



Suggested Model Policy: Sexual Assault Victim Cold Case Notification

New Mexico Law Enforcement Agencies

Purpose

This model policy is provided as a guideline for New Mexico law enforcement agencies to adopt in whole or in part when establishing procedures for notifying victims in cold case sexual assault investigations. This policy aligns with New Mexico state law, the National Sexual Assault Kit Initiative (SAKI) recommendations, and national best practices to ensure notifications are conducted sensitively, professionally, and with a trauma-informed approach. Agencies may modify this policy to fit operational needs while prioritizing victim autonomy, safety, and access to resources.

I. Scope

This policy applies to law enforcement personnel, cold case investigators, and victim advocates engaged in notifying victims when there are significant developments in a cold case sexual assault. Agencies may adapt these guidelines based on available resources, department structure, community partnerships, and other relevant factors.

II. Definitions

1. **Cold Case Sexual Assault** – A sexual assault case that remains unsolved for an extended period, where investigative leads have been exhausted, but may be reopened due to new forensic evidence, suspect identification, or investigative advancements.
2. **Victim Notification** – The process of informing a survivor of sexual assault that new information, evidence, or investigative progress has been made in their case.
3. **Trauma-Informed Approach** – A victim-centered method of engagement that acknowledges the effects of trauma, prioritizes emotional and psychological well-being, and empowers victims to make informed choices.
4. **Victim Advocate** – A trained professional who provides support, guidance, and referrals to crime victims and ensures a trauma-informed response.
5. **National SAKI Standards** – Best practices established through the National Sexual Assault Kit Initiative (SAKI), which promote victim-centered notification, collaboration with multidisciplinary partners, and informed consent in victim interactions. Additional information is available at <https://sakitta.org>.

III. Policy Statement

Law enforcement agencies should strive to notify sexual assault victims of updates in their cold case in a timely, sensitive, and trauma-informed manner. Agencies may tailor their notification process to align with available resources and agency policies while prioritizing victim choice and access to advocacy services before, during, and after notification.

IV. Suggested Notification Procedures

A. Case Review and Multidisciplinary Coordination

1. Pre-Notification Case Review

- Review the case file, confirm case details, and assess the significance of new developments.
- Consult the New Mexico DPS SAKI multidisciplinary team (MDT) or a comparable Cold Case Review Team, when available, to determine the best notification approach.
- Guidance and materials for engaging and sustaining a multidisciplinary team are available on the NMDPS SAKI website at www.dps.nm.gov/SAKI.

2. Collaboration with Victim Advocates and Support Services

- Coordinate with a trained sexual assault victim advocate before contacting a victim.
- Advocates can help develop a notification plan and ensure victims have access to support resources before, during, and after notification.

3. Safety and Risk Assessment

- If the suspect is identified, located, or charged, conduct a threat assessment to determine potential safety risks to the victim.
- If concerns arise, work with victim advocates and legal representatives to develop a safety plan before notification.

B. Suggested Victim-Centered Notification Process

1. Determining Victim Contact Preferences

- When possible, determine the victim's preferred notification method (e.g., phone, email, in-person).
- If the victim has previously requested no further contact, that preference should be respected unless critical legal or safety circumstances require notification.

2. Suggested Methods of Notification

- Preferred: In-person notification with a victim advocate present.
- Alternative: Telephone notification, if preferred by the victim or if in-person contact is not feasible.
- Written Notification: Only if the victim has expressly consented.

- Electronic Communication (email/text): Only if the victim has provided explicit permission.

3. Recommended Content of Notification

- The nature of the case update (e.g., DNA match, new forensic evidence, suspect identification, case reopening, investigative next steps).
- The victim's rights and options regarding participation in the case.
- Available support resources (e.g., crisis counseling, legal advocacy, medical services).
- A clear law enforcement point of contact for future questions.

4. Respecting Victim Autonomy

- Victims should be given choices regarding the amount of information they receive and how they wish to proceed.
- Respect victims' decisions if they choose not to engage further.
- If a victim chooses not to participate, document their preference while ensuring that support options remain available to them.

C. Documentation and Follow-Up

1. Document all notification attempts, including:

- Date, method, and details of the notification.
- Victim's response and any support services offered.
- Efforts made if unable to reach the victim before closing attempts.

2. If a victim requests follow-up contact, provide regular case updates and ensure ongoing advocacy support.

V. Special Considerations

- Notification in Cases Involving Deceased Victims – Notify next of kin with the support of victim advocates, ensuring compassionate communication.
- Cases Involving Juvenile Victims (Now Adults) – Acknowledge their autonomy and offer choices in case involvement.
- Multi-Jurisdictional Cases – Coordinate with all involved agencies to ensure a consistent, victim-centered process.

VI. Training and Implementation

1. Training Topics

Agencies should provide training on:

- Neurobiology of sexual assault trauma
- Trauma-informed notification practices

- Victim advocacy collaboration
 - Forensic advancements in cold case investigations
2. Policy Review and Updates
- Agencies should periodically review and update notification policies based on SAKI best practices for cold case review and notification protocols, as well as applicable legal requirements.

VII. Resources and Contact Information

NMDPS SAKI Program
Email: dps-saek@dps.nm.gov
Phone: (505) 372-8351

Website: www.dps.nm.gov/SAKI

The website provides resources for law enforcement, medical providers, and survivors, including:

- Policy templates
- Informational guides
- Free training resources

VIII. Compliance and Review

- Supervisors are encouraged to ensure compliance with this policy.
- Agencies may track notifications and conduct periodic audits to improve victim engagement strategies.

IX. References

- New Mexico Crime Victims' Rights Act (NMSA § 31-26-4)
- New Mexico Sexual Assault Survivors' Bill of Rights (NMSA § 30-9-21)
- National Sexual Assault Kit Initiative (SAKI): <https://sakitta.org/>
- Office on Violence Against Women (OVW) – Law Enforcement Guidance: <https://www.justice.gov/ovw/law-enforcement-guidance>

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