



Foundations for Investigation: Cold Case Sexual Assault

Jim Markey, Senior Law Enforcement Specialist, RTI International

This project was supported by Grant No. 2019-MU-BX-K011 and 2015-AK-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



Jim Markey

Senior Law Enforcement Specialist, RTI International

Jim Markey, a senior law enforcement specialist in the Investigative Science Program, provides direct consultation and training and technical assistance (TTA) for 64 Sexual Assault Kit Initiative (SAKI) grantees nationwide. Mr. Markey served 30 years with the Phoenix (AZ) Police Department, rising from patrolman to supervisor. For 14 years he led the adult sex crimes unit, the first detective unit to work in a multidisciplinary team. The team comprised at least 10 investigators and investigated more than 7,000 sexual assaults, including over 100 serial rape cases. Mr. Markey's work included regular meetings with internal and external partners to develop policy, conduct regular meetings, and openly communicate on a variety of issues involving violence against women. He received more than 30 commendations, including the Police Chief's Unit Award and the Distinguished Service Award.



Discussion Topics

- Current efforts: The National Sexual Assault Kit Initiative
- Foundations of Cold Case Investigations
- Victim Engagement
- Technical aspects - file review and assessment
- Standards of Investigative Follow up – cold and warm hits
- Offender-focused research and investigation
- Case study and activity

The National Sexual Assault Kit Initiative (SAKI)

Leading the Way in Sexual Assault Response Reform

SAKI is a BJA funded national program designed to support sexual assault response reform, reduce violent crime and improve public safety.

- Create a coordinated community response to cold case sexual assault and other violent crimes
- Build jurisdictional capacity to prevent the accumulation of unsubmitted SAKs in the future and address current cases
- ***Support the investigation and prosecution of sexual assault and violent crime cases***
- Develop sustainable, evidence-based TTA resources which facilitate the implementation of national recommendations and best practices
- Visit the SAKI Toolkit: <https://sakitta.org/toolkit/index.cfm>

SAKI National Impact

25 Statewide Sites

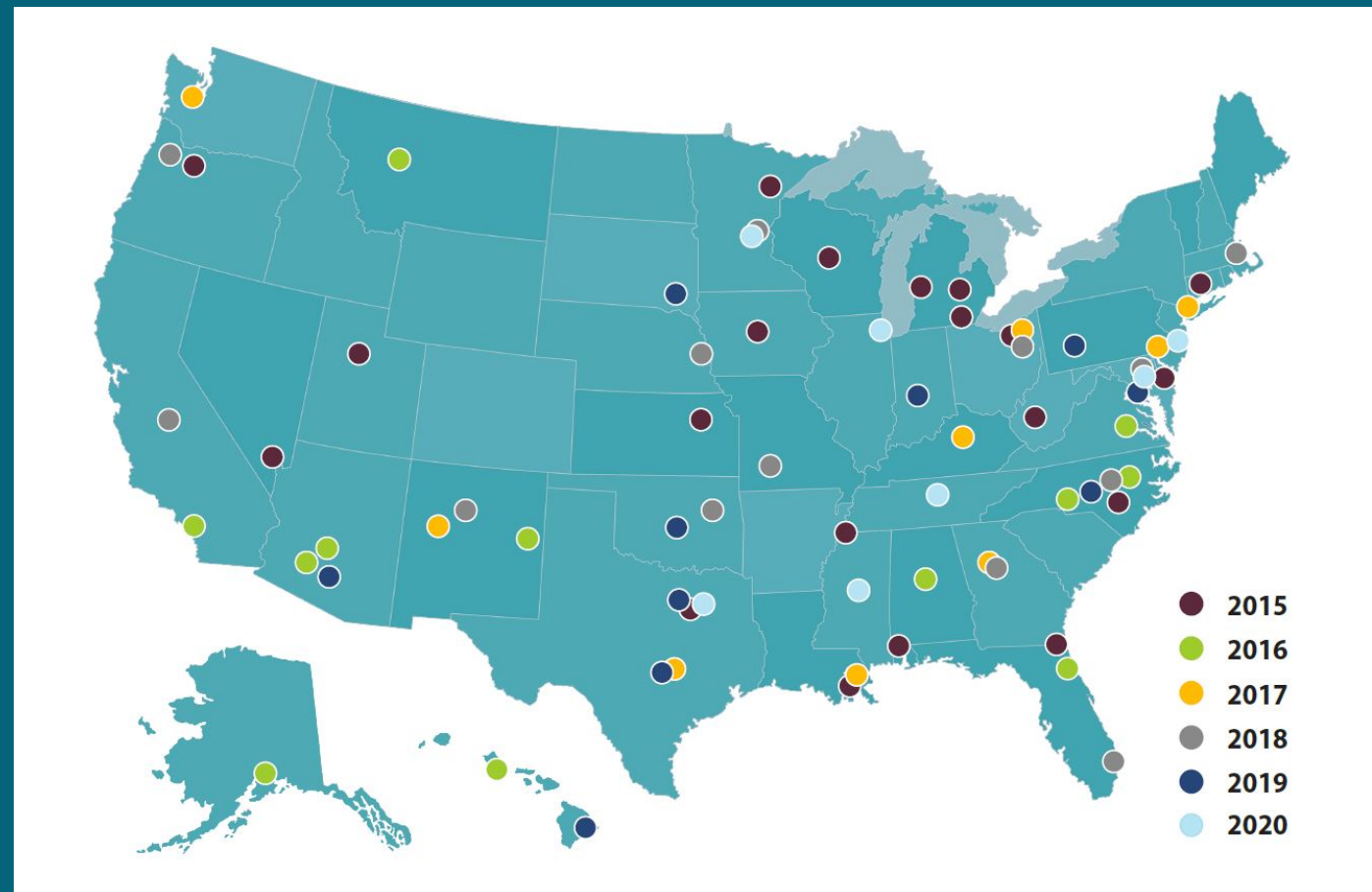
29 Citywide Sites

13 Countywide Sites

3 Multi-County Sites

1 District Site

71 SAKI Sites Supported
plus a National Reach



Investment

SAKI Sites >\$220 Million

SAKI TTA >\$17 Million

SAKI Impact:

State
Legislative
Response
and
Reforms



One-time inventory/audit



Annual/reoccurring inventory



Mandatory kit submission



Tracking of Kits



Mandatory training

Why SAKI Matters

September 2015 to June 2020:

- 130,719 SAKs Inventoried
- 71,491 SAKs Sent for Testing
- 62,151 SAKs Tested to Completion
- 23,465 DNA Profiles Uploaded to CODIS
- 11,021 CODIS Hits (Serial sex offender CODIS hits 1,363)
- 14,226 Investigations
- 1,521 Cases Charged
- 862 Convictions (includes Plea Agreements)

Detroit and Cuyahoga

Detroit: Tested approximately **12,000** previously unsubmitted SAKS.

- About **4 in 10** sexual assault offenders (39%) identified as serial sexual offenders¹
- Both stranger & non-stranger SAKs are valuable to test (**17%** of non-stranger SAKs hit to serial offenders)²

Cuyahoga: Tested approximately **8,000** previously unsubmitted SAKS

- About **4 in 10** sexual assault offenders (38%) identified as serial sexual offenders¹
- Over **one-third** of crimes committed by serial sex assault offenders occurred **after** the sexual assault for which a SAK was collected and shelved¹

1. Serial sexual offenders through forensic DNA evidence. *Psychology of Violence*.

2. Campbell, R., Pierce, S. J., Sharma, D. B., Feeney, H., & Fehler-Cabral, G. (2016). Should rape kit testing be prioritized by victim–offender relationship? Empirical comparison of forensic testing outcomes for stranger and nonstranger sexual assaults. *Criminology & Public Policy*, 15(2), 555-583.

