstances of the survivor:

- Law enforcement and advocate together;
- Law enforcement alone with an advocate on standby; or
- Law enforcement alone with arrangements made for a second meeting with an advocate.

In cold cases, the initial contact with a survivor represents the best opportunity to build or rebuild trust with the survivor. The initial notification should be simple and brief, with the option for an in-depth conversation at a second meeting; however the notification team should be prepared for a full discussion if the survivor is ready for more information. Team members should have materials, contact information, and community resources for the survivor's use and reference, during the initial contact. The notification team should consider gathering additional information on the assault in question during an in-depth notification. The passage of time since the assault may have led to developments not included in the initial report and the survivor may be able to provide additional context for a CODIS hit that existing reports and evidence may not cover. **The timing of the initial contact should always include the ability of team members to follow-up with the survivor the following day or within the time frame and manner the survivor feels most comfortable.** Team members are strongly encouraged to develop a plan for ongoing communication and engagement with survivors beyond the initial notification.

In cold cases with SAKs tested by the SAFE Kit Initiative, the grant can provide assistance to locate offenders or survivors upon a request from local law enforcement, with investigation assistance from the Missouri Information Analysis Center (MIAC). Local law enforcement should coordinate requests for location assistance through the SAFE Kit Statewide Coordinator who will provide the necessary forms by contacting SAFEKits@ago.mo.gov.

Survivor Notification in Current Sexual Assault Cases

Current Missouri law⁴ requires SAKs held by law enforcement, where a police report has been generated, be submitted to a crime laboratory for testing within 14 days of receipt from the hospital. This has the potential to create delays in the ability of Missouri crime laboratories to complete DNA tests and report results to agencies. While these SAKs are considered contemporary matters, any testing delay could create communication issues and distrust among survivors. In the normal course of business, law enforcement agencies have multiple pending cases with new crimes reported daily. Survivors, on the other hand, have one case of paramount importance that may impact multiple facets of their life. Good lines of communication, appropriate referrals, and informed updates will benefit survivors and the criminal justice system by developing trust and a cooperative relationship.

The notification team should notify the survivor when his/her SAK is submitted for testing, communicate to a survivor that a SAK has been submitted for testing and provide realistic information about any anticipated delay in receiving results. Then, the notification team can follow-up with additional information when the DNA testing results are received. This continuing communication can increase the chances of engagement with the legal process and empower the survivor to make decisions with certainty and feel fully invested in the resolution of any criminal case. The notification team should consider the following facts to decide the best course of action:

1. Physical and emotional safety of the survivor and/or the notification team's ability to determine the survivor's circumstances (e.g. family/offender dynamics).
2. Availability of local survivor resources.
3. Survivor's wishes and guidance about notification, if known.

In current sexual assault cases, all survivors should be notified when the DNA results are reported to law enforcement, regardless of the outcome and whether notification was made when the SAK was submitted for testing.

⁴ Missouri Revised Statutes Section 595.220



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Law enforcement should seek policy guidance from their local SART and assemble a multi-disciplinary notification team to decide whether and how the survivor should be notified. The notification team members should work together to locate the survivor, plan how to make contact with the survivor, and what will be shared with the survivor during the initial contact. The notification team could have different configurations based on the circumstances of the survivor:

- Law enforcement and advocate together;
- Law enforcement alone with an advocate on standby; or
- Law enforcement alone with arrangements made for a second meeting with an advocate.

In current cases, the initial contact between law enforcement and the survivor represents the best opportunity to build trust and develop a rapport with the survivor. This initial contact might occur at a crime scene, in a hospital, at an advocacy center, at a police station, or at a separate location requested by the survivor. It is advisable to gather as much investigative information during this initial contact if the survivor is cognizant and able to provide details. If the survivor needs to attend to medical issues or requires time to process the traumatic sexual assault, the initial interview should be shortened. It is important to make an appointment for an in-depth follow-up interview within 24 – 72 hours of the initial contact.⁵ Team members should have reference materials, contact information, and community resources for the survivor during all contacts. The team must also be flexible to adjust the meeting time and location within the time frame and manner the survivor feels most comfortable.

⁵ This document is not designed to be a comprehensive guide to investigative techniques for sexual assaults. See Appendix A for links to further resources on investigative techniques.

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Methods for Survivor Notification

The notification team should always ensure the safety of the survivor and prioritize privacy concerns of the survivor during the notification process, which includes consideration of the survivor’s living arrangements.

