The National Center for Victims of Crime is pleased to provide the slides used in our September 13, 2012 Webinar, “Working with Victims in Cold Hit DNA Cases.”

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Enhancing our Response when Working with Victims with “Cold Hit” DNA Cases

Presented by the
YWCA – St. Louis Regional Sexual Assault Center
and the
St. Louis Metropolitan Police Department

Goals of this presentation:

• To increase the ability of law enforcement and health care professionals to provide the most effective response to sexual assault victims by: Increasing awareness of the dynamics of sexual assault

• We will look at how systems can work together to mitigate the negative impact on rape victims including “CODIS” hit cases.
Presenters

• Detective Rick Noble
  – Sex Crimes/Family Violence Unit, St. Louis Metropolitan Police Department

• Cindy Malott
  – Crisis Intervention Supervisor, YWCA - St. Louis Regional Sexual Assault Center
  – We have been working in a collaborative partnership since 2004 during which time we have worked together with over 500 victims of sexual violence.

The “Cold hit” CODIS Case

• Cold case is term used to describe unresolved cases.

• All leads have been investigated no suspects were identified.

• Suspect was arrested/identified at the time of the rape but no warrants issued.

Brief Overview the CODIS System

• Combined DNA Index System, system of national, state and local databases managed by the FBI that allows crime laboratory personnel across the country to compare DNA profiles from known and unknown criminal offenders with biological evidence from crime scenes.
Who are our Victims

• Victims often have a history of victimization, their life has been a pattern of abuse.
• Victims may have a history of Child Sexual Abuse, Substance Abuse, Prostitution and Domestic Violence.
• When you are re-contacting a victim for a “CODIS Hit” you may have little information regarding their emotional stability.

CODIS

• LDIS- Local DNA Indexing System
  – Controlled by local Police Departments
• SDIS-State DNA Indexing System
  – Controlled in Missouri by the Highway Patrol
• NDIS- National DNA Indexing System
  – Controlled by the FBI

The Notification Process

• DNA hit received by the Department from the State Police Agency.
• TWO TYPES:
  – Offender hit
  – Forensic hit
The Notification Process

- Initial attempt to determine if sample is from suspect or possible consensual partner.
- Initial contact with victim - telephone, mail, in person.
- Increase in requests from crime lab for consensual partner DNA samples.

Emotional Impact on the Victim

- Shock
- Partner/family members not aware of the sexual assault
- Victim was engaged in illegal activity such as prostitution/drug use etc.
- Vulnerable place emotionally
- Fear of Law Enforcement

All of these reactions can be exacerbated if the victim felt the original police response was negative.

What can be helpful:

- Be aware of victim's privacy.
- Avoid cold calling if possible.
- Connect victim immediately with an advocate/crisis counselor.
- An intense emotional reaction is not uncommon shortly after notification.
- How we respond Collaboratively.
The Re-Interview

- Due to the delay in solving of this case, it may be necessary to re-interview the victim.
  - Using modern understanding of S/A investigations
  - Correct errors made in the past due to misunderstanding of the dynamics of sexual assault
  - A way for the new investigator to fully understand the intricacies of the case
  - May be necessary to conduct a proper interrogation of the suspect at the time of arrest

The Emotional Impact on Victims:

- Fear forgetting details “ruining the case”.
- Accepted perpetrator would never be caught.
- Ashamed of their emotional response.

Common Responses

- Tonic Immobility During Rape
  “...salient elements associated with the onset of tonic immobility in animals are also present during rape, including fear, contact and restraint... For victims who report being paralyzed... It is also accompanied by an inability to vocalize or call out... many rape victims report that they feel completely numb...” *(Suarez & Gallup, 1979, p. 317 emphasis added)*

“Animals and humans do not choose TI [tonic immobility]
...TI is more akin to a hardwired response that can be quite frightening itself.” *(Marx, Forsyth, Gallup & Fuss, 2008, p. 80)*
Common Responses

- Fight, Flight or **Freeze**
  
  “An emergency over-ride switch that makes sure that we seek the best possible option for our survival. We have the choice of fight, flight or freeze, depending on our best strategy we can strike out, run away or freeze in terror.”  
  - (Schmookler, 2006)

**Tonic Immobility II (unconditioned, instinctive freezing):**

The research literature on animal defenses calls this immobility "freezing"...the animal freezes just after it detects the presence of a predator in its environment... “Freezing is an unconditional reaction to an...innately recognized predator”

  - (Fanselow & Lester, 1988, p 194)

What can be helpful:

- **Arrange to meet the victim in person, even if a full interview is not necessary.**
- **Have a victim advocate present when you meet with the victim.**
- **Expect to address the victim's safety concerns.**

Confirmation DNA

- **When a DNA match occurs and a suspect is located.** The detective will obtain another DNA sample from the suspect to corroborate the original match.
- **Per CODIS, their hit cannot be the sole source used for prosecution.**
The Emotional Impact on Victims

• This process can be a form of purgatory for victims.
• If it’s not the perpetrator’s DNA, but a consensual partner’s the victim may feel:
  – “All brought back up for nothing.”
  – “Now know their rapist will never be caught.”

