

Unsubmitted Sexual Assault Kits: Navigating the Process from Inventory to Adjudication

A Guide for Holistic Cold Case Sexual Assault Reform

Increasing public safety through sexual assault response



The National Sexual Assault Kit Initiative (SAKI), supported by the Bureau of Justice Assistance, helps jurisdictions contending with unsubmitted sexual assault kits (SAKs). The SAKI TTA program, provided through RTI International, offers expertise and guidance to jurisdictions across the country as they

- ◆ establish effective, sustainable practices for collecting and processing sexual assault forensic evidence;
- ◆ investigate and prosecute sexual assault cases; and
- ◆ support survivors of sexual assault.

The SAKI TTA program offers a holistic approach to sexual assault reform. This approach emphasizes insight and direction from multidisciplinary teams and recognizes several areas of focus, including

- ◆ inventorying and tracking of SAKs;
- ◆ implementing victim-centered, trauma-informed practices to not only investigate and prosecute these cases but also to support victims of sexual assault; and
- ◆ recognizing the value of serial- and cross-offending data to further enhance investigative methods and support offender-focused prosecution.

This guide provides an overview of these focus areas and leads agencies through the process of sexual assault reform using SAKI's principles and philosophy.

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Unsubmitted SAKs: Navigating the Process From Inventory to Adjudication

Goals

- ◆ Ensure justice for victims
- ◆ Improve public safety and trust
- ◆ Test all unsubmitted SAKs
- ◆ Facilitate comprehensive sexual assault reform



Conduct an **inventory** of unsubmitted SAKs.



Implement a system to **track** progress, from inventory to adjudication.



Utilize a **multidisciplinary team** to address factors that led to the unsubmitted SAKs.



Enhance **victim services and support**.



Develop and implement **protocols** for victim notification and related issues.



Determine resources needed for investigations, prosecutions, and advocacy—such as training and personnel.



Submit and test unsubmitted SAKs.



Partner with researchers to **assess the data**.



Investigate and prosecute these cold cases to the fullest extent possible.

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Conduct an Inventory of Unsubmitted Sexual Assault Kits (SAKs)



SAKI TTA recommends first conducting an unsubmitted SAK inventory, as defined by a census of all unsubmitted SAKs in a particular jurisdiction, to assess the full scope of accumulated unsubmitted SAKs. It's important to discuss the method for conducting the inventory within a multidisciplinary team to ensure awareness of the policies regarding collection, storage, and anonymous SAKs. Deriving a method for the inventory (whether manual or electronic) to ensure appropriate resources and support is also key. Furthermore, the inventory may be conducted closely with a forensic laboratory liaison to determine the testing status of each SAK, if needed.

Key Considerations

Evaluate the inventory's complexity; consider the complexity when selecting an inventory approach.

- ◆ Select an inventory approach—manual, electronic, or a combination of both.
- ◆ Strategize a method to track inventory progress.
- ◆ Derive a methodology for access and management of the inventory data.
- ◆ Designate a leader for the inventory process.
- ◆ Verify that all possible SAK storage locations have been reviewed.
- ◆ Ensure that all necessary information has been collected for the inventory.
- ◆ Consider the relevance of partially tested SAKs.

Tips:

- ◆ Review all possible storage locations for a SAK, such as the following:
 - Evidence storage units (previous and current)
 - Hospitals
 - Law enforcement agencies
 - Rape crisis centers
- ◆ Consider storing and tracking anonymous SAKs separately from other SAKs in the inventory.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ 10 Key Questions to Consider When Developing and Implementing a Testing Plan Document: http://bit.ly/10_key_questions_testing_plan
- ◆ SAKI Site Inventory Guidance Document: http://bit.ly/saki_inventory_guidance

Webinars

- ◆ Large-Scale, Multi-Jurisdictional Inventory Webinar: http://bit.ly/multi_jurisdictional_inventory_webinar
- ◆ SAK Inventory Process: Strategies & Considerations Webinar: http://bit.ly/saki_inventory_webinar

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Implement a System to Track Progress, from Inventory to Adjudication

The inability to properly track sexual assault kits (SAKs)—from collection to testing, investigation, prosecution, and adjudication—is one of several complex circumstances that has led to the accumulation of unsubmitted SAKs. Implementing a SAK evidence tracking system is a critical step to improving a jurisdiction’s response to sexual assault. Legislative requirements are shifting toward mandating the use of evidence tracking systems. As this happens, agencies will need to address these mandates to ensure their evidence tracking systems are compliant.