The notification team should make reasonable efforts to contact the survivor. It is recommended that a minimum of three good faith efforts to communicate with the survivor should occur, by various methods, to meet the reasonable threshold.

Each communication method has strengths and limitations. Careful consideration should be given to the safety of the survivor and the best way to protect his or her privacy. After the notification is made, the survivor should be allowed time to process the new information. Survivors are often in shock and experience a wide range of emotions at this point.

	Phone	In-person	Letter
Strengths	<ul style="list-style-type: none"> • Poses less threat to survivors’ safety, privacy, confidentiality • Less resource-intensive • Offers ability to build rapport and answer immediate questions 	<ul style="list-style-type: none"> • Offers personalized approach • Can gauge survivors’ emotional reactions, answer questions, and connect the survivors to services immediately • Better control the privacy of the meeting 	<ul style="list-style-type: none"> • Least invasive • Allows survivor time to process information
Limitations	<ul style="list-style-type: none"> • Possible difficulty in finding current phone numbers • Difficult to assess survivors’ emotional reactions and adjust approach 	<ul style="list-style-type: none"> • Safety risk if survivor is living with offender • Roommates or partner may be in residence, and may not know about assault • Notification in public poses safety and confidentiality risks • More labor-intensive 	<ul style="list-style-type: none"> • Can be intercepted and read by others (e.g., intimate partner offender, other partner/ family)

Source: *12 Key Questions to Guide Victim Notification Protocols, Sexual Assault Kit Initiative, Research Triangle Institute (RTI)*. Edits made to original source table.



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Contact by Telephone

If the notification team determines the survivor should receive his or her initial communication by telephone, the law enforcement officer and an advocate should both be on the telephone, whether in the same room or via a 3-way call. The call should include the following:

- Introduce the team members and explain team member roles.
- Confirm that you have reached the survivor and that it is a safe time to talk or if the survivor needs to reschedule the conversation to a more convenient time.
- Explain that the call is regarding the investigation or their reporting of a crime that happened on (x) date.
- Collect updated contact information from the survivor, including the preferred method of contact. Offer options to designate an alternate contact person.
- Arrange a time as soon as practical for the survivor, ideally within the next 24 – 72 hours, for a follow-up meeting in-person or by telephone between the survivor, law enforcement, and an advocate. The time could be modified for the convenience of the survivor, at his or her request.
- When possible, allow the survivor the opportunity to select a meeting place where the survivor will feel most comfortable.
- If the survivor wants more information about the purpose of an in-person meeting and DNA test results have been received, inform the survivor that his or her SAK was tested and the team would like to further discuss the results of that testing during an in-person meeting.
- If the survivor does not want to meet in-person or wants more information over the phone for a notification following DNA testing, consider whether to inform the survivor about the results of the DNA testing during the phone call. It is important to remember that informing the survivor about DNA test results does not mean identifying the name of an offender. Law enforcement members need to consider investigative needs and crime laboratory requirements before providing the survivor any information about the source of the DNA in a SAK. For example, a CODIS hit, without crime laboratory confirmation is not sufficient for legal proceedings and has the potential to be incorrect. Additionally, if the offender is unknown to the survivor, a photographic or physical line-up may be necessary. If

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the identity of the offender is provided to the survivor before this occurs, the line-up procedure may be tainted and not able to be used in legal proceedings.

- If the survivor does not want to meet in-person, be prepared to address the additional information contained in the “Contact In-Person” section.
- Provide the survivor the notification team members’ contact information.
- Share information about confidentiality and the limits of confidentiality within the criminal justice system.
- Ask the survivor if he or she has additional resource needs. If so, provide information for any applicable community resources and encourage the survivor to reach out to those resources.
- Be prepared to answer any questions the survivor may have.
- Be proactive listeners.
- Respect the wishes and guidance to the survivor if he or she chooses to have no further contact.

Before the call is made, the notification team members should determine who is responsible for each step in the above telephone call outline.

The above telephone call outline should also be used when survivors initiate contact with law enforcement or call in response to a notification letter.

If a survivor does not answer the telephone, the following is a sample voicemail message that may be used:

Hi, this is _____ from _____. I would like the opportunity to provide you with some updated information about a matter the (City/County) Police/Sheriff’s Department investigated in/on (year/date). If you are interested in receiving this information please call me on (weekday)(between available hours) at _____ for further information. Thank you.