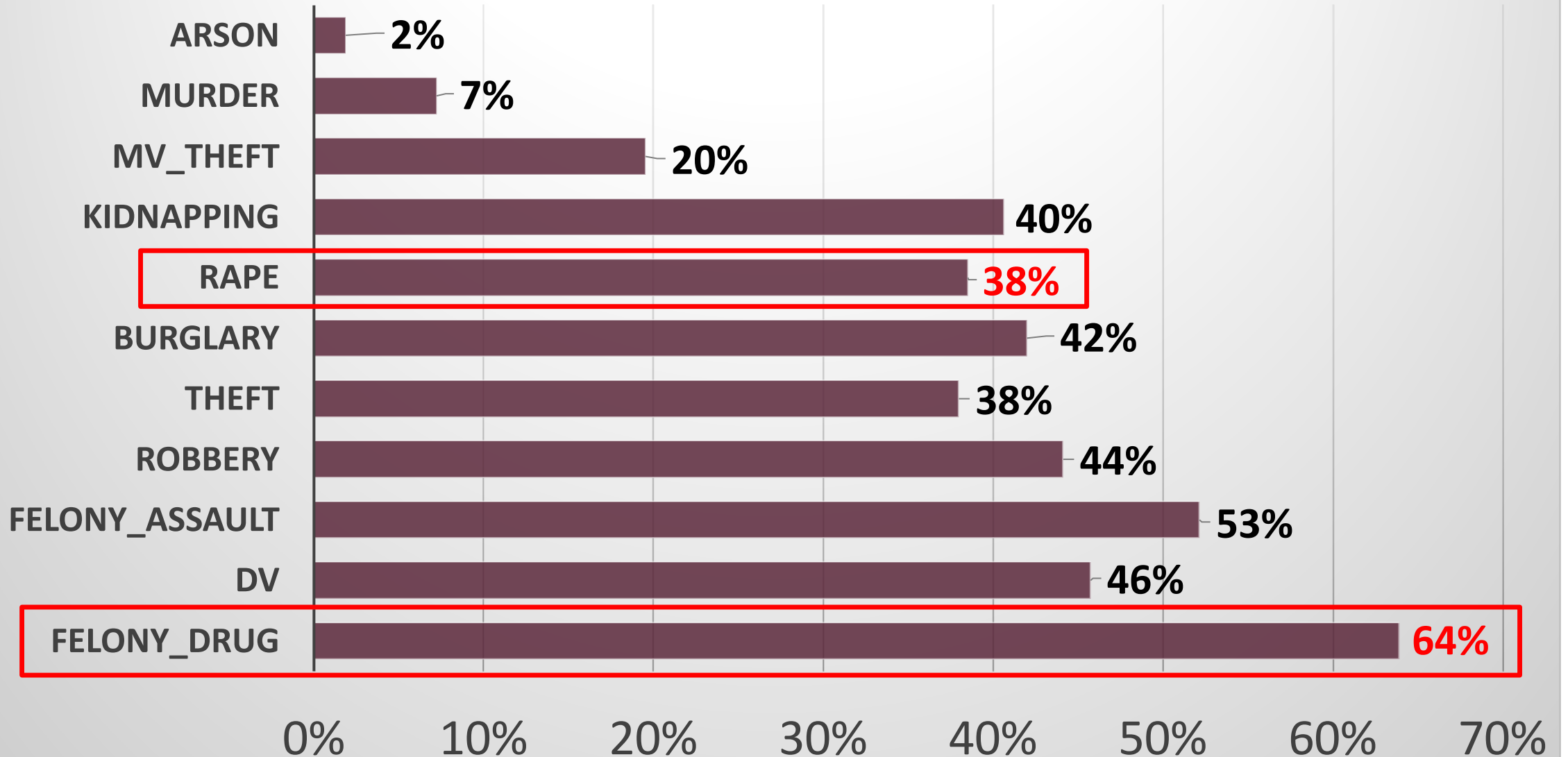
3. Campbell, R., Pierce, S. J., Sharma, D.B., Feeney, H., & Fehler-Cabral, G. (2016). Developing empirically informed policies for sexual assault kit DNA testing: Is it too late to test kits beyond the statute of limitations? *Criminal Justice Policy Review*.

4. Lovell, R., Luminais, M., Flannery, D. J., Overman, L., Huang, D., Walker, T., & Clark, D. R. (2017). Offending patterns for serial sex offenders identified via the DNA testing of previously unsubmitted sexual assault kits. *Journal of Criminal Justice*, 52, 68-78.

SAKI Research

- Serial sexual assault offenders
 - Commit a high volume of crime (e.g., small % of offenders commit most offenses)
 - Are often “generalists” – rape is one of many crimes they commit (e.g., homicide, domestic violence, theft)
 - Are arrested for more crimes (including rape) on average, than non-serial sexual assault offenders
 - Serial sex offender avg: 9.9 arrests
 - Non serial sex offender avg: 6.6 arrests
- Resource: Sexual Assault Response: A Pillar of Law Enforcement Agencies Violent Crime Reduction Strategy
 - <https://sakitta.org/toolkit/index.cfm?fuseaction=tool&tool=143>

Types of Crimes Being Committed by SAKI Rapists



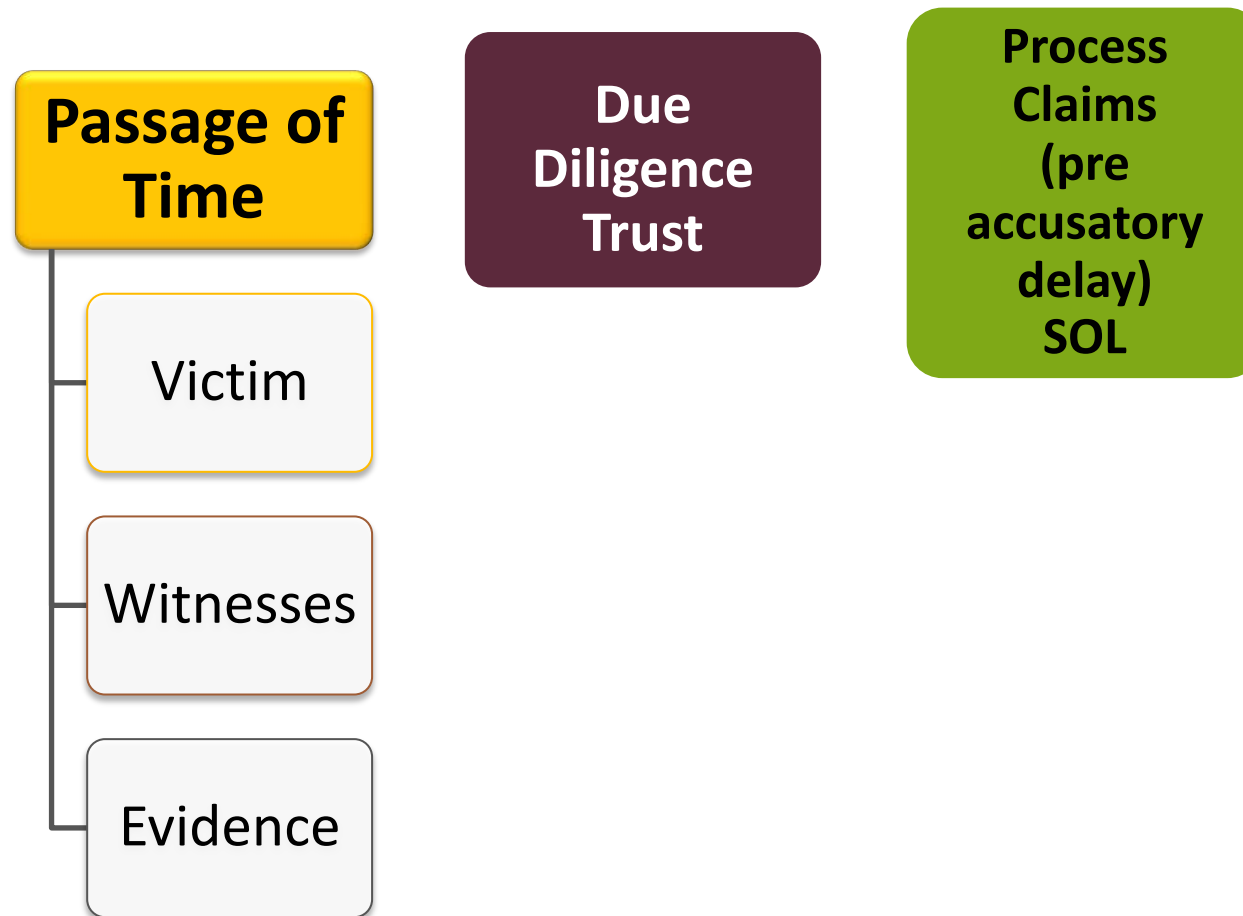
Poll Question 1

Foundations of Investigating Cold Case Sex Crimes

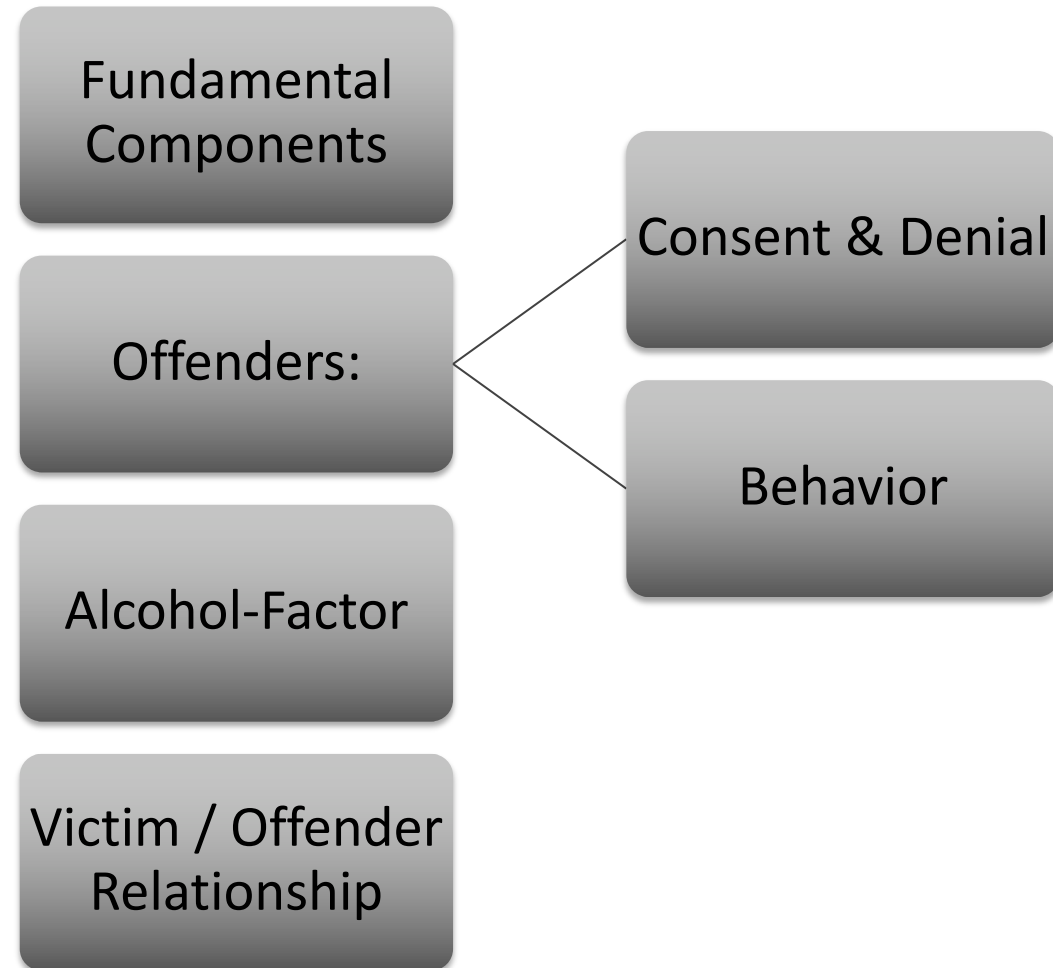
Why Did These Cases Go Cold?