Individual agencies will need to consider whether to improve an existing evidence tracking system or implement an entirely new system. An ideal evidence tracking system will have the ability to collect and catalog key information, track and audit evidence, generate reports or provide the appropriate information for reports, and offer a full inventory of the system’s contents.

Key Considerations

The following key considerations will help in deciding whether to update an existing system or implement a new one:

- ◆ Determine the scope (e.g., single or multi-jurisdictional) based on the jurisdiction’s needs.
- ◆ Determine where to host the system (e.g., jurisdiction’s network or a cloud-based network that meets Criminal Justice Information Services requirements) and resources for additional IT support.
- ◆ Consider implementation and usage costs.
- ◆ Establish definitions of evidence and when tracking of a SAK begins.
- ◆ Determine who will have access to the system (e.g., law enforcement officials, prosecutors, crime laboratory personnel, and/or victims).
- ◆ Implement a public-facing access point for victims to check the testing status of their SAKs.
- ◆ Discuss interfacing the evidence tracking system with a records management system and/or a laboratory information management system.

Tip:

When developing an evidence tracking system, discuss a sustainable and long-term solution to evidence tracking within the multidisciplinary team. Consider a phased approach that will become a sustainable system within a defined timeline.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

- ◆ Sexual Assault Kit Evidence Tracking: Managing Critical Information: http://bit.ly/SAK_evidence_tracking
- ◆ SAK Evidence Tracking: Features & Considerations Webinar: http://bit.ly/SAK_evidence_tracking_webinar

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Utilize a Multidisciplinary Team (MDT) to Address Factors That Led to the Unsubmitted SAKs

Forming an MDT with personnel from several disciplines is essential to understanding the challenges a jurisdiction faces when addressing improved sexual assault response and the accumulation of unsubmitted SAKs. The complex, multidimensional factors that have led to the accumulation of unsubmitted SAKs cannot be resolved without considering input from all MDT members. Members of a successful MDT derive policies and practices that consider these roles effectively; these members are an integral force to accomplishing defined goals within sexual assault reform.



Key Considerations

The following key considerations help to establish and support a successful MDT:

- ◆ Understand the roles and perspectives that each discipline brings to sexual assault reform.
- ◆ Engage with all relevant disciplines associated with sexual assault reform.
- ◆ Define the MDT's goals and address challenges.
- ◆ Determine factors that allowed the accumulation of SAKs to occur in the jurisdiction.
- ◆ Discuss ways to address accumulation and move forward.
- ◆ Foster open communication among members.
- ◆ Ensure members understand each other's roles and responsibilities.

Tip:

Valuable MDT Members

- ◆ Law enforcement officials
- ◆ Prosecutors
- ◆ Victim advocates (both community- and system-based)
- ◆ Sexual assault nurse examiners (SANEs) and forensic medical personnel
- ◆ Crime laboratory representatives
- ◆ Sexual assault survivor(s)

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

- ◆ Addressing the Problem of Untested SAKs Webinar: http://bit.ly/addressing_untested_SAKs_webinar
- ◆ Trauma Informed SART/MDT Approach to Cold Cases of Sexual Assault: http://bit.ly/trauma_informed_presentation

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Enhance Victim Services and Support

Sexual assault survivors experience trauma that may last a lifetime. A survivor's interactions with first responders is critical to healing; first responders may include sexual assault nurse examiners, community- and system-based advocates, law enforcement officials, and other members of the medical and criminal justice communities. The criminal justice process may be overwhelming to a survivor; therefore, it is vital for an agency's services and support to (1) create an environment that promotes survivor healing, (2) help survivors gain a clear understanding of the criminal justice process, and (3) inform survivors about the types of support available immediately after the incident and in the time that follows.



Key Considerations

The following key considerations offer ways to support victims:

- ◆ Provide information about victim support services (including community- and/or systems-based advocate[s]); communicate the availability of services to members of the jurisdiction.
- ◆ Offer resources that explain the medical forensic examination process, including the collection and preservation of sexual assault forensic evidence (also referred to as a rape kit or sexual assault kit).
- ◆ Talk to the victim about their rights and options throughout the investigation and prosecution processes.
- ◆ Ensure all stakeholders are trained in trauma-informed, victim-centered communication.
- ◆ Review policies to confirm they are based on trauma-informed, victim-centered practices.