What can be helpful:

• Give victim’s a reasonable time line to expect results.
• Advocates: Become educated in the process.
• Law Enforcement: Connect victims with a victim advocate regardless of whether there is an identified perpetrator or not. Expect equally intense emotional reactions.

Warrant Application

• After the suspect has been identified, interviewed, and his DNA match has been confirmed, the case will be presented to a prosecutor.

• Options- warrant issued or warrant refused.
Some cases will be declined

Obstacle #1- Statute of limitations
Be aware that your state may have different statutes based on whether the victim was an adult or a juvenile at the time of the assault.

Obstacle #2- Facts of the Case
Not all cases can go forward. DNA does not automatically mean the case will be issued

Emotional Impact on Victims
Regardless of the outcome of the case each victim will have unique emotional responses.
If the case is issued, sharing information regarding Rape Shield Laws could provide comfort to some victims.

Benefits of Collaborative Response
• Provides victim with immediate support and necessary resources whether a recent crime or a cold DNA case
• Helps to restore sense of dignity and support to recover
• Provides important information to the victim to help make informed decisions
• Provides the victim with long term follow-up after the initial interview/contact and throughout the entire criminal justice system/recovery process
• For many Victims there is a long legal process ahead
• Most importantly regardless of Law Enforcement involvement or the criminal case outcome: The Victim's Emotional Recovery
Expectations for Law Enforcement in Effective Collaboration:

• Treat victims with respect and dignity
• Some states provide sexual assault victim advocates with confidentiality.
• For Example: Missouri Statute 455.003
  – Any person employed by or volunteering services to a rape crisis center...shall be incompetent to testify concerning any confidential information....
• Stay connected with the advocate. If she is up to date she will be better prepared to assist the victim in understanding where they are in the process. Which in turn will assist LE also!

Expectations for Law Enforcement in Effective Collaboration:

• Connect all victims with advocacy support immediately.
• Have advocacy present for police interview.
• However, family, partners, friends and other support people should not be present.

• Be prepared for and educated on the emotional impact and expected responses from traumatized victims.
• Attempt to establish trust with victims with a previous negative police response.

Expectations for Advocates in Effective Collaboration:

A Consistent Response is Key!

• If you have an expectation of consistency from LE you MUST provide a consistent response as well.
• Why sit in on the police interview?
• What are the expectations of the SART volunteer?
• What is the advocate’s focus?
• It is your job as an advocate to provide:
  • SUPPORT
  • INFORMATION
  • RESOURCES
The Impact of Effective Collaboration on Victims

Reduce risk of re-traumatizing victim
31% of rape victims will develop PTSD

Post Crisis Environment is a key Factor in determining whether or not a victim will develop PTSD or Rape Trauma Syndrome

Increase chances of a successful prosecution
Victims that feel supported and validated are much more likely to have the ability to move through the entire investigation, reporting and court process.

For all agencies working with victims:
COLABORATION IS KEY!

A special thank you to all of the survivors who have taught us how to be better at our work.
Thank you for the work that you do!

Our Contact Information:
Detective Rick Noble, St. Louis Metropolitan Police
Department, Sex Crimes Unit., 1200 Clark Avenue, St.
Louis, MO 63103. 314-444-5723
rnoble@slmpd.org

Cindy Malott, Crisis Intervention Supervisor, YWCA-St.
Louis Regional Sexual Assault Center. 140 North
Brentwood Blvd. St. Louis, MO 63105. 314-726-6665
ext. 15
cmalott@ywcastlouis.org

Resources
DNA Hits in Cold Cases: Notifying Victims
DNA & Crime Victims: What Victim Assistance Professionals Need to
Know
National Center for Victims of Crime
2000 M Street, NW, Suite 480
Washington, DC 20036
ph. 202-467-8700
www.ncvc.org

DNA: Critical Issues for Those Who Work with Victims (April 2007)
24 minute DVD (NCJ211970)
Office for Victims of Crime
U.S. Department of Justice
810 Seventh St. NW 8th Floor
Washington, DC 20531
Ph. 800-851-3420
www.ovc.gov

New Technology and Old Police Work Solve Cold Sex Crimes by James Markey
www.fbi.gov/publications