- Science/technology
- Investigative resources
- Leadership
- Experience
- Insufficient training
- Culture of doubt

How are Cold Cases Different?



How are Cold Cases the Same?



Solvability Considerations

Homicide

- No consent issue
- No need to have victim present
- No statute
- Looking for motive/opportunity
- Rule of 30

Sex Crime

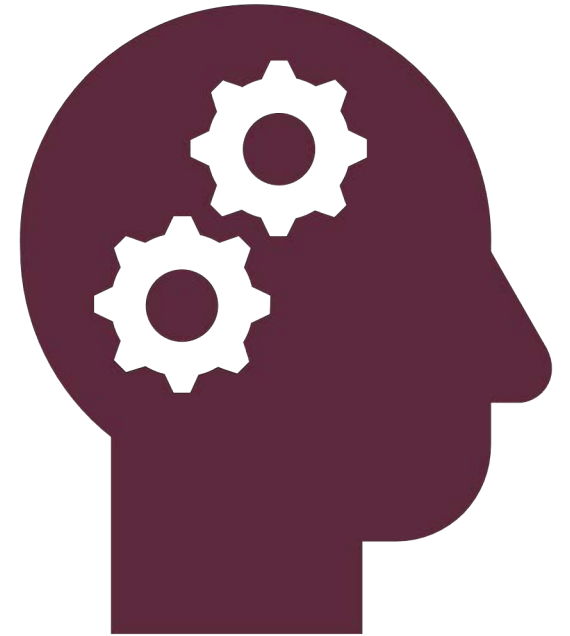
- Consent issue
- Victim engagement/availability
- SAK best evidence
- Statute issues
- Re-investigating “he said / she said”
- Offender identification/motive?

Table 3.10
Significant Factors in Case Clearance, by Site (%)

Significant Factors	District of Columbia (n = 188)	Dallas (n = 113)	Baltimore (n = 127)	Denver (n = 82)
Information from witnesses				
Yes	63	47	61	1
No	37	53	39	99
Information from informants				
Yes	14	6	12	0
No	86	94	88	100
DNA match				
Yes	3	9	10	75
No	97	91	90	25
Perpetrator statements				
Yes	2	2	12	0
No	98	98	88	100
Physical evidence				
Yes	13	9	6	1
No	87	91	94	99
Link to other crime				
Yes	11	2	0	0
No	89	98	100	100

Fundamental Considerations

- Is the case viable?
 - Statute
 - Victim/suspect deceased
- Original case was cleared/closed/unfounded?
- Is the suspect previously known?
 - Consensual challenge
- Is there a clear evidence chain?
- Is the community at risk? (threat assessment)



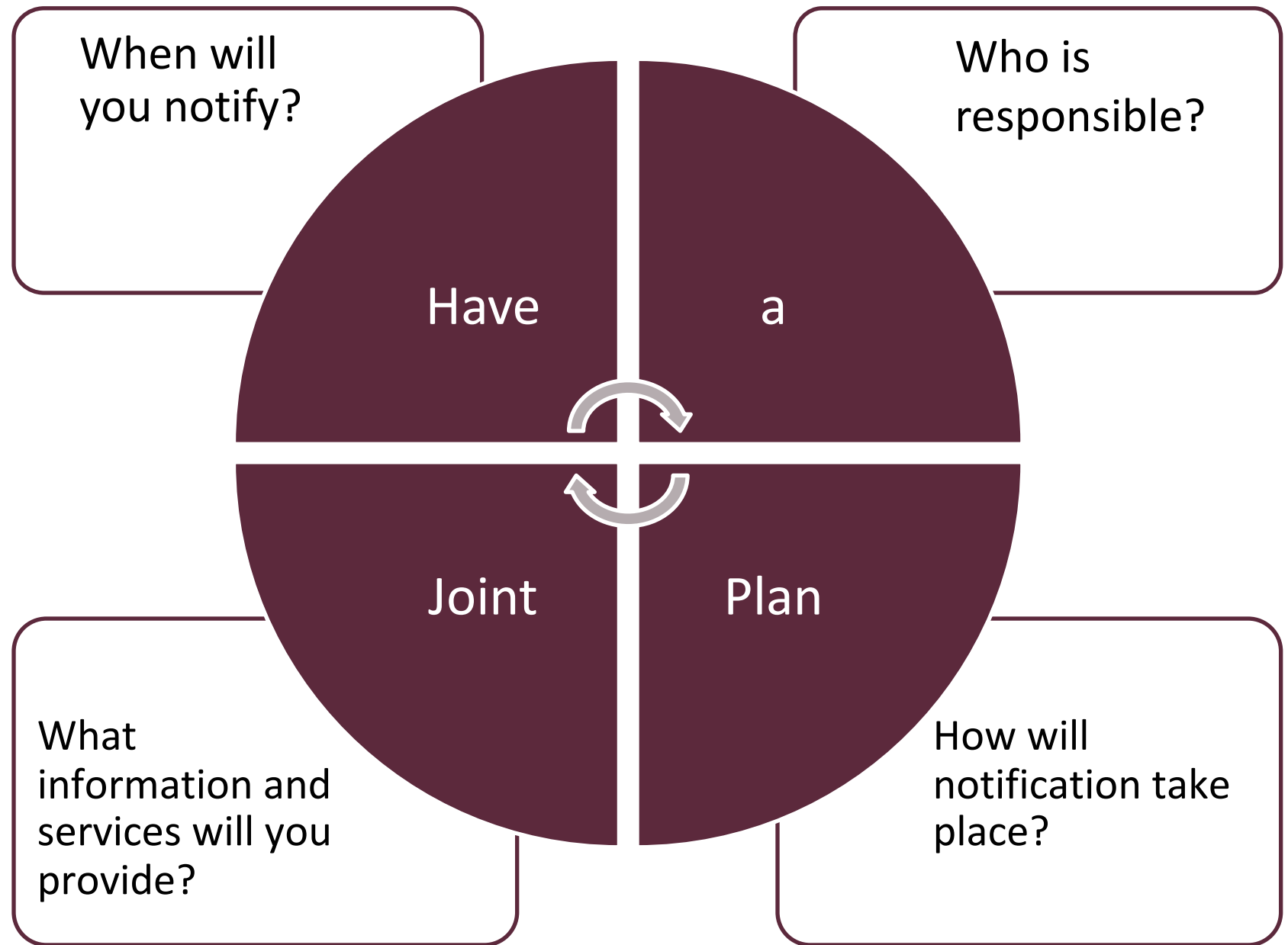
Victim Engagement

Poll Question 2

Victim Contact and Engagement

- Previous and on-going trauma
- Reactivation of the assault memories
 - A “cold case” *feels like* a current case. So be prepared
- Have a contact/notification plan-utilize advocacy (<https://www.sakitta.org/toolkit/index.cfm>)
- Conduct victim research*
- **Interviewing considerations**
- Continued system support

Victim Notification



How Will Trauma Impact the Case

- Understanding current and future trauma
- Ability to stay engaged/relapses/substance abuse
- Desire to move the case
- Trust in the system and you
- Safety



Victim Re-Interview Considerations



- Considerations:
 - Confirming the previous facts
 - Obtaining additional information
 - Offender identification
 - Clarifying information
 - Caution: Impeaching the victims' original statement
- Survivor decides the logistics
- Assess V ability to move forward

Victims/suspects are deceased: 11%
Victims declined to participate: 14%
Unable to locate victim: 3%
Statute of limitations: 20%
Memphis 2015

Poll Question 3

Organizing Your Work and Managing Your Information

Which Ones Do We Investigate/Prioritize?