Tip:

Community- and systems-based advocates enhance victim support services. A jurisdiction should ideally use both types of advocates because they have different functions. However, if employing a systems-based advocate is not feasible, explore options within the jurisdiction to partner with a community-based advocate.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Briefs

- ◆ Encouraging Positive Communication: A Sexual Assault Victim's Guide to Working with Law Enforcement: http://bit.ly/encouraging_positive_communication
- ◆ What Happens Next? Resources for Support, Questions, and Information: http://bit.ly/what_happens_next_resources

Webinar

- ◆ Strategies for Victim Notification: http://bit.ly/victim_notification_webinar

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Develop and Implement Protocols for Victim Notification and Related Issues

When working on a cold case sexual assault, carefully consider how to initiate contact with a victim or notify a victim after a long period of inactivity on their case. A multidisciplinary team (MDT) will be immensely beneficial in helping you evaluate the least traumatic and most positive way to interact with a victim; the MDT will also keep the victim engaged in the investigation and prosecution stages.

SAKITTA recommends creating a victim notification policy that can be adopted across the jurisdiction. This notification policy allows you to re-introduce a victim to the investigative and SAK testing processes associated with active cases.



Key Considerations

The following key considerations will assist agencies with creating a victim notification protocol:

- ◆ Develop goals for the notification process that determine when and if a victim will be notified.
- ◆ Establish a method for victim notification and engagement
- ◆ Determine who will notify the victim.
- ◆ Consider what resources need to be offered to the victim during notification and in which language(s) to offer the resources.
- ◆ Evaluate how personnel will be trained on notification and how this process will be maintained over time.

Tip:

Important Information to Include in Victim Notification Resources

- ◆ Key contact names and phone numbers
- ◆ Comprehensive list of support services for survivors, including safety planning resources
- ◆ Informative content (e.g., frequently asked questions) that clearly explains forensic testing, as well as the stages and next steps of the criminal justice system

Resources

For additional information about this topic, the SAKITTA Team recommends the following resources:

Documents

- ◆ 12 Key Questions to Guide Victim Notification Protocols: http://bit.ly/12_key_questions_victim_notification
- ◆ Encouraging Positive Communication: http://bit.ly/encouraging_positive_communication

Webinar

- ◆ Strategies for Victim Notification: http://bit.ly/victim_notification_webinar

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Determine Resources, Such as Training and Personnel, Needed for *Investigation*

Cold case sexual assaults are complex and demanding for law enforcement to investigate. Further, a repository of unsubmitted sexual assault kits can create a unique set of demands for law enforcement officers, including re-establishing a relationship with the victim, addressing questions regarding the delay in testing, and addressing concerns about community safety through offender accountability.

The multidisciplinary team should evaluate the need for, and allocation of, resources that support victim-centered and offender-focused cold case sexual assault investigations. These resources extend beyond aspects of the investigation, such as conducting an inventory and/or using an evidence tracking system, by specifically supporting law enforcement investigative strategies, training, and staffing.

INVESTIGATION



Key Considerations

The following key considerations create an initial foundation to support law enforcement personnel throughout cold case sexual assault investigations; this list is not comprehensive.

- ◆ Derive a strategy to review policies that support cold case sexual assault investigations; modify or create policies if they do not exist.
- ◆ Design a staffing plan to support activities such as case review, Combined DNA Index System (CODIS) hit prioritization, and non-DNA investigative strategies.
- ◆ Evaluate current policies addressing victim notification and engagement.
- ◆ Provide targeted training to foster trauma-informed, victim-centered interviewing skills and strategies.
- ◆ Create a sustainable sexual assault training program.
- ◆ Conduct a sexual assault unit assessment.

