



**SAKI**  
SEXUAL ASSAULT  
KIT INITIATIVE  
Reform. Accountability. Justice.

# Foundations for Investigation: Anatomy of a Cold Case Rape

*Jim Markey, Senior Law Enforcement Specialist, RTI International*

# Review of Investigative Foundations

Collect and read all reports, supplements, and follow up conducted

Identify witnesses, suspect/s, other POI

Review all recordings/photographs

Review all items of property (status)

Review medical records

Conduct crime analysis/research

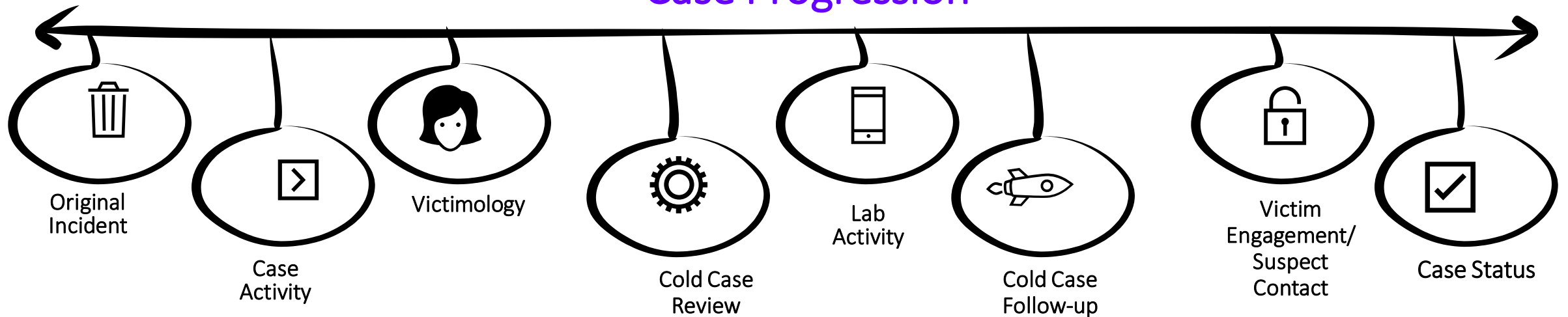
Develop next steps and strategy



# Create an Investigative timeline



## Case Progression



# Think: Structured Analytical Techniques

- **Quality of Information:**  
Evaluate information sources
- **Key assumptions check:**  
Review positions/conclusions/ judgments
- **Brainstorming:**  
Generate new ideas and concepts
- **Devil's advocate:**  
Challenge key assumptions or consensus
- **Red Team analysis:**  
React and think like the offender



# Investigative Considerations

Investigative based

VS

Research analysis based



The following presentation may contain images which could be disturbing to some observers.





# Case Study: Identify Key Case Elements

- Victim disclosure
- Scene analysis
- No Sp description
- Sleeping Witness
- Victim selection
- Investigative canvas
- Contamination
- Scene security
- Discarded DNA
- Surveillance
- International intrigue



- Innovation
- Cricket Corporation
- Cell phone technology
- Paying your phone bill
- Ruse
- Paranoia
- More surveillance
- Lab rivalry
- DNA failure
- Case to case DNA
- Power of DNA



# Initial Case Details

- July 2009 Patrol responds @ 1 AM
- Student home from school
- Parents away
- Friends just left
- Threshold scene assessment
  - No forced entry
  - Nothing missing
  - No dog alert
  - Signs of struggle/disturbance
  - Evidence: EDPL, Condom/wrapper

# What are the Key Assumptions

What do we know?

What do we not know?

What do we do next?

# Suspect Identified



# Check Quality of Information

- Victim statement
- Witnesses
- RAPE Kit submitted to lab
- Evidence options
  - Latent Prints from POE
- Condom wrapper
- EDPL
- Fluffy the dog
- Other

What do we know?

What still do we not know?

What are your next steps?



Chat Box:

Brainstorm any additional actions you would take?