- Consider
 - Statute of limitations
 - Is there a death of victim or suspect
 - Could the case be related to a serial offender?
 - Was the suspect at time of assault known/unknown?
 - Do you know your laboratory capacity?
 - Is there a community danger?
- **Organize and prioritize case/s-create defensible written practice**
- Implement consistent practices and apply practical tools



Sex Assault Rape Kit Classifications

This document reflects how we categorize incoming kits. Like many law enforcement agencies, we collect more kits than will be tested because the collection of this evidence occurs most often at the beginning of an investigation and the evidence is perishable. We often have only one chance to gather this type of evidence, and know that there are cases that develop that will be enhanced by the collection of this evidence. Having a tiered system to evaluate the incoming cases ensures that the most important kits, i.e. stranger or serial rapes, are analyzed first.

Tier – 1 Stranger – Victim sex assaults, especially serial rapist cases, where the suspect is not known and only DNA analysis will provide the necessary means to identify the suspect.

Tier – 2 Sex assault cases with a pending trial and DNA analysis is required by the prosecutorial team.

Tier – 3 Sex assault cases where evidence of the victim being drugged or in any way incapacitated or incapable of providing consent (i.e. age, vulnerable adult or dependent child)

Tier – 4 Sex assaults where the suspect is known to the victim and suspect denies sexually assaulting the victim. DNA analysis will corroborate the crime or provide exculpatory evidence.

Tier – 5 Sex assault allegations where both victim and suspect stipulate to the sex act but disagree on the degree of consent. Presence of DNA is of limited evidentiary value but SARS examination may corroborate level of force.

Tier – 6 Sex assault cases older than 120-hours, victim has showered, or other instances where victim has delayed reporting the crime making it unlikely DNA can be successfully recovered.

Tier – 7 Victim’s account is inconsistent with physical evidence, witness statements, etc.

Tier-8 Kit has already been tested

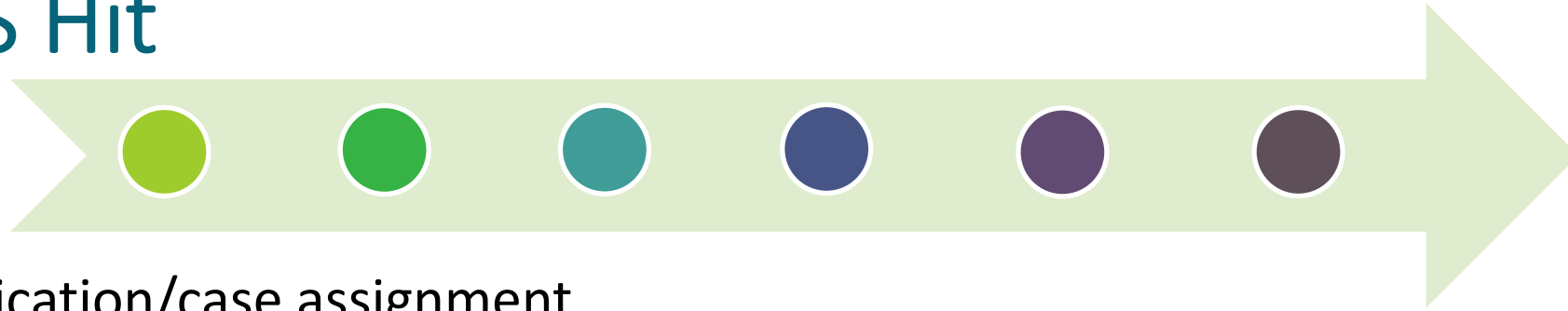
Cold Case Sex Crime Post Match Prioritization

EVALUATION FACTOR	POINTS	SCORE	COMMENTS
In-Custody < 1 Year	10		
In-Custody 1-10 Years	5		
In-Custody > 10 Years	3		
SP Not in Custody	5		
SP Prior Sex Offense/Serial Offender	4		
SP Prior Violent Crime/weapon	4		
<input type="checkbox"/> Victim Located and wants to participate in the investigation and prosecution	4		
<input type="checkbox"/> Reasonable likelihood victim can be located	2		
Consensual Partner Reference Standard Collected and Eliminated	1		
Maximum Possible Score	40		

Investigative Responsibility

- DO NOT WAIT FOR THE LAB
- Gather all available information
- Develop initial case/investigative strategy
- Coordinate case activities
- Archive/manage your information
- Have a strategy

CODIS Hit



- Notification/case assignment
- Case review process
 - Hit
 - Offender
 - Case file
- Strategic plan/team review
- Victim engagement
- Offender contact
- Case organization/review
- Court preparation

Process Flow

Organize Your File

Common Case File Documents



- Police reports
- Investigator's reports
- SANE report
- Victim/witness statements
- Suspect interview
- Photos and diagrams related to the crime scene
- Testing documentation (testing type and results, laboratory information)

The Three P's

People

Paper

Property



Persons
Associated

Case
Documentation

Case
Evidence

People

- Victims/s
- Witnesses
- Suspect/s
- Medical
- Leads
- POI

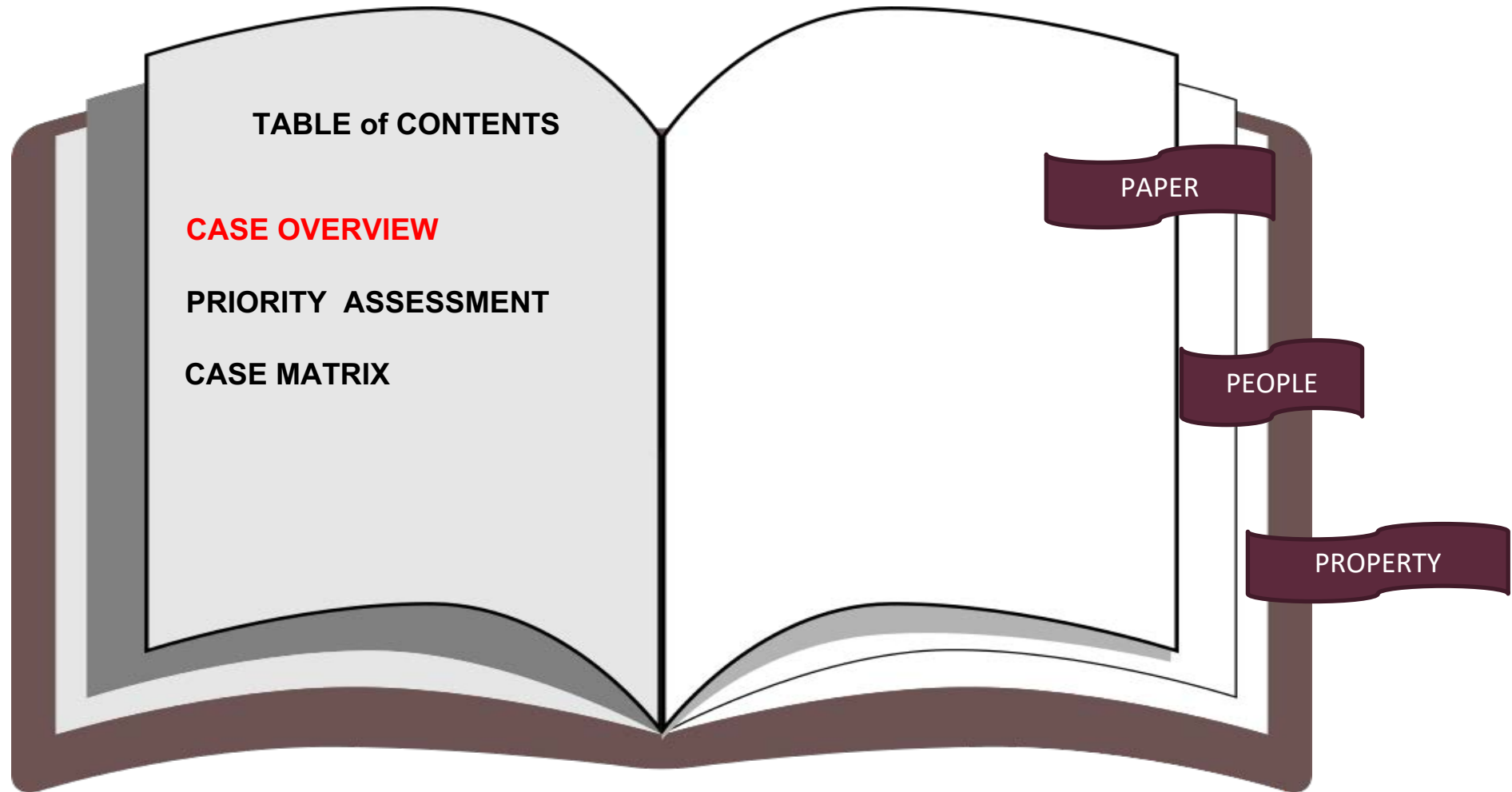
Paper

- Reports
- Supplements
- Follow up conducted
- Warrants
- Medical records
- Prosecutors notes
- Crime analysis/research

