
Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

I. Purpose

- A. The principal purpose of this protocol is to establish recommended guidelines and procedures to be followed by law enforcement and other personnel involved in notifying sexual assault victims of the results of their Forensic Rape Exams (FREs). The protocol is specific to previously untested FREs and are, or will be, submitted to a PA State Police lab for testing. This protocol reflects amendments to Pennsylvania’s Sexual Assault Testing and Evidence Collection Act. These amendments took effect in October 2015.
- B. Other purposes of this protocol are:
1. To establish a consistent, victim-centered, trauma-informed response to sexual assault cases in Westmoreland County.
 2. To afford the maximum protection and support to victims of sexual assault through the coordinated response of law enforcement, criminal justice personnel and victim service providers.
 3. To ensure that notifications are handled in a victim-centered manner affording victims of sexual violence as many options and resources as possible.
 4. To hold perpetrators of sexual violence accountable.

II. Background Information

“This project was supported by subgrant No. 26375 awarded by the Pennsylvania Commission on Crime and Delinquency (PCCD). The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of PCCD or the Department of Justice, Office on Violence Against Women.”

Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

- A: Pennsylvania’s Department of Health explains: “The Sexual Assault Testing and Evidence Collection Act (“SATEC”) was amended on July 10, 2015, with the passage of Act 27. Pursuant to Section 10172.3 of SATEC, as amended, local law enforcement agencies were required to submit to the Pennsylvania Department of Health (“Department”) the number of sexual assault kits: (1) in their inventory not yet submitted to a laboratory for testing as of September 7, 2015 and (2) any backlogged evidence.” (From Pennsylvania Report on Untested Sexual Assault Kits and Backlogged Evidence Released April 2017)
- B: When evidence testing is completed on these “backlogged” sexual assault kits, the laboratory will notify the law enforcement agency that submitted the kit with the results of this testing.
- C: **If this agency is a municipal department, they will contact a designated member of Westmoreland County’s Detective Bureau who will perform the initial notification described below. When the PA State Police receives this notification, they will contact designated Troopers who will perform this initial notification as described below.** For cases that may be reopened, the officers providing notification will share information with victims on who will be handling the case in future—in most cases, this will be the original department.

III. Initial Notification

- A. All victims who have undergone a Forensic Rape Exam and reported the assault will be notified as to the results of lab testing, including those victims whose FREs, or other collected evidence, do **not** result in a DNA match.

Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

- B. Due to the sensitive nature of these notifications, Westmoreland County Detectives and PSP Troopers with specialized training on providing notification to sexual assault victims will perform this initial notification via a phone call.
- C. An advocate from Blackburn Center should be present during this initial notification. Troopers and County Detectives conducting the notification should request an advocate by contacting Blackburn Center’s 24/7 hotline at 1-888-832-2272.
- D. Notification shall only be done if the victim is on the phone with the officer. **Messages regarding this initial notification should not be left as it may jeopardize a victim’s safety and well-being.** Upon introducing themselves, officers shall explain they have information regarding the victim’s Forensic Rape Exam. Officers will offer the victim the opportunity to speak with an advocate from Blackburn Center prior to receiving this information and will ask the victim if they wish to be informed of the test results. Training on specific language regarding the notification will be ongoing and provided to officers conducting these notifications. (See Section IV: Special Considerations.)
 - 1. In the instance that a victim does not answer the phone or is not available, the officer and advocate will agree on a time to attempt a second phone call. It is suggested that at least 3 attempts are made to contact the victim by phone if they do not answer or are unavailable.
- E. If the victim chooses to speak with the advocate prior to receiving the notification, officers will make every effort to allow as much privacy for this conversation as is reasonable. Please note, while the advocate may be aware of the testing results, they are unable to provide this information to

Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

the victim. The advocate will return the phone to the officer to conduct this notification. The advocate shall remain present while the officer does the notification and is available at any time during the notification should the victim wish to speak with them.

- F. If the victim chooses not speak with the advocate prior to notification and wants to be told of the results, the officer will conduct the notification.
 - 1. For cases that may be “reopened”, the victim will be told who the investigating officer is going to be in their case, this officer’s contact information and will be asked if they would like be contacted by this officer or if they would like to contact this officer themselves. Every effort should be made to offer a victim as much control over this process, including asking for times they would like to be contacted by the investigating officer. Victims will be told they do not have to make any choices at this time regarding whether or not they will speak with this investigating officer.
 - 2. For cases that are not going to be reopened at the time of this initial notification, victims will be provided with contact information of the officer making the initial notification.
- G. Upon completion of the notification, the opportunity to speak privately with an advocate shall be offered by the officer.
 - 1. If the victim chooses to speak with the advocate, it will be the role of the advocate to provide information, support, and resources to the victim based on the victim’s unique situation. Advocates available for notification will receive specific training regarding information and options available to victims whose untested FRE has now been tested. If, after speaking with the advocate, the victim has additional questions for the notifying officer, the advocate will return the phone

Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

- to this officer. If the victim does not wish to speak with the officer again, the advocate will end the call.
2. If the victim declines to speak with the advocate at this time, the officer will provide the victim with information about Blackburn Center, including Blackburn Center’s hotline number and the contact information of the advocate who was present during the notification.
- H. For cases that may be reopened, the officer making the initial notification will contact the investigating officer with the information supplied by victim regarding future contact.
- I. If a victim chooses not to be notified of the results of their FRE during this initial attempt at notification, the officer conducting the initial notification will provide information regarding whom to contact if they later wish to be notified.

IV: Special Considerations

A: There is no universal reaction to how a sexual assault victim will respond to this initial notification. Victims receiving this notification may be relieved, angry, concerned or have no discernable reaction to the notification. These reactions are all normal. It is also normal that a victim may not want to be notified of the results. Many victims will want to know why the evidence that was collected from them was never tested. Officers providing notification must be prepared to offer both clear answers and an apology regarding the lack of testing. The tone and language of this notification can be a crucial determining factor as to whether a not a victim may reengage with the criminal justice system after so much time has elapsed.

Guidelines for Law Enforcement
Initial Victim Notification of “Backlogged” Forensic Rape Exams – Adult Victims

1. Suggested introduction by officer, after introducing themselves and ensuring they are speaking with the victim: “In [YEAR], you had a Forensic Rape Exam performed. I want to apologize that it has taken this long to contact you. You may or may not know there is a new law in Pennsylvania that allows for more testing of previously untested evidence like your rape exam. I have a legal responsibility to notify you of those results but more than that, I think you have the right to know. There is an advocate present who can support you while you are deciding whether or not you want to be informed of these results—would you like me to put them on phone?”
2. When discussing DNA results, it is recommended the term “match” be used instead of the term “hit”.
3. A victim-centered notification means the victim is given as much choice and power over the process as possible. Suggested language to do this might be: “I’m sure this is difficult. I’m working at your pace, so if you need a minute to catch your breath-just let me know. If you have a question, please ask. If you want to talk to your advocate, tell me and I will put them on the phone.”.