# Two Keys

## Research Based Actions

The image is a composite illustrating the relationship between research and action. At the top, a hand-drawn flowchart shows 'INSPIRATION' leading to 'MOTIVATION', which leads to 'TEAMWORK'. 'TEAMWORK' and 'INNOVATION' both lead to 'SUCCESS'. Below this, a screenshot of a news article from 'azcentral' is shown. The article title is 'When will we get serious about tracking rapists?' and the author is 'Bill Richardson, AZ | See It'. The text discusses the need to resurrect a sex crimes investigation unit and mentions that two serial rapists are currently operating in the east and west valleys. To the right of the article is a large, detailed map of a city area, likely Mesa or Tempe, with several red dots indicating specific locations. The map is divided into colored zones (green, yellow, purple, brown) and includes a compass rose. The overall composition suggests that research (the article and map) informs and leads to successful actions (inspired by motivation and teamwork).

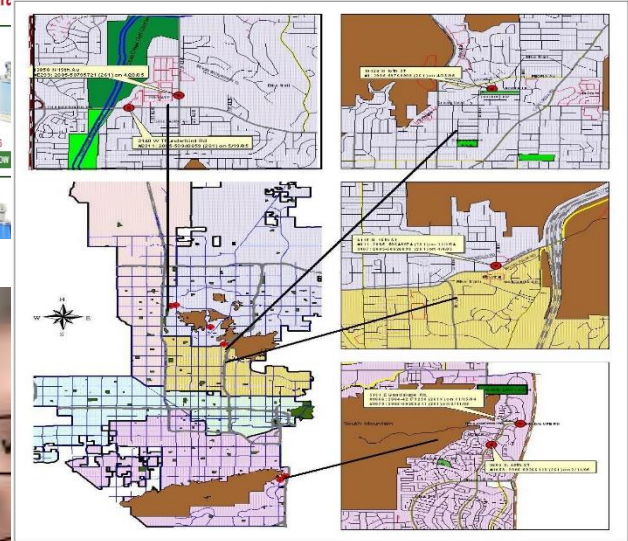
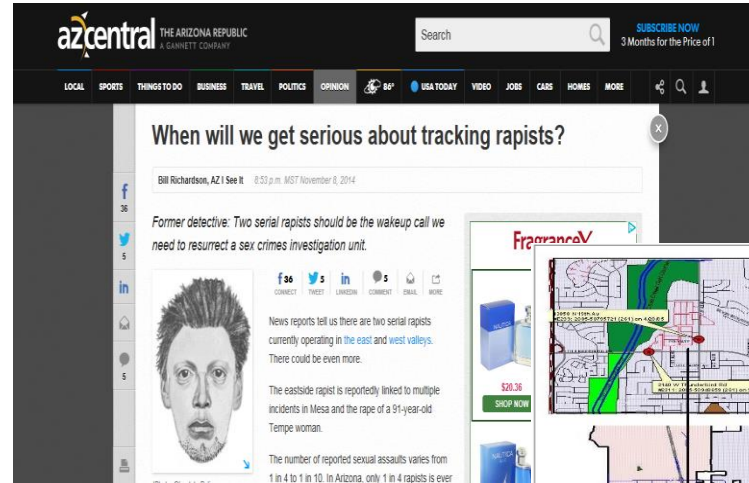


Chat Box:

Describe *research-based* activity you would employ?

# Two Keys

## Research Based Actions



## Information Management

# New Case Investigative Information

October 2009 – Sperm on vaginal swabs

Upload into NDIS

Case to case match to 2007 rape

# Poll: What would you do as a first action?

- Close the case
- Obtain the second case file
- Immediately contact the victim in both cases
- Contact the original investigator
- Review secondary evidence

# CODIS hit: Second Case File Assessment

- July 2007/1 AM
- V asleep on couch
- Woken by suspect on top of her
- Assaulted and suspect flees
- Nothing stolen
- V had been drinking during the night
- House was locked
- B/F asleep in garage

# Poll: Of the options listed select the first action you would consider?

- Submit the case to the prosecutor
- Review all documents in the case file
- Submit secondary evidence to the lab
- Return to original scene and conduct a canvas
- Advise the police chief
- Review reported crime activity in the area
- Conduct a search of the registered sex offender database



# Investigative Based Actions

Original File review  
(old and new)