Tip:

A comprehensive and continuous training regimen for all personnel, regardless of levels of experience, is critical to an agency's response to sexual assault.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ Utilizing CODIS for Unsubmitted Sexual Assault Kits: http://bit.ly/utilizing_CODIS
- ◆ Y-STR Testing: Enhancing Sexual Assault and Cold Case Workflows: http://bit.ly/YSTR_testing

Webinar

- ◆ Investigation of Cold Case Sexual Assaults: http://bit.ly/investigation_coldcaseSA_webinar

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Determine the Resources, Such as Training and Personnel, Needed for *Prosecution*

Prosecutors face the same challenges with cold case sexual assaults as with standard sexual violence cases, but cold cases present additional complexities. These complexities include (1) how the passage of time impacts available evidence and (2) how the thoroughness (or lack thereof) of the original investigation affects the current investigation. To meet these challenges, prosecutors must recognize that developing community resources through a multidisciplinary team (MDT) is vital to a victim-centered, offender-focused trial. The MDT approach involves prosecutors working collaboratively with allied professionals in the law enforcement, advocacy, medical, and forensic science fields; these partnerships span the lifecycle of the case, from when the investigation opens (or reopens) through case resolution. In addition, ensure that individual prosecutors have the resources to develop necessary mentorship, training, and experience to foster the specialized skills required for cold case sexual assaults and sexual violence cases.



Key Considerations

The following key considerations offer advice for supporting prosecution of cold case sexual assault:

- ◆ Provide training that develops litigation skills to proactively maintain a victim-centered and offender-focused prosecution by utilizing pretrial and trial strategies designed to develop and protect the record.
- ◆ Ensure proper staffing levels to accommodate regular and ongoing case reviews with allied professionals in the MDT.
- ◆ Recognize that prosecutorial “success” for such complex cases needs to be gauged by a metric beyond convictions (e.g., litigation complexity, victim satisfaction, and/or increased community and judicial awareness).

Tip:

Prosecutors must recognize their role in victim support, safety, and healing. Specialized resources and training that address these complex issues provide an essential foundation for prosecuting these cases.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Webinars

- ◆ Preparing and Conducting Direct Examination of the Detective: http://bit.ly/direct_examination_detective
- ◆ Preparing and Conducting Direct Examination of the Forensic Scientist: http://bit.ly/direct_examination_forensicscientist
- ◆ Preparing and Conducting Direct Examination of the SANE: http://bit.ly/direct_examination_SANE
- ◆ Successful Prosecution of Cold Case Sexual Assault: http://bit.ly/successful_prosecution_webinar

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Determine the Resources, Such as Training and Personnel, Needed for *Victim Advocacy*

Sexual assault community- and system-based advocates are essential to holistic sexual assault reform; these individuals maintain victim engagement through the criminal justice process and support victims to promote healing. Both types of advocates support victims in many ways, including staying with a sexual assault victim before and/or during the forensic medical examination, attending the investigative interview, and providing services throughout the criminal justice process. Overlap exists among the roles of community-based advocates, law enforcement system advocates, and prosecutor-based system advocates; however, there are also distinct differences in these roles. The multidisciplinary team (MDT) must recognize the importance of having both community- and system-based advocates available. The MDT should discuss these differences, particularly confidentiality requirements, and ensure appropriate advocacy support to promote victim engagement and healing throughout the entire process.

ADVOCACY



Key Considerations

The following key considerations are foundational to establishing advocacy support within a jurisdiction:

- ◆ Offer effective training on trauma-informed, victim-centered practices to best support sexual assault survivors.
- ◆ Establish jurisdictional policies to clearly define the advocates' roles and responsibilities during forensic exams, investigations, and prosecutions.
- ◆ Provide a mechanism for advocates to establish positive relationships with other service providers in the jurisdiction; other service providers may include law enforcement personnel, medical professionals, and prosecutors.
- ◆ Derive a sustainable plan to provide appropriate advocacy staffing to support survivors.

Tip:

Advocates ensure survivors are properly supported. Unless a victim prefers otherwise, a community-based advocate should be present during the forensic medical examination and separate law enforcement interview. However, advocates should understand how their involvement may impact the prosecution of the case.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ Encouraging Positive Communication: A Sexual Assault Victim's Guide to Working with Law Enforcement: http://bit.ly/encouraging_positive_communication
- ◆ What Happens Next? Resources for Support, Questions, and Information: http://bit.ly/what_happens_next_resources

Webinar

- ◆ Strategies for Victim Notification: http://bit.ly/victim_notification_webinar

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Submit and Test Unsubmitted Sexual Assault Kits (SAKs)



Holistic response to sexual assault reform requires accountability for the testing of unsubmitted SAKs. Each previously unsubmitted SAK, which is accompanied by a report, should be submitted to the laboratory for testing. Testing these SAKs demonstrates a commitment to support survivors of sexual assault; ensures that violent crime forensic evidence is tested and submitted to the Combined DNA Index System (CODIS), as appropriate, to maximize the potential of solving these violent crimes; and fosters further understanding of the prolific nature of these offenders. Testing previously unsubmitted SAKs requires communication and collaboration with a testing laboratory to ensure that adequate resources are available and information sharing is effortless.