Property

- SAK
- Scene items (status)
- Recordings
- Photographs

Pre-CODIS Hit Casebook



Post-CODIS

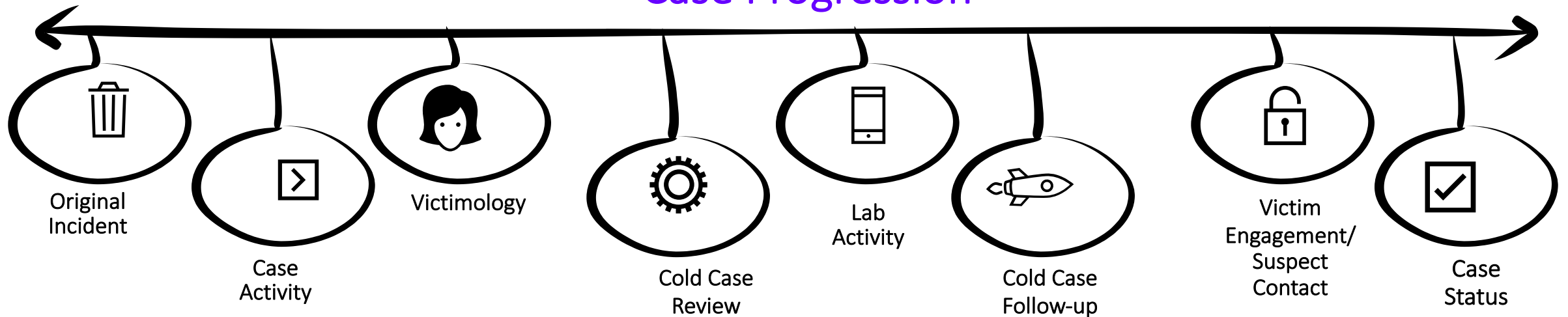
- “Hit Book”
 - Create a standard practice/procedure
 - Categorize and log cases and relevant information
 - Sections: 1-all reports, 2-suspects, 3-witnesses, 4-evidence, 5-Hit lab
 - Color code report sections
- Overview/Checklist – quick glance/file face sheet
- Prioritization of cases
 - Create standardized system
 - Consider: Immediate, urgent, needs additional work, hold
- Who has access to case files



Create an Investigative timeline



Case Progression



Support and Search Resources



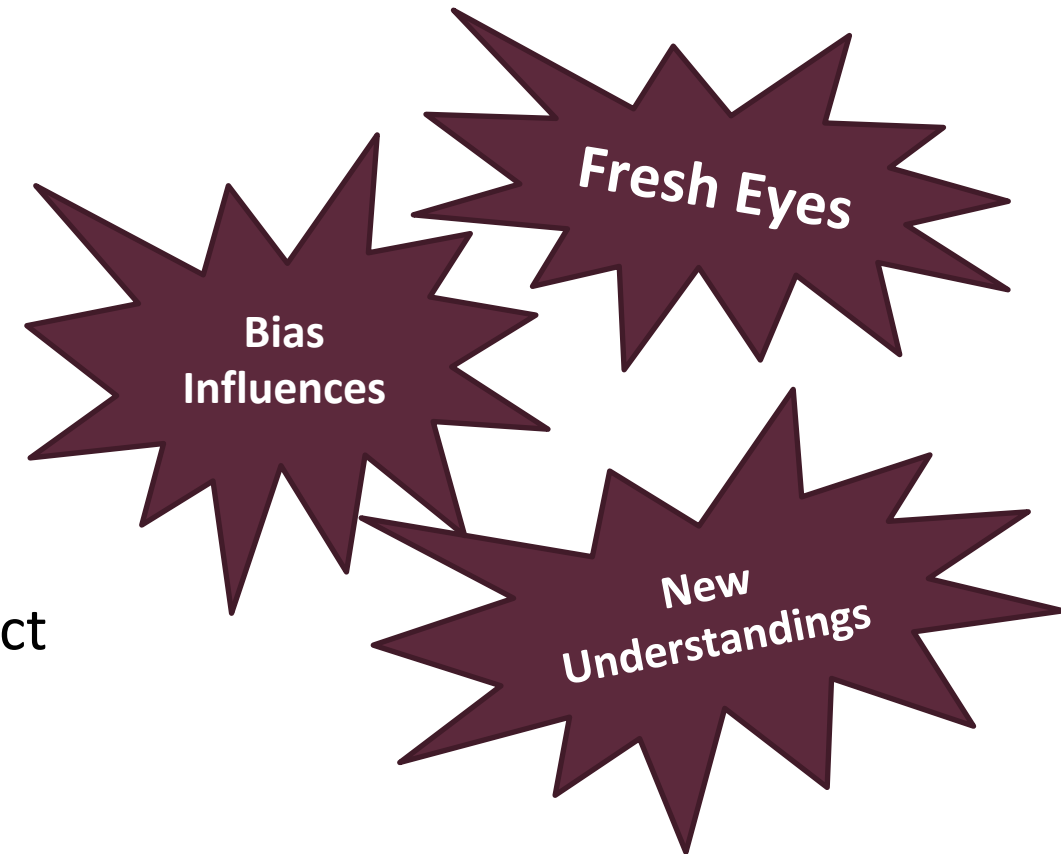
- Applying Crime Analysis to Solve Cold Case Sexual Assaults
 - <https://sakitta.org/toolkit/docs/Applying-Crime-Analysis-to-Solve-Cold-Case-Sexual-Assaults.pdf>
- Leveraging the Violent Criminal Apprehension Program
 - <https://sakitta.org/toolkit/docs/SAKI-Brief-Leveraging-ViCAP.pdf>
- RMS/MVD/CJIS/III/SOR/Utilities/Offline
- Social Media
- County and state
 - DA/DES/ASSESSOR/TREASURER/DOC/CIRU/RMIN
- National/Federal
 - USPS/FBI/ICE/ATF/NCMC/SSA
- Private
 - ACCURINT/INTERSECT/AUTOTRACK
 - Yahoo/PIPL/ZABASEARCH/Anywho
- File stop and RapBack



File Review and Written Report Assessment

Reviewing the Written Report

- Foundational step
- Assess:
 - Type and quality of the investigation
 - Follow up completed/documented/missed
 - Evidence and crime scene
 - Case closure and investigative conclusions
- Assess:
 - Victim contact/interactions/interview
 - Targeted victims/vulnerable victims
- Previous suspect identification/interaction/contact



File Review Standards

- 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
- Crime analysis/research
- Develop strategy

Written Case Evaluation

“...the victims account of the incident is not believable or credible to officers given her actions during and after the encounter with the suspect...”

- Use caution
- Language used
 - Uncooperative
 - Unfounded
 - Unbelievable
 - Previous “opinions”
- Accuracy

“...victim has inconsistencies with her story and has a history of drug abuse...”

Houston Report 2015

- Sample 493 untested SAK's
- 79% of identified suspects were not interviewed
- 82% of cases indicated no crime scene investigation
- 97% report indicated "victim credibility concerns"

Case Closure

I have closed this case as inactive. Case disposition justification as follows:

- [REDACTED] reported that on [REDACTED] 02:55am she was walking on [REDACTED] when an unknown male came out of the bushes with a knife and sexually assaulted her.
- After the assault, instead of walking to [REDACTED] where she lived, [REDACTED] walked for over hours to her sisters' house who took her to the hospital.
- [REDACTED] was not able to provide any type of information that would help identifying the suspect.
- A few hours before the incident [REDACTED] had intercourse with her boyfriend.
- There is no evidence proving the incident occurred and/or leading to the suspect.

... the investigation process. I explained to [redacted] that if a crime occurred it would be investigated. I advised [redacted] prior to the full interview that it was a crime to make a false report to police and she could be charged if the allegation she was making was untrue. [redacted] said that she understood, but still wanted to make the report.

I told her I was giving her 5 min to decide whether she wanted to proceed with prosecution. She told me she was not sure. I then asked her if she was still using crack, and when she said yes, I told her I was closing the investigation because she was uncooperative.

Always Consider

- Applied faulty logic resulted in faulty analysis
- Ethnic, gender, crime stereotypes
- Personal opinions and biases
- Anchor effect: tendency to make judgments based on the first thing we encounter
- Concerns from the past
 - Caseload /workload pressure/policies
 - Training/skills/experience/supervision
 - Past internal cultural climates
 - Agency/political/community influences

Case Review Resources


- Cold Case Investigation Checklist
 - <https://sakitta.org/toolkit/docs/Cold-Case-Sexual-Assault-Investigation-Checklist.pdf>
- Specialized Investigative Skills for Sexual Assault
 - <https://sakitta.org/toolkit/index.cfm?fuseaction=topic&topic=11>

Item	Yes, No, or N/A	Date	Notes
Reports			
Original report*			
All supplemental reports*			
Property tags/invoices*			
Case management log*			
Medical forensic exam report*			
Medical records/hospital reports*			
Original search warrants*			
Search warrant for CODIS hit confirmation sample*			
All case information recorded in tracking system			
Laboratory Reports			
Crime laboratory requests*			
Crime laboratory results*			
Laboratory Information Management System (LIMS) Status Report			
Private laboratory report*			
Latent print reports*			
DNA CODIS hit packet*			
DNA confirmation report*			
Miscellaneous Evidence			
Crime scene photographs*			
Photographs of victim's injuries*			
Crime scene diagrams*			
911 call recordings and transcripts*			
Composites*			
Crime bulletins			