CODIS Hit review

Review initial and  
follow up  
investigation

Additional  
evidence/scene  
review

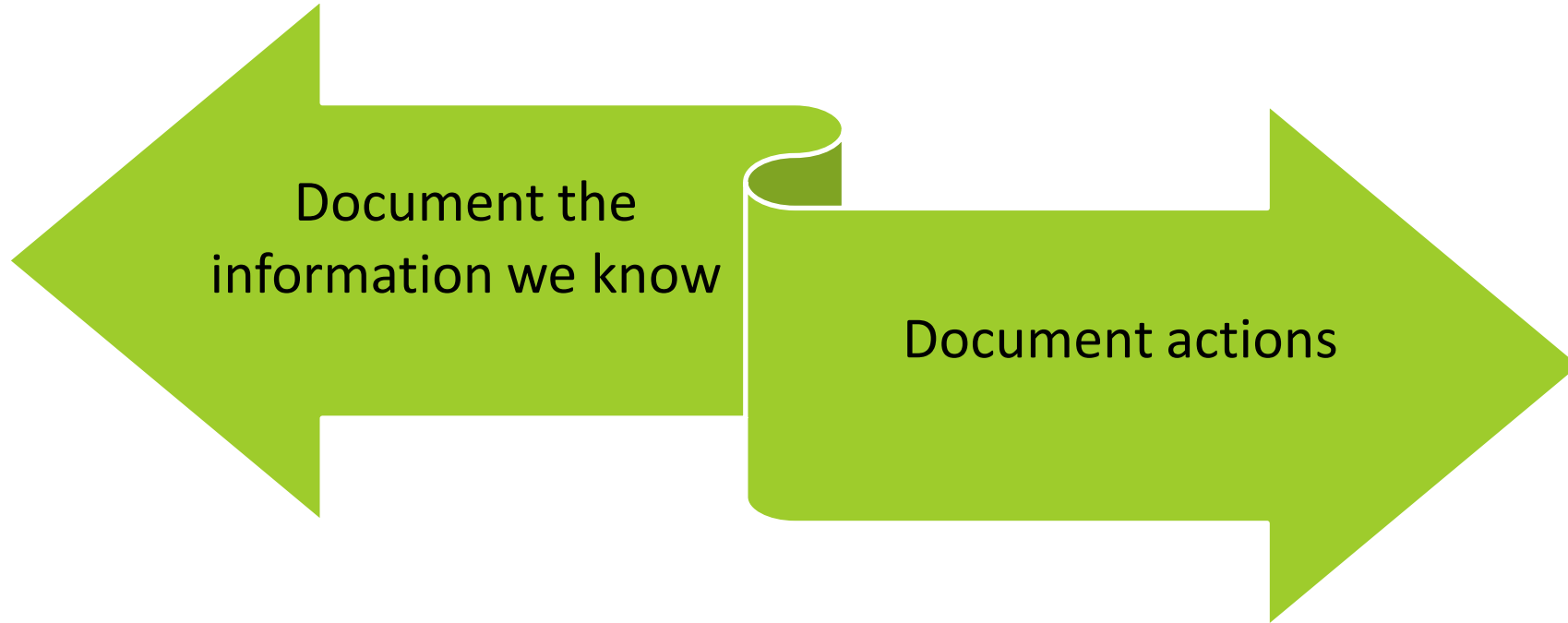
Statement and  
interview  
assessment

Victim engagement  
approach

Chat box:

What episode from Star Trek is on the TV?