SAKI TTA recommends that members of a multidisciplinary team (MDT) all contribute to developing the testing plan. To ensure the MDT's success, the team should have representation from the forensic testing laboratory or a forensic DNA subject matter expert.

We do not recommend submitting anonymous kits for testing. The MDT should ensure a policy exists that clearly addresses the storage, victim notification, and destruction for anonymous kits. Current DNA technologies are more sensitive than those used in the past; therefore, a robust testing plan should consider testing partially tested (i.e., serology only) SAKs and even serology-negative SAKs.

Key Considerations

An agency should leverage the full expertise of the MDT, including representation from a DNA forensic laboratory, for the following key considerations. This approach ensures all expectations associated with the testing process are clear.

- ◆ Derive a case review plan.
- ◆ Determine how many SAKs need to be tested and allocate resources to perform this testing.
- ◆ Decide if a private laboratory will be used.
- ◆ Establish which DNA tests will be conducted.
- ◆ Develop a submission process and testing plan.
- ◆ Create a communication plan for testing and CODIS results.

Tip:

With today's technology, samples from "partially tested" SAKs should be reviewed for the probability of obtaining CODIS-eligible DNA profiles. Consider serology-negative samples, DNA extracts, or samples tested with previously non-CODIS-eligible DNA technologies.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ In Brief: Utilizing CODIS for Unsubmitted Sexual Assault Kits: http://bit.ly/utilizing_CODIS
- ◆ Understanding DNA testing and Reporting: Unsubmitted Sexual Assault Kits: http://bit.ly/understanding_testing_reporting
- ◆ Unsubmitted Sexual Assault Kit Processing: Five Objectives Toward Forming a Positive Relationship with a Private Vendor Laboratory: http://bit.ly/relationship_private_vendor
- ◆ Y-STR Testing: Enhancing Sexual Assault and Cold Case Workflows: http://bit.ly/Y-STR_testing

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Partner with Researchers to Assess the Data

Collecting data from the submission, testing, investigation, and prosecution of cold case sexual assaults linked to previously unsubmitted sexual assault kits (SAKs) is just one outcome of sexual assault reform. An agency may expect data to consist of performance metrics, including the number of SAKs with Combined DNA Index System (CODIS)-eligible profiles and the resulting types of CODIS hits; the number of cases associated with victims identified as members of recognized, specialized populations; the prevalence of repeat offenders and case connectivity; and trends observed in the investigation and prosecution of these cases.



Understanding the data is a critical component of preventing future victimization, increasing community safety, and improving methodologies for the investigation and prosecution of sexual assault cases. Crime analysis is an often-underutilized resource that can enhance the implementation of sexual assault reform goals and agency success. Agencies should seek to partner with researchers or crime analysts to understand and maximize the data's potential to improve practices and policies.

Key Considerations

The following key considerations will allow an agency to initiate crime analysis or expand an already existing program:

- ◆ Seek input from the multidisciplinary team to define the scope of analysis needed.
- ◆ Determine the desired research outcomes.
- ◆ Identify the resources required to secure the desired position(s) or personnel.
- ◆ Consider partnering with a neighboring agency and/or researchers from local universities to provide insight and support.
- ◆ Consider requesting support from a regional crime analysis association and/or the Violent Criminal Apprehension Program (ViCAP).

Tip:

Crime analysts can assist with the following:

- ◆ Data entry
- ◆ Development of tactics to prevent future crimes
- ◆ Identification of long-term solutions
- ◆ Planning for future resource needs
- ◆ Prioritization of internal operations and resources

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Webinars

- ◆ Kansas SAKI Research Testing Priorities and CODIS Follow-up: http://bit.ly/Kansas_SAKI_research_webinar
- ◆ Research in SAKI—The Cuyahoga County Experience: http://bit.ly/Cuyahoga_SAKI_research_webinar
- ◆ SAKI Research: Practitioner Relationships: http://bit.ly/practitioner_resources_webinar
- ◆ Sexual Assault Serial Offender Research: http://bit.ly/SA_serial_offender_webinar