It is important to be available to receive a return telephone call on the day and time offered. This script is provided as an option, the caller is encouraged to use his or her own words and phrases in a natural conversation tone to avoid sounding unapproachable.



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Contact In-Person

If the notification team determines that a survivor should receive initial communication in-person, its members should try to wear plain clothes and use unmarked cars. The meeting should include the following:

- Introduce the team members and explain team member roles.
- Confirm whether the survivor feels safe with the time and location of the conversation.
- Explain the conversation will be about the investigation of a crime that happened on/in (date/year).
- Collect updated contact information from the survivor, including the preferred method of contact. Offer options to designate an alternate contact person.
- If DNA testing results have already been received, explain the survivor's SAK has been tested for DNA. It is important to remember that informing the survivor of DNA test results does not mean identifying the name of a suspect. Law enforcement members need to consider investigative needs and crime laboratory requirements before providing the survivor any information about the source of the DNA in a SAK. For example, a CODIS hit, without crime laboratory confirmation is not sufficient for legal proceedings and has the potential to be incorrect. Additionally, if the offender is unknown to the survivor, a photographic or physical line-up may be necessary. If the identity of the offender is provided to the survivor before this occurs, the line-up procedure may be tainted and not able to be used in legal proceedings.
- Be prepared to schedule a follow-up meeting, as survivors may need time to process the information provided.
- Provide the survivor the notification team members' contact information.
- Be prepared to answer questions about the criminal justice system, DNA and DNA databases, and the different roles of parties involved.
- Share information about confidentiality and the limits of confidentiality within the criminal justice system.

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- Determine the survivor's preference about with whom and how often he or she wants contact as the investigation moves forward.
- Discuss the survivor's options for future involvement and the next steps as the investigation moves forward. Survivors should be given realistic expectations and should never be promised an outcome.
- Provide survivors appropriate referrals and contact information for community resources and support.
- Provide written explanation of Victim's Rights, including Crime Victim Compensation Funds.

Before the initial contact is made, the notification team members should determine who is responsible for each step in the above meeting outline.

Contact by Mail

Notification of survivors by letter should be a last resort and should only be used in cases when the survivor cannot otherwise be located. Individuals besides the survivor may have access to mail received at a shared address, introducing the risk of compromising the survivor's privacy and/or safety. However, if the notification team determines that a survivor should receive an initial notification by mail, the letter should state the following:

I would like the opportunity to provide you with some updated information about a matter the (City/County) Police/Sheriff's Department investigated in/on (date/year). If you are interested in receiving this information, please call during (list available dates and time if applicable) at _____ for further information. Thank you for your assistance in this matter.

If a letter is sent, the envelope should state "Return Service Requested – Do Not Forward". The U. S. Postal Service will not forward envelopes marked Return Service Requested but will return it with the new address, if available.

When survivors are encouraged to respond by telephone call it is important to be available on the dates and times provided in the letter to receive their call.



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Follow-up Communication

Follow-up contact with the survivor should be conducted in accordance with the wishes expressed by the survivor during the initial contact. If the survivor agrees to regular and/or ongoing communication, he or she should be contacted by the designated team member on a regular basis to check in and provide updates.

Team members should make every effort to notify the survivor about case developments before he or she learns the information from another source, such as the media.

It is important to provide as much information and assistance as is needed to ensure the survivor feels supported and comfortable with his or her engagement in the criminal justice process. It is equally important to value the wishes and guidance of the survivor regarding his or her decision to participate in the process.

Disclaimer

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Appendix A Notification Team Training and Technical Assistance Resources

All law enforcement officers, advocates and notification team members should receive training on all facets of the process mentioned above prior to survivor notification assignment. Online trainings on these topics can be seen at www.sakitta.org. Training can be completed independently, but it is recommended that departments and teams train together to support group discussion, share unique perspectives and gain cohesive instruction.