# Investigative Assessment and Information Management



## Chat Box:

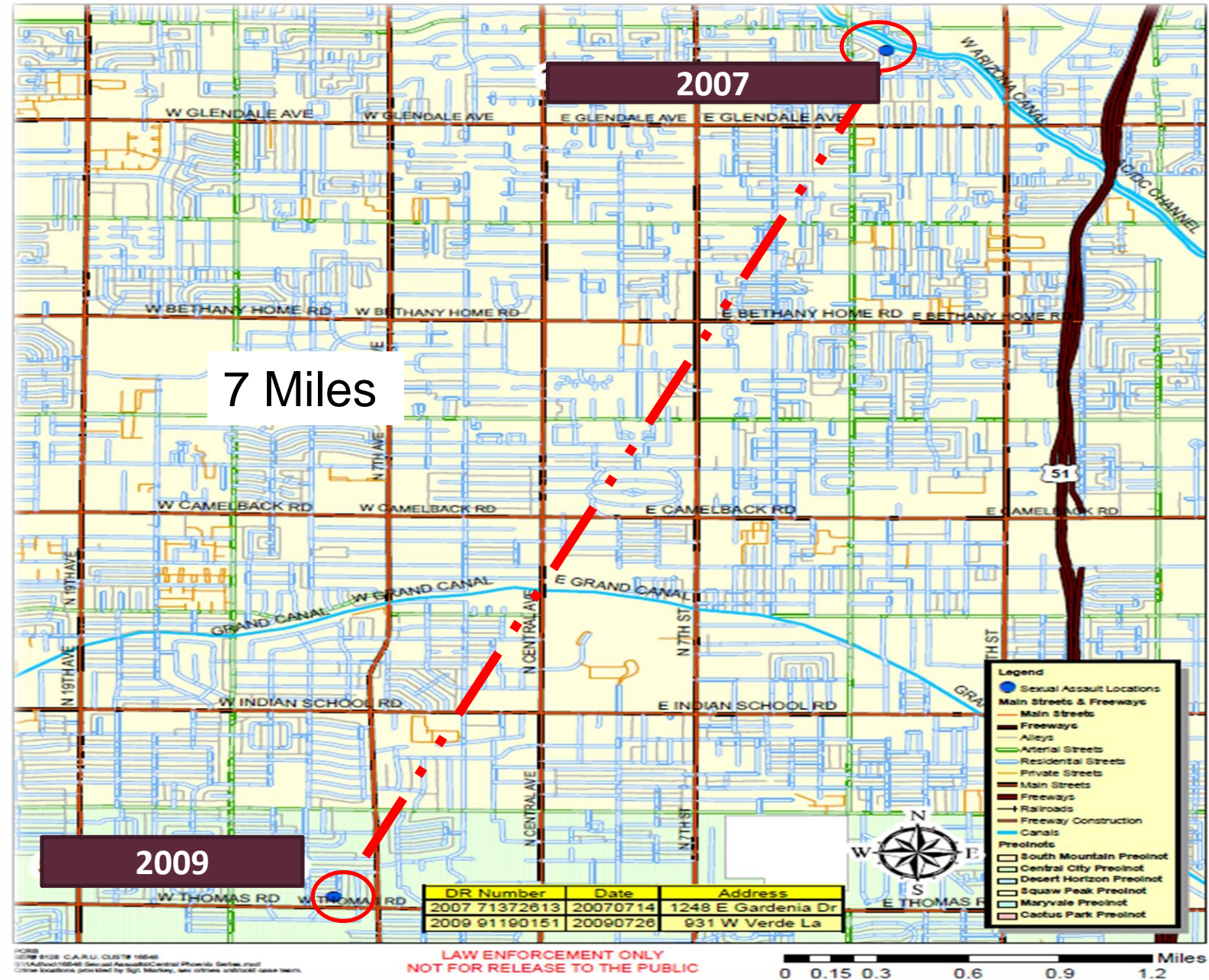
What information about this case presents future challenges and concerns?

# Research Base Action

Critical assessment:  
*questions*  
*observations*  
*theories*

**Chat Box:**

What does this  
possibly tell you?



# Key Case Information

- Recorded interview of V
- Original scene was processed
- Original Area canvass
- Witnesses interviewed
- SANE exam completed
- secondary evidence collected
  - Ex, Latent print from drinking glass
- Assess quality of information



"Stop In Action"  
Production Team / Moto Films

# Check Key Assumptions/Facts

- No signs of struggle
- No signs of forced entry
- No sound heard from witness
- No injury
- Nothing missing
- Victim demeanor/statement
- DNA match
- 1 Usable latent print



# Investigative Evaluation and Critical Thinking

- What are things we know?
- What are things we do not know?
- Document conflicts and consistencies
  - Red Team Analysis
  - Devils advocate
- What are your next actions?
- Solve one - solve both



# Poll Question: How would you generate information?

- Victim engagement/re-interview
- New area canvas
- Conduct additional DNA testing
- Complete a composite
- Complete a media release
- Enter case in ViCAP

# Actions for Follow Up Consideration

- Generating information/leads
  - Victim engagement
  - Area canvas
  - Additional evidence testing
  - Composite
- 
- Public safety/Media alert?
  - Other concerns?