SAKITTA Virtual Academy

Module 01: Applying Investigative Practices for Cold Case File Review | Resources

COLD CASE SEXUAL ASSAULT INVESTIGATIONS



**Confusing or incomplete case file
Older evidence**

Menu Notes

- Module 01
 - Applying Investigative Pr...
 - Introduction
 - Cold Case File Review**
 - Categorizing Case Inform...
 - Cold Case Documentation
 - Cold Case Documentatio...
 - Reviewing Case Documen...
 - Categorizing Documentat...
 - Physical Evidence
 - Exercise 01
 - Securing Physical Evidence
 - Persons Associated with ...
 - Locating Individuals
 - Searching Social Media
 - Voices from the Field
 - Searching for Individuals
 - County and State Agencies
 - Federal and Commercial ...
 - Exercise 02
 - Victim Notification
 - Exercise 03
 - Summary & Knowledge C...
 - Knowledge Check 1

<https://academy.sakitta.org/>

<https://academy.sakitta.org/mod/scorm/player.php?a=9¤torg=&scoid=19&sesskey=TGtEUXBH0o&display=popup&mode=normal>

Crime Scene - Evidence Review and Evaluation



Poll Question 4

Crime Scene/Evidence Evaluation: Secondary Evidence

- Was original scene worked?
- What scene actions were taken?
 - #1: Find any/all pictures
- Was there additional evidence collected?
 - Is it available? What condition?
 - Have there been previous lab analysis?
 - **ORDER** all destruction to **STOP**
- Additional evidence options/testing
- Overall scene analysis

Group discussion (chat box):
How do you prioritize evidence for laboratory submission?

Poll Question 5

CODIS Laboratory Results and Evaluation

- READ **CODIS** lab report
- Identify the “type” of hit
- Evaluate offender (if named)
- Evaluate for immediate actions
- Collect, read, and assess – Repeat
- Does this information move the case?
- On going strategy/steps



SANE Examination: Gathering Intelligence

- SAK – “considered best evidence”
- Medical report
- **READ** and Review report/use expert
- Identify examiner/witnesses
- **Potential concerns/conflicts**
- Chain of custody/collection
- Additional evidence beyond SAK

Patient Name: [REDACTED]		Agency Name: [REDACTED]	
Date Of Examination: 06/21/05		Agency Report #: [REDACTED]	
Injury Log – Use with the body map to document type, size, shape, and color of injuries. If additional space is needed to document injury, copy this sheet prior to use. All measurements should be in centimeters.			
Injury #	Type Code	Description	
1.	A	Red 4.0 cm x 5.0 cm, oval with dried blood present (EXAMPLE)	
1	F/S	Fluorescent area swabbed	
2	CN	2.2 cm x 2.9 cm red	
3	CN	0.2 cm x 2.0 cm red	
4	A	2.3 cm Linear red	
5	A	4.8 cm Linear red	
6	A	1.7 cm x 1.6 cm V-shaped red	
7	A	2.4 cm x 0.3 cm red	
8	A	3.2 cm x 0.2 cm red	
9	A	1.9 cm x 0.3 cm red	
10	A	5.2 cm x 0.2 cm red	
11	CN	11.9 cm x 14.0 cm red/purple	
12	CN	19.8 cm x 17.7 cm red/purple	
13	A	1.8 cm Linear red	
14	A	3.9 cm Linear red	
15	A	2.5 cm x 0.2 cm red	
16	A	1.1 cm x 0.7 cm red	
17	A	1.8 cm Linear red. Located under right breast	
18	A	5.7 cm x 0.2 cm red	
19	A	2.1 cm x 0.2 cm red	
20	A	0.6 cm x 0.2 cm faint red	
21	A	3.4 cm Linear light red	
22	A	1.4 cm x 0.2 cm interrupted, red	
23	A	0.2 cm x 5.6 cm interrupted, red	
24	A	6.7 cm x 0.3 cm red	
25	A	3.5 cm x 0.2 cm light red	
26	A	7.4 cm x 0.2 cm red	
27	A	2.5 cm x 0.3 cm red	
28	A	5.4 cm x 0.3 cm red	
29	CN	1.2 cm x 0.3 light purple	
30	CN	1.0 cm x 0.6 cm red	
31	A	1.4 cm x 0.9 cm light red	
32	A	Pinpoint red outer on aspect of proximal right thumb	
33	CN	0.9 cm x 1.0 cm red	
34	CN	0.3 cm x 0.5 cm red purple	
35	CN	1.1 cm x 1.2 cm red	
Examiner's Signature: <i>KRISTINE A. [REDACTED]</i>		Title: RN	

A	=	Abrasion
B	=	Burn
C	=	Cut
CN	=	Contusion
E	=	Erythema
EC	=	Ecchymosis
F	=	Fluorescent area
L	=	Laceration
O	=	Other
P	=	Petechiae/Purpura
S	=	Swabbed (wet & dry)
SW	=	Stab Wound
T	=	Tear
TN	=	Tenderness

DNA or What Else?

- Comprehensive “re-interview” of victim
- Case linkage:
 - ViCAP
 - Crime Analysis
 - Local: Offender description/activity/patterns
 - Geographical/behavioral links
- **Linkage to non-sexual crimes**
- Photo lineups/witness identification
- Forensic Genealogy – YSTR - Familial

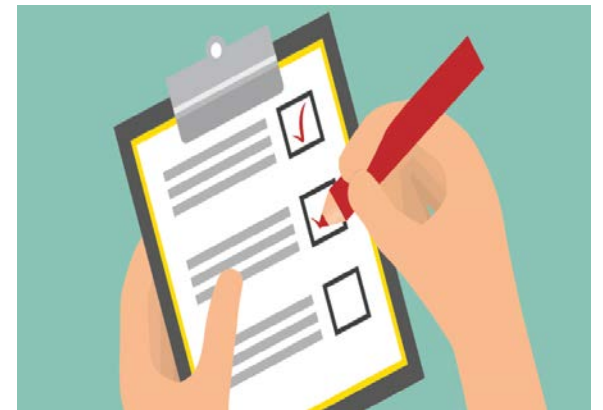
Evidence and Intelligence Potential

Utilize the *chat box* to identify the various pieces of intelligence you could extract from the Smartphone picture



Always Consider

- Consensual partners
- Review any current or previous lab results/extractions
- Previous prosecution case submittals
- Electronic/social media evidence still available
- Search warrants and previous suspects contact/eliminations
- Media management



KEY STEPS: OFFENDER HIT FOLLOW-UP



- 1 Case Review**
Conduct a second case file review
- 2 Crime Analysis**
Conduct a crime analysis; identify linkages to other cases
- 3 Communication**
Discuss options with other investigators and your prosecutor

Backlog 2.0

- Unassigned/uninvestigated CODIS hits
 - Multiple hits/Lack of accountability/Lack of resources
- Establish case assignment process
- Ensure supervisory oversight/review
- Create clear written cold case policy
 - Prioritizing the cases
 - Expected follow up
 - Case closure
- **DO SOMETHING!**

Cold Case Sex Crime
Post Match Prioritization

EVALUATION FACTOR	POINTS	SCORE	COMMENTS
In-Custody < 1 Year	10		
In-Custody 1-10 Years	5		
In-Custody > 10 Years	3		
SP Not in Custody	5		
SP Prior Sex Offense/Serial Offender	4		
SP Prior Violent Crime/weapon	4		
<input type="checkbox"/> Victim Located and wants to participate in the investigation and prosecution	4		
<input type="checkbox"/> Reasonable likelihood victim can be located	2		
Consensual Partner Reference Standard Collected and Eliminated	1		
Maximum Possible Score	40		

One Final Case Re-evaluation

- Is case still viable?
 - Has statute run/offender or victim deceased?
 - What are the challenges? ex; compromised evidence
 - Offender prior bad acts or serving lengthy prison?
 - Have conflicts be resolved?
- Victim availability and participation
- Linked pattern/victim/geographical
- Prosecution consultation
- CAUTION: COGNITIVE BIAS

Offender and Investigative Strategies



Focusing On The Offender

- Use a crime analyst expert
- Violence/crime history
- Any relationship history
- Assault offender behavior
 - Access/Isolation
- Use of alcohol/drugs role
- Who was in control of the assault



