

Questions for Teams to Consider During Protocol Writing

Protocol writing is a significant task for teams to take on and can often feel overwhelming. It is a task that should not be taken lightly and a process that has the potential to create a strong, self-correcting, and victim-centered system to respond to sexual assault cases. Determining how to write protocols and what to include can be challenging, particularly when thinking about the how to unify protocols that have previously been independent. This document outlines some questions to help think about overarching themes and areas where roles and responsibilities intersect

Themes or Messages Throughout Protocol

- Ensure that immediate safety needs are addressed
- Ensure that protocols are in compliance with all VAWA standards and state statutes
- Assess the need for an interpreter or other accommodations to provide the best service to the victim
- Reassure the victim that sexual assault is never the victim's fault
- Explain the process to the victim to the best of your ability
- Encourage the victim to use an advocate – offer to make call
- Treat each report as factual unless substantial information develops otherwise
- Notify/inform the victim of changes in case progress or status

Questions for Prosecution to Consider

Intersection with Law Enforcement	<ul style="list-style-type: none"> • What are the essential elements of victim interviews for the purposes of prosecution? <ul style="list-style-type: none"> – Recorded? – How should breaks be documented? – How should advocates presence during interview be noted? • What should be present in a well written report? • When should prosecution be involved with a case? • What types of evidence do jurors want to see? • What type of evidence will increase success in: Consent Defense Cases? Non-Stranger Assault? Alcohol Related Sexual Assault? Delayed Report? • What will happen if, in the process of reporting a sexual assault, it is revealed that the victim violated the terms of their probation? • What will happen if the victim has a warrant? • What will happen if the victim is intoxicated and is underage? • What will happen if the victim has been using illegal drugs?
Intersection with Advocacy	<ul style="list-style-type: none"> • When is the advocate called? • What is the advocate's role prior to/ during trial? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
Intersection with Medical	<ul style="list-style-type: none"> • What are important things for medical professionals to remember when writing medical reports/charts? • What testing should be done or avoided? <ul style="list-style-type: none"> – Baseline testing for STIs? – Blood/urine collection for toxicology screens? • What photos should be taken to increase likelihood of successful prosecution? • Will the prosecutor meet with the medical provider to provide guidance and expectations if testifying?
Intersection with Probation/Corrections	<ul style="list-style-type: none"> • What can help a case? • What can hurt a case? • What will happen if, in the process of reporting a sexual assault, it is revealed that the victim violated the terms of their probation? • What will happen if the victim has a warrant? • How are restitution, reparations, and victim impact statements coordinated? • How will the victim be connected with the probation/corrections agent working with the perpetrator?

Questions for Law Enforcement to Consider

Intersection with Advocacy	<ul style="list-style-type: none"> • How should advocates presence during interview be noted? • What is the advocate’s role during or after an investigation? • How can partnerships with advocacy be established prior to meeting ‘in the moment’? • If advocates assist with civil remedies (e.g. HRO/OFP) how could the timing and level of detail impact the investigation? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
Intersection with Medical	<ul style="list-style-type: none"> • How will sexual assault exam kits from unreported cases be handled? <ul style="list-style-type: none"> – Where will they be stored? – How long will they be kept? – How will they be marked to ensure victim anonymity? – What is the process for converting a case from unreported to reported? • How should the medical provider explain reporting options to the victim? • Has the suspect exam been considered? Where will the exam be performed and who will conduct the exam? • What type of evidence should be collected? • If a victim wishes to make an immediate report to law enforcement, when are they called and when will the law enforcement interview take place? • How can medical help attend to the immediate pressing needs of a case?
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Intersection with Probation/Corrections	<ul style="list-style-type: none"> • What should happen if a suspect is on probation? • What will happen if, in the process of reporting a sexual assault, it is revealed that the victim violated the terms of their probation? • What will happen if the victim has a warrant?
Questions for Advocacy to Consider	
Intersection with Medical	<ul style="list-style-type: none"> • Will advocates be automatically called when a victim presents? • What is the medical role and what is the advocate role before, during and after exam? • How are reporting options explained? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
Intersection with Law Enforcement	<ul style="list-style-type: none"> • How should advocates presence during interview be noted? • What is the advocate’s role during or after an investigation? • How can partnerships with advocacy be established prior to meeting ‘in the moment’? • If advocates assist with civil remedies (e.g. HRO/OFP) how could the timing and level of detail impact the investigation? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
Intersection with Prosecution	<ul style="list-style-type: none"> • When is the advocate called? • What is the advocate’s role prior to/during trial? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
Intersection with Probation/Corrections	<ul style="list-style-type: none"> • What is the advocate’s role post-conviction? Post- release? • How will the victim be notified of ongoing offender status? • Is victim confidentiality attended to in communications and interactions? • Is advocate privilege upheld?
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