**DATES:** Sat 07/14/07 at 0125 hours and on Sun 07/26/09 at 0115 hours  
**LOCATION:** In the area of 7400 North 12<sup>th</sup> Street and 900 West Thomas Road

**VICTIM:** Both victims in each incident were adult female  
**SUSPECT:** Hispanic or white male; 5'3"- 5'4" height; 200 pounds in weight; 21-24 years old, "chubby face"; short brown hair "buzz cut"; brown eyes; wearing a blue and red jersey; black knee length shorts.

**VEHICLE:** none seen

**NARRATIVE:** Suspect entered both victims' homes and sexually assaulted them and after he completed the acts fled on foot. Both cases were linked though evidence. There was a two year break between cases.

If anyone has any information or questions, please contact the Adult Sex Crimes Unit.

Detective F. Duran #6297 or Sergeant Markey #4036

# 2009 Additional Case Facts

- Second victim statement reviewed
- Suspect had “broken” the victim's phone
- Phone not located in the scene
  - Assumption: Suspect took phone with him
  
- What do we now know?
- What are the next actions?

Insert V interview ref phone



## Additional Information/follow up:

- 8 hours after assault
- 1 call: victim's phone to unknown cell phone
- Subscriber
- Tower information

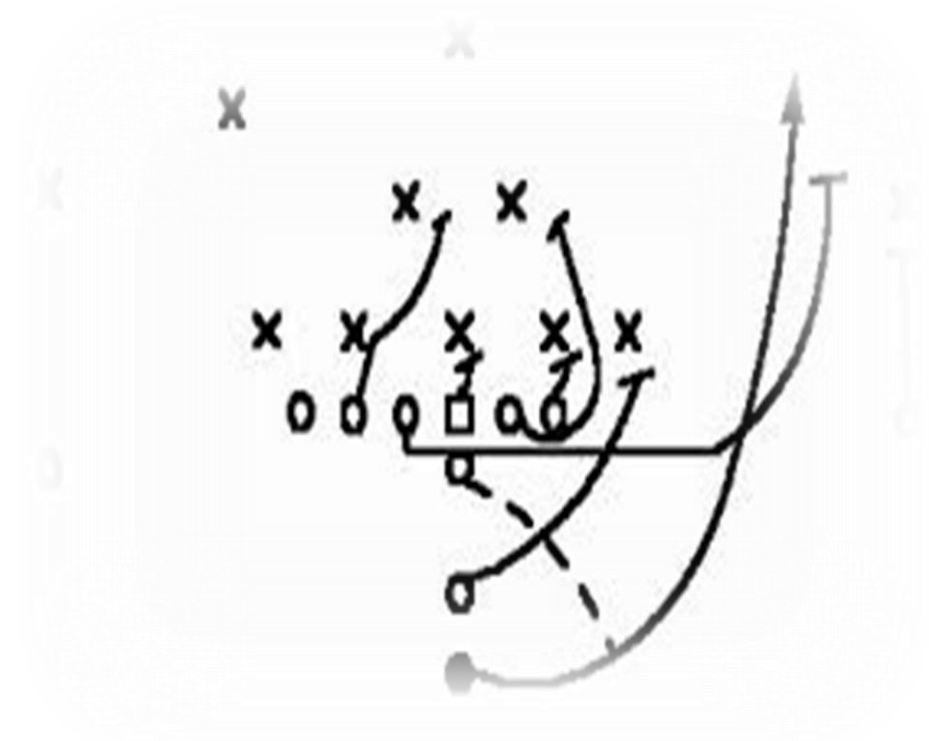


# Phone Actions/Strategy

- Known Facts
  - Cricket line
  - Subscriber information false
  - Billing location