Investigate the
finer points

IPV Identifying Signs

Investigate: Power, Control, Coercion

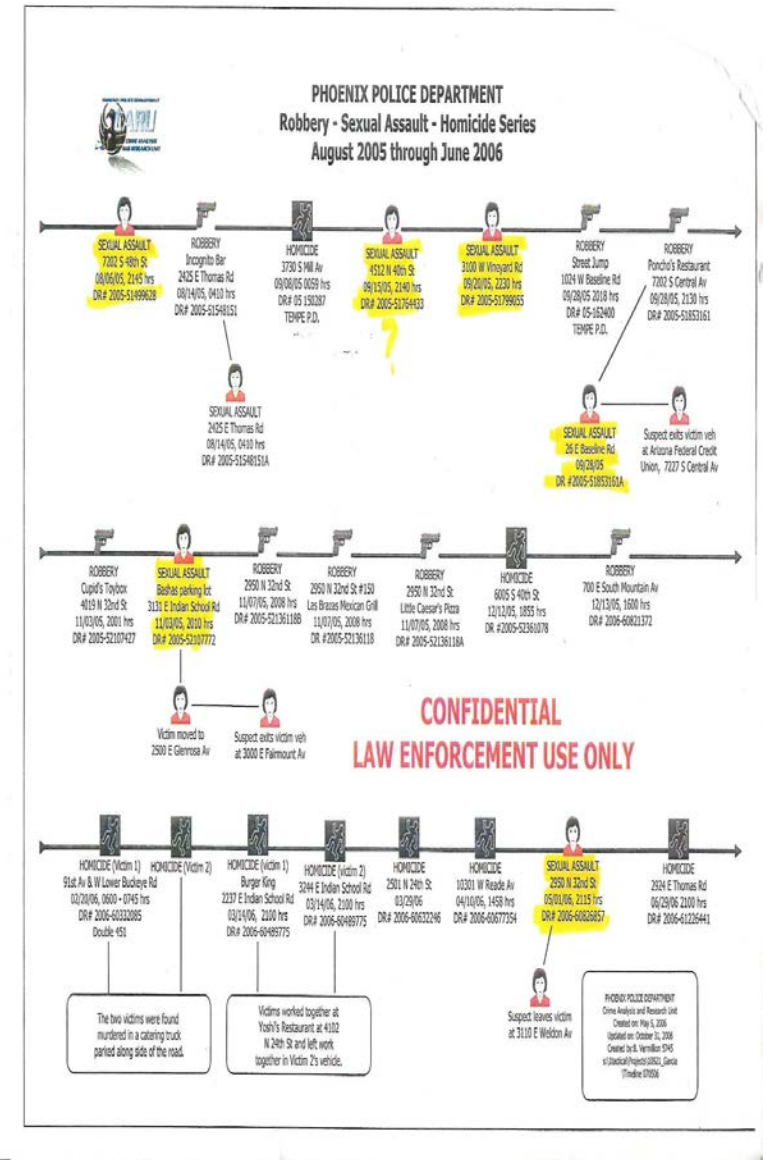
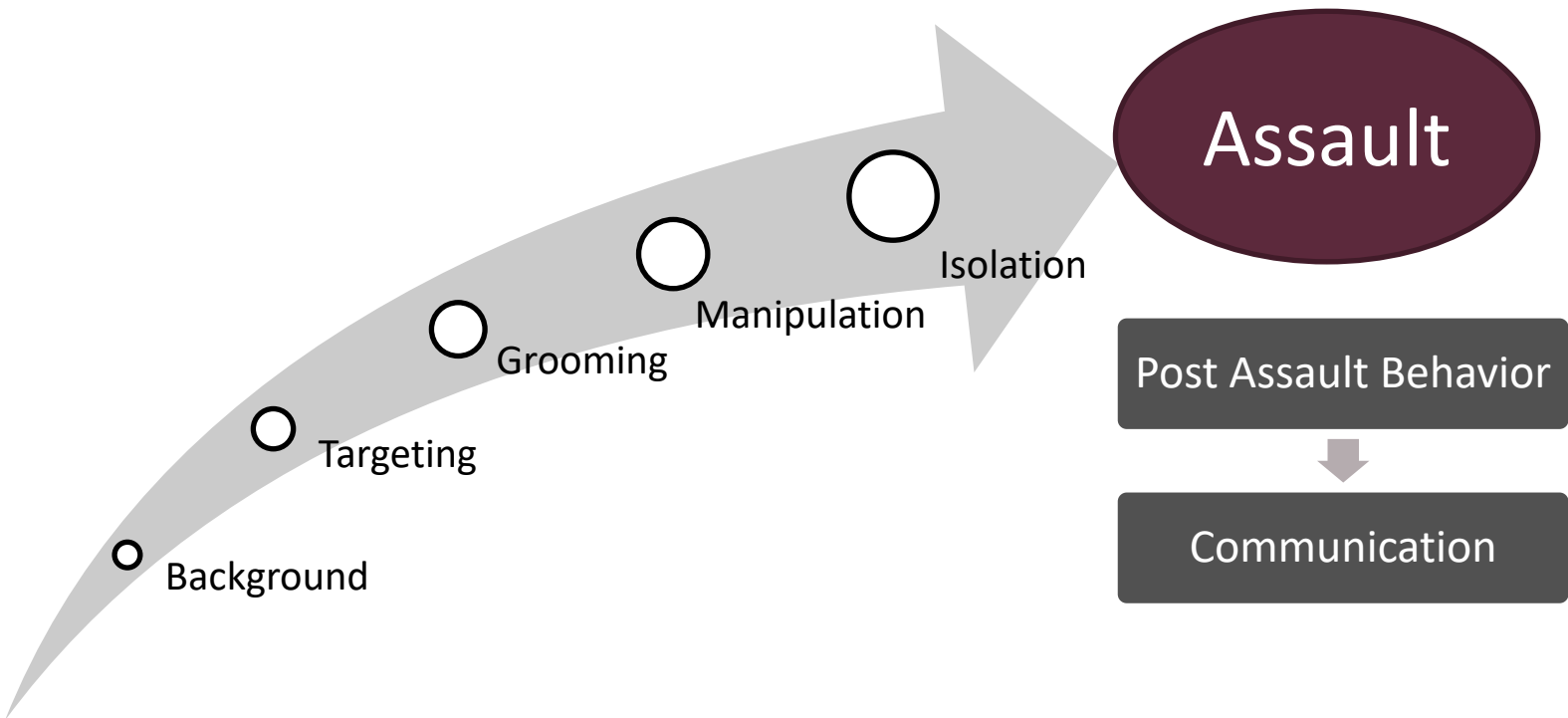
- Is there evidence/history?
- Are there previous assaults?
- Cross-over offenses?
- Are there multiple/serial sexual assaults?
- Is there preparatory or stalking behavior?
- IPV: Are/have there been threats?
- IPV: Protective orders?

DATE	TIME	SERIAL #	OFFICER NAME	INC. #
LOCATION OF OCCURRENCE				PHONE-PRIMARY
LAST NAME			FIRST NAME	M.I.
HOME ADDRESS			WORK INFORMATION	
RACE	SEX	WEIGHT	HEIGHT	EYES
		HAIR	DATE OF BIRTH	SOCIAL SECURITY NUMBER
WHO CALLED/WHY/CHILD PRESENT?				
INJURY CHARACTERISTICS		ACTS-PHYSICAL		ACTS-NONPHYSICAL
1 ABRASIONS	2 BROKEN BONES	3 BROKEN TEETH	4 BRUISES	5 DISCOLORATION
6 ENDANGER FETUS	7 HOSPITALIZATION	8 LACERATION	9 SCRATCHES	10 SWELLING
11 UNCONSCIOUS	1 BITE	2 FORCED/COERCED SEX	3 GRAB/TWIST/BENCH	4 HIT W/OBJECT
	5 HOLD DOWN	6 KICK/STOMP/TRIP	7 KIDNAP	8 PUNCH/PUSH/SLAP
	9 RESTRICT MOVEMENT	10 SEPARATION VIOLENCE	11 STRANGULATION	12 SUFFOCATION
	1 BURGLARY	2 DEMANDS W/ASSOC. THREATS	3 HARASS/TAUNT	4 INTIMIDATION TACTICS
	5 O.P. VIOLATION	6 RESTRICT USE OF PHONE	7 ESCALATION: E.G. RECENT INCREASE IN CONTROL BEHAVIOR	8 SURVEIL/FOLLOW/MONITOR
	9 TERRORIZE: E.G. CHILD/PET AS MECHANISM OF CONTROL	10 THROW OBJECTS	11 VANDALISM	1 INC. DURATION
	2 BEYOND HEAT OF THE MOMENT? Y N U	3 OCCUR IN MORE THAN ONE PLACE? Y N U	4 MULTIPLE ACTS:PHYSICAL OR NONPHYSICAL? Y N U	5 MULTIPLE PLANES OF INJURY? Y N U
	6 CHILD USED FOR EMPHASIS? Y N U			
COURSE-OF-CONDUCT INTERVIEW: Responses identify ongoing patterns of intimidation, isolation, or control - an intentional pattern of action.* The following questions will help us evaluate your situation:				
1. HOW FREQUENTLY AND SERIOUSLY DOES YOUR PARTNER INTIMIDATE YOU OR THREATEN YOU? DESCRIBE.				
2. HOW FREQUENTLY DOES YOUR PARTNER DEMAND YOU DO THINGS AND VERIFY YOU DID THEM? DESCRIBE.				
3. DESCRIBE THE MOST FRIGHTENING OR WORST EVENT INVOLVING YOUR PARTNER.				
4. HAVE YOU EVER MADE IT KNOWN TO YOUR PARTNER THAT YOU WANTED TO LEAVE? HOW DID YOUR PARTNER REACT?				
*INVESTIGATIVE ASSESSMENT: Generally, a group 1 or 2 situation is a man engaging in a course-of-conduct (CC) directed at a woman or family.				
CITY OF PHOENIX POLICE DEPARTMENT				
Intimate Partner Field Investigation 80-579D New 12/09				

Investigative Methodology

- Nature of assault
- KNOWN facts
- Evidence: physical, forensic, circumstantial, psychological
- Timing and investigative sequence
- Defenses*

Review the Case Timeline



Strategy for *Stranger* Rapes (vs Known)

- Physical/forensic evidence-identity
- Nature of assault
 - M.O., approach, location, victimology
- Scene/area canvas
- Intelligence analysis/patterns/related incidents
- Media strategy
- Usual suspects

Strategy for *Non-Stranger* Rape (vs Unknown)

- Relationship evidence
- Offender behavior and tactics
- “Evidence” of victim trauma
- Physical evidence
 - SANE
 - Scene corroboration
- Prepare for consent

The Warm Hit

CODIS: Warm Hit

DNA or other forensic evidence in a “cold case” is matched to an offender who was previously named or a known suspect in the investigation.