Suggested training topics:

- Neurobiology of trauma
- Common trauma reactions among sexual assault survivors
- Strategies/role plays to respond to survivors in crisis
- Working with survivors from marginalized and/ or multicultural populations
- Professional wellness for notification personnel
- Collaboration between investigators and prosecutors on cold cases
- Victim advocacy and support services
- Survivor notification procedures
- Role plays to respond to common questions from survivors
- Explaining CODIS/forensic science in layman's terms

Upon request, many organizations provide subject matter presentations, communication trainings, and refreshers courses to law enforcement and other community groups. Your department or organization can use the following resources for additional information:

- The Missouri Attorney General's Sexual Assault Kit Initiative Team:
SAFEKits@ago.mo.gov
- [SART Toolkit, Resources for Sexual Assault Teams](#)
- [SAKI Pamphlet on Trauma Informed Communication](#)
- [NSVRC Victim Centered Approaches Materials](#): *Culture and Diversity, Victims who have Disabilities, Gender and Sexual Identity*
- [National Institute of Justice](#): *Victim-centered, trauma-informed approach when notifying victims about results of DNA testing of evidence in a sexual assault kit*



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PROFFESIONAL WELLNESS FOR NOTIFICATION TEAMS

- Ensure there is time to debrief after a notification is complete
- Use your agencies professional wellness materials
- Be willing to take leave time for yourself
- Ask others to help you be accountable for your professional wellness
- Seek resources for professional wellness through [MO CIT](#) or others

NEUROBIOLOGY OF TRAUMA

- [The Neurobiology of Sexual Assault: Implications for Law Enforcement, Prosecution, and Victim Advocacy](#)
- [“Neurobiology of Trauma”](#) by Dr. David Lisak
- [SAKI TTA’s The Neurobiology of Trauma Webinar Series](#)

SURVIVOR ADVOCACY AND SUPPORT SERVICES

- Missouri Department of Public Safety, [Crime Victim Services Unit](#)
- Missouri Coalition Against Domestic & Sexual Assault, [Directory of Local Services](#)
- [Missouri Office of Prosecution Services](#): (573) 751-0619
- [Rape, Abuse & Incest National Network \(RAINN\)](#)
- National Sexual Assault Hotline: 1 (800) 656-4673

INVESTIGATION OF COLD CASE ASSAULTS

- [End Violence Against Women International \(EVAWI\) General Resources](#)
- [EVAWI Cold Case Resources](#)
- [SAKI TTA Recorded Webinar on Advanced Investigative Techniques](#)
- [National Child Protection Training Center \(NCPTC\) – Zero Abuse Project](#)
- [National Children’s Alliance \(NCA\)](#)

TECHNICAL ASSISTANCE FOR LOCAL NOTIFICATION TEAMS

- Missouri Attorney General’s Sexual Assault Kit Initiative Team:
SAFEKits@ago.mo.gov
- Missouri Office of Prosecution Services: (573) 751-0619
- Missouri Coalition Against Domestic & Sexual Violence: [Contact Us Form](#)

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Appendix B Missouri Crime Victim Rights

These rights are automatically afforded to all victims of dangerous felony crimes under section 556.061, RSMo., sexual offenses under chapter 566, human trafficking under chapter 566 or domestic assault crimes under sections 565.072 to 565.076, RSMo.

If you have been a victim of another type of crime, you must request that your rights as a victim be observed. You may do so by contacting your County Prosecuting Attorney.

You Have The Right To:

- 1) Receive information about the crime and decision regarding the filing of charges.
- 2) Be informed about Crime Victim Compensation, receive claim forms and apply for compensation: be informed about financial, emergency and crisis intervention services in your community.
- 3) Be present and heard at all criminal justice proceedings at which the defendant has such a right.
- 4) Confer with the prosecutor and be informed in a timely manner of court dates, continuances, and final outcomes of all court hearings.
- 5) Be provided with a secure waiting area during court proceedings.
- 6) Reasonable protection from harm and/or threats.
- 7) Participate in criminal justice proceedings without being discharged or disciplined by an employer.
- 8) Be informed of procedures to apply for and receive any witness fees.
- 9) Have property returned once there is a final outcome of a case, and to have a reasonable explanation if it cannot be returned.
- 10) Appear at sentencing and make an oral and/or written statement.
- 11) Be notified if the defendant escapes, is released or dies.
- 12) Be informed about restitution and to ask the defendant to pay restitution.



Appendix C Definitions

Victim Advocacy Terms

System-Based Victim Advocate: A victim advocate who is employed by an agency within the criminal justice system, such as a police department or prosecutor's office.

Community-Based Victim Advocate: A victim advocate who is employed by a non-profit organization, such as a rape crisis center or domestic violence shelter.

Rape Crisis Center: A community based victim advocacy organization that provides advocacy and support services for victims of sexual violence.