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Investigate Cold Cases to the Fullest Extent Possible

Cold case sexual assault investigations pose unique challenges, including how the passage of time affects the victim, suspect, and witnesses. Investigative strategies involve a comprehensive case review of the original case file. This type of review recognizes the effects of trauma, uses investigative techniques that are victim-centered for re-interviewing the victim and re-establishing victim engagement, and prioritizes follow-up investigative activities as well as investigative leads resulting from the testing of unsubmitted sexual assault kits (SAKs). Evaluating the need for crime analysis techniques—including the Violent Criminal Apprehension Program (ViCAP), which can potentially provide investigative information—is critical for cold case sexual assaults that do not receive Combined DNA Index System (CODIS) hits.



Key Considerations

The following key considerations provide valuable guidelines and recommendations for managing the volume of cold case sexual assault investigations associated with testing previously unsubmitted SAKs:

- ◆ Determine a prioritization system for the investigations.
- ◆ Establish accountability for the cases (i.e., lead detective and assistance).
- ◆ Organize case files.
- ◆ Review all prior case work and supplement with current information.
- ◆ Ensure a victim-centered approach throughout the investigation.
- ◆ Offer the victim access to resources, including victim advocates.
- ◆ Partner with a multidisciplinary team to develop a policy/procedure about how to approach cold case sexual assault investigations.
- ◆ Determine how to proceed if there is not a CODIS hit.

Tip:

Involving crime analysts and entering data into ViCAP can help agencies with case connectivity by potentially generating investigative leads.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ Cold Case CODIS Hit Review and Investigation: Additional Strategies for Sexual Assault Investigators:
http://bit.ly/CODIS_hit_additional_strategies
- ◆ Cold Sexual Assault Investigations: Key Considerations & Recommendations:
http://bit.ly/coldcase_key_considerations
- ◆ Prioritizing Cold Case CODIS Hit Follow-up: Strategies for Sexual Assault Investigators:
http://bit.ly/prioritizing_CODIS_hit_follow_up

Visit www.SAKITTA.org for additional information or contact us at sakitta@rti.org.



Prosecute Cold Cases to the Fullest Extent Possible

Cold case sexual assault prosecution presents unique challenges. Prosecutors must prepare to address these challenges by strategizing during *voir dire*; focusing on physical, psychological, and physiological evidence; helping jurors to make a connection with the evidence; and relying on expert witness testimony. Additionally, defense themes—such as the consent defense and prosecuting a known offender, and pre-accusatorial and pre-indictment delays—will need to be addressed effectively; these defense themes are commonly used at trials for active and cold cases alike.

A cold case sexual assault investigation can move forward once a Combined DNA Index System (CODIS) hit or new investigative lead is generated after testing the previously unsubmitted SAK. Remember that victims respond to trauma in many different ways; therefore, implement a trauma-informed, victim-centered approach throughout the prosecution process.

PROSECUTE



Key Considerations

The following key considerations can assist in prosecuting cold case sexual assaults:

- ◆ Consider common defense tactics, and prepare to combat them.
- ◆ Communicate with jurors effectively.
- ◆ Ask expert witnesses to testify at trial.
- ◆ Recreate the reality and urgency of the crime at trial, including sensory details.
- ◆ Integrate a trauma-informed and victim-centered approach.
- ◆ Ensure the appropriate personnel are involved (e.g., victim advocates).
- ◆ Maintain victim safety.

Tip:

John Doe Arrest Warrants

Even when investigations are delayed or are part of cold cases, law enforcement officials and prosecutors can still pursue justice. The John Doe arrest warrant is useful because it (1) stops the clock on the statute of limitations and (2) commences prosecution by identifying the suspect by his or her genetic profile.

Resources

For additional information about this topic, the SAKI TTA Team recommends the following resources:

Documents

- ◆ Preparing and Conducting Direct Examination of the Detective: http://bit.ly/direct_examination_detective
- ◆ Preparing and Conducting Direct Examination of the Forensic Scientist: http://bit.ly/direct_examination_forensicscientist
- ◆ Preparing and Conducting Direct Examination of the SANE: http://bit.ly/direct_examination_SANE
- ◆ Preparing and Conducting Direct Examination of the Victim: http://bit.ly/direct_examination_victim

Webinar:

Successful Prosecution of Cold Case Sexual Assault: http://bit.ly/successful_prosecution_webinar

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