Do We Have a Chance?

- Determine investigative options?
- Quality/type of previous investigation
 - Were interviews completed, evidence collected, follow-up completed
- Is there crime linkage
- Are there current victim and suspect relationships
 - Relationship history
- How, when do we contact with victim
- Are there options: Pre-text, confrontation, control call
- Can case be used in other areas?

Poll Question 6

Investigative Considerations: The Control Call

- Prior to offender contact
- Survivor preparations and considerations
- Investigative tool
- Legal issues
- Understand the case dynamics
- Theme or strategy

*Look for future SAKITTA guidance



Suspect Contact and Interview Strategies

Poll Question 7

Origins of Interview Trainings

- Reid – 9 Step
 - Intro, Non threatening, Rapport/trust,
 - Intro evidence, confrontation
- Lie Guy (Stan Walters)
- Wicklander-Zulawski Method
- Nuerolinguistics
- Cognitive Recall
- Conversation Management
- PEACE Model
- Rapport Investment Partnership (RIP)
- Good cop – Bad cop
- HIG-High Value Detainee Interrogation Group



Core Interview Strategies

- **BE PREPARED**
- Create conducive environment
- Employ cognitive approach
- Non confrontational
- Strategic use of evidence
- Seek the truth
- Gather intelligence
- Lying and the “cognitive load”
- Approaches:
Projection/Minimization
/Rationalization

Rules of Engagement: Constitutional Protection

4th Amendment

- Custody-reasonable suspicion/probable cause
- Unlawful seizure

5th Amendment

- Incrimination (Miranda)

6th Amendment

- Right to Attorney at formal proceedings

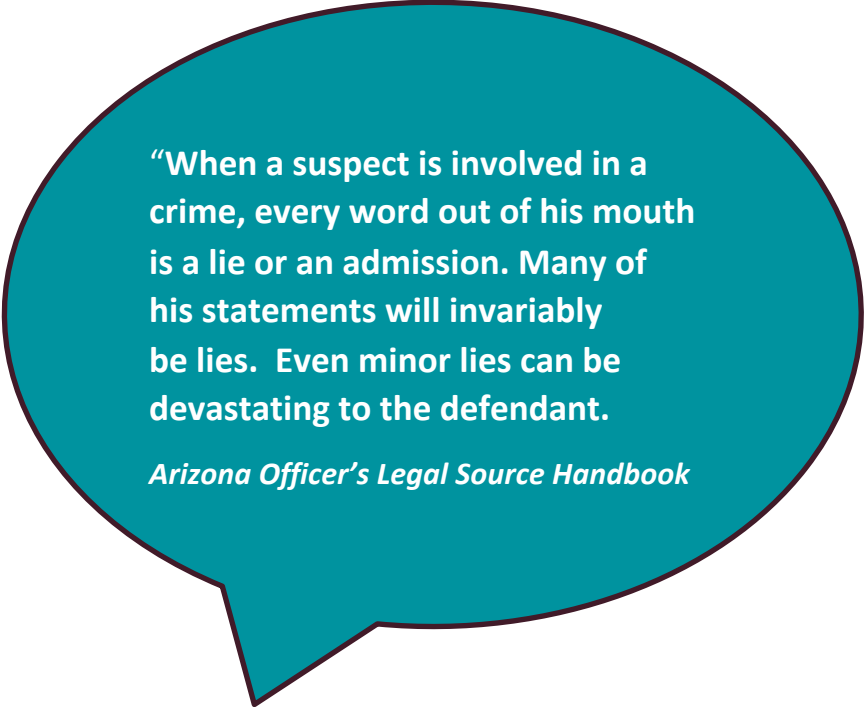
14th Amendment

- Due process-voluntariness



Approach Considerations

- Themes
- Legal props
- Strategic use of evidence
- DNA confirmation sample



“When a suspect is involved in a crime, every word out of his mouth is a lie or an admission. Many of his statements will invariably be lies. Even minor lies can be devastating to the defendant.

Arizona Officer's Legal Source Handbook

Suspect Options

- Denial (w/DNA)
- Memory loss (w/DNA)
- Consent
- Some other dude did it
- Interviewer avoidance
 - Suggesting consent
 - Impeaching your witness
 - Victim blaming
 - Hard terminology
 - Threats/promises/force

Suspect: It Was Consent

- Have you faced this?
- What are some strategies?
- Be prepared
 - Thorough investigation
 - Was there a relationship?

For the suspect:

- Obtain narrative details
- Describe relationship
- Knowledge of person
- Details of “consent act”
- Who were friends

For the detective

- Corroboration
- Do you have evidence contradicting this?

Addressing the Consent Issue

- Identify and interview witnesses
- Suspect statements
- Obtain any medical records
- Review crime scene (if available)
- Electronic/social media records
- Polygraph (suspect)

Sex Crime Evidence Kit

INSTRUCTIONS TO THE INVESTIGATING OFFICER:

1. Fill in information below not completed by Purchaser or SANE. Also complete a Laboratory Analysis Request Form.
2. If clothing not collected and packaged for Medical Forensic examination. Collect and place the patient's ASH-CRISTO garments that may contain evidence (especially underwear) in separate clear plastic bags, seal and label for submission to the Crime Laboratory.
3. To obtain the best results from an evaluation of this evidence, a brief summary of the alleged incident **MUST** be submitted with the evidence and the Laboratory Analysis Request Form.

EXAMINING PHYSICIAN OR SANE, COMPLETE THE FOLLOWING:

AGENCY: **000000** CITY: **000000** COUNTY: **Maricopa** AGENCY REPORT NUMBER: **000000**
INVESTIGATING OFFICER: LAST: **000000** FIRST: **000000** "MIDDLE" INITIAL: **000000** (Check box) DATE OF EXAM: **11/04/02**
 Home None

DATE OF ASSAULT: (month/day) **06/20/08** DATE OF EXAM: (month/day) **06/21/08**
TIME OF ASSAULT: (24 hour clock) **2300** TIME OF EXAM: (24 hour clock) **0715**

FACILITY WHERE EXAM PERFORMED:
Facility: **Family Advisory Center** City: **Phoenix** County: **Maricopa**
INVESTIGATING OFFICER: LAST NAME: **000000** FIRST NAME: **0000** ID #: **0000**

EVIDENCE COLLECTION AND SEALING: TO BE COMPLETED BY EXAMINING PHYSICIAN OR SANE

CHECK ALL ITEMS THAT ARE COLLECTED:

Step	Item	Collected	List Clothing Collected	
<input type="checkbox"/>	Step 1 - Define Collection procedure	<input type="checkbox"/>	Step 1 - Anal Swabs	Test Kit
<input type="checkbox"/>	Step 2 - Oral Swabs	<input type="checkbox"/>	Step 2 - Public Hair Combs	Swab
<input type="checkbox"/>	Step 3 - Buccal Swabs	<input type="checkbox"/>	Step 3 - External Genital Swabs	Swab
<input type="checkbox"/>	Step 4 - Distal Secretions (skin)	<input type="checkbox"/>	Step 4 - Vaginal Swabs	Change Sheet
<input type="checkbox"/>	Step 5 - Distal Secretions (hair)	<input type="checkbox"/>	Step 5 - Vaginal Aspirate	
<input type="checkbox"/>	Step 6 - Urine (if available)	<input type="checkbox"/>	Step 6 - Urine	<input type="checkbox"/> Urine collected if indicated
<input type="checkbox"/>	Step 7 - Underwear (if available)	<input type="checkbox"/>	Step 7 - Underwear (if available)	

1. NOTE: Specimen label applies to the Swab Collection Tube ONLY. If applied, REPLACE with the same type of tube from hospital stock.

2. Refer to the enclosed envelope for "STEP-BY-STEP" INSTRUCTIONS. Color of indicator ALL SWABS MUST BE DRIED IMMEDIATELY AFTER COLLECTION. Preferred method for drying is using a weak drying heat or air to complete process.

3. Envelope Sealing Instructions: DO NOT BROKEN FLAPS TO SEAL. Place samples in appropriate envelope. Seal each individual envelope with clear packing tape OR HOSPITAL LABEL that matches those WITH SPECIFIC SEALING INSTRUCTIONS ON ADDRESS, PUBLIC MARK, AND BLOOD ENVELOPES. Place samples in appropriate envelope. Seal each individual envelope with clear packing tape OR HOSPITAL LABEL that