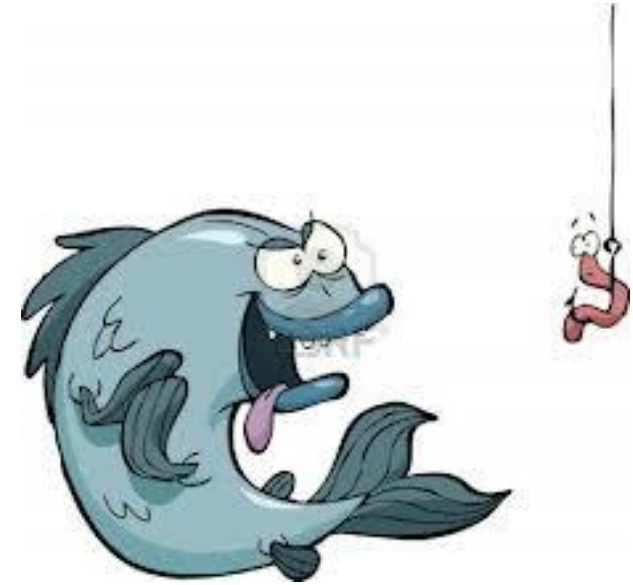
Chat Box:

Describe potential next steps



# Investigative Based Strategy/Action

- Detective cold calls the unknown number
- Police “ruse” call made
- Meeting set up
- Surveillance of *Mi Patio*
- Observe Possible suspect
  - Lose same



The “Ruse”

# DNA Results?

- Beer bottles from *Mi-Datio*
- Bagged by U/C
- Submitted to
- Results
  - No DNA
  - No Latents



# Thoughts: Actions or Plan B?

- Continue surveillance – 1 week
- Observe possible suspect/follow same
- What next? Arrest?
- PCC: 36-61 Use of alleys as thoroughfares

No person shall use an alley within the City as a thoroughfare except authorized emergency vehicles.

# The Detention

- A *Thursday* night
- Criminal history check
  - Suspect “formally” identified
- Interviewed by Det Mares
  - Cartel was chasing him

# Poll: What Investigative Decisions would you pursue with this lead

- Advise him he is a suspect in a sexual assault
- Arrest him
- Attempt photo line ups
- Release and continue surveillance
- Obtain DNA sample?





# Investigative Analysis/Arrest

- DNA *Saturday* 9am
  - COMMUNICATE WITH LAB!
- Arrest?
- SWAT team arrives
  - SP Call to Detective Mares
- Arrest affected at “High Noon”





# Jose Efrain Gomez-Gomez

- Admitted to rapes
- 30 year plea

# The Rest of the Story

- May 2007
- East Phoenix
- Attempts to abduct a neighbor
- Arrested/no prosecution
- Victim “uncooperative”

DR/INCIDENT CITATION # 2007-70961093-  
DATE: 05/14/07 TIME: 2238  
RADIO CODE # 240 SERIAL # 8313 SQUAD # 72K  
LOCATION: 204330 N 20TH ST  
INFORMATION:  
START DATA: 4/3/09 MISD:  FELONY:   
END DATA: CITY OF PHOENIX, ARIZONA POLICE DEPARTMENT 80-83 Rev. 04/05 DIGITAL DATA FORM

- ✓ Victim disclosure
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- ✓ Lab rivalry
- ✓ Paranoia
- ✓ Case to case DNA
- ✓ Power of DNA



# Investigative Sentinel Review

- Check your assumptions at the door
- Continue to assess information
- Commit the resources
- Work with what you know-But think outside
- Gum Shoe  
Never give up

## Operational Considerations

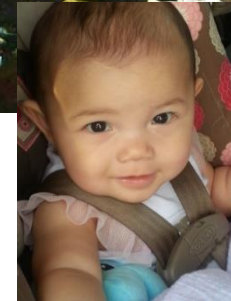
- Specialty Support
- Do the ABC's
  - Statements
  - Physical evidence
  - Electronic records
  - Canvass work
- Media management

With expectations...  
comes responsibility

“The Nations Finest”

“Guardians of Democracy”

Plato



“To serve others is truly a great and rewarding life, it is an act of service that benefits the greater needs of mankind” Peggy Puype, 2000

Questions?

# Contact Information

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