Domestic Violence Shelter: A non-profit organization and place of temporary protection and support for individuals and/or families escaping domestic violence and intimate partner violence.

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Cold Case: A case that has either been suspended or closed by a department or in which the survivor has not been contacted in over two years.

Trauma-Informed Services: Treatment and care of individuals that takes into consideration the impact that traumatic experiences can have on physical, emotional and mental health, as well as on behaviors and engagement to services. Trauma-informed services integrate knowledge about trauma into policies, procedures and practices, striving to actively resist re-traumatization.

Survivor-Centered Approach: Responses to violence which prioritize the safety, well-being and choices of the survivor and which empower survivors to be engaged participants in the process. Survivor-centered approaches recognize that survivors are never responsible for the crimes committed against them.⁶

Survivor Safety: The physical, emotional and mental well-being of a survivor after an assault as defined by the survivor themselves. Survivor safety may change over time and decisions related to survivor safety should be a top priority for all individuals who are providing support.

⁶ National Institute of Justice. (2016). *Notifying Victims of Sexual Assault After Testing Evidence*. Washington D.C.: U.S. Department of Justice.

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Appendix D Results Generated from the Analysis of Sexual Assault Kits

Results from the analysis of a sexual assault kit may include:

Suspect CODIS Hit: A match within the database that is considered an investigative lead. Confirmation requires a buccal swab from the suspect that must subsequently be collected and analyzed.

Case-to-Case CODIS Hit Without Identified Suspect: A database match of the DNA profile produced from the SAK to another case within CODIS.

DNA Positive, CODIS Eligible: A DNA profile developed from analysis and eligible for CODIS upload.

Negative: Insufficient amount of DNA, ineligible CODIS profile, inconclusive results, or no DNA profile developed.

CODIS Cold Hits: When the offender's DNA hits to a forensic unknown; someone who was not previously listed as a suspect/person of interest in the case.

CODIS Warm Hits: When the offender's DNA hits to a forensic sample, and that offender was previously listed as a potential suspect in the case.

Sex Offender CODIS Hits: Out of the previous CODIS hits to known forensic hits, how many were for a sex offense (count only one sex offense).

Serial Offender CODIS Hits: Out of the previous CODIS hits to known forensic hits, how many were for a serial sex offender (sexual assault of two or more survivors by the same offender in separate events).

Homicide CODIS Hits: Out of the previous CODIS hits to known forensic hits, how many were to forensic samples from homicide cases.

Other CODIS Hits: Out of the previous CODIS hits to known forensic hits, how many were to other crimes, excluding sexual assault and homicide, for example robbery, burglary, stealing.



**Appendix E
Considerations for Notification Timing**

This table can help notification team’s consider the implications of notification under various scenarios. However, this table should not be used to determine whether prosecution is feasible.

Local prosecutors have the final say in the feasibility of any legal action in criminal cases. Law enforcement and the rest of the notification team should consult with the local prosecutor regardless of the guidance of this chart and their review should inform the notification team’s notification decision and methodology.

	Within (or No) Statute of Limitations	Expired Statute of Limitations
No DNA	Legal action possible if other actionable evidence is available.	Legal action unlikely. <i>Consideration:</i> Traumatic memories may be reactivated with no possible legal recourse.
DNA Present, No CODIS Hit (Yet)	Legal action possible if other actionable evidence is present and/or if there is a future CODIS hit. <i>Consideration:</i> Complex future scenarios can be difficult to explain to survivors.	Legal action possible if there is a future CODIS hit to a case in which the statute of limitations has not expired. <i>Consideration:</i> The probability of future CODIS hits or legal action is unknown. It can be difficult to explain the complexity of these scenarios to survivors.
DNA Present, CODIS Hit	Legal action possible. <i>Consideration:</i> If legal action will not be taken, outreach will depend on the guiding principles. These scenarios should be carefully reviewed.	Legal action on the survivor’s assault is impossible. However, if there is a CODIS hit to a case in which the statute of limitations has not expired and prosecution is sought, a judge may permit a victim to provide a victim impact statement or act as a propensity witness. <i>Consideration:</i> The prosecutor, in accordance with the law, may introduce evidence from the expired case as propensity evidence. Survivors may be able to give an impact statement to a parole board or at sentencing in another case.

Source: *12 Key Questions to Guide Victim Notification Protocols, Sexual Assault Kit Initiative, Research Triangle Institute (RTI). Edited for improved applicability to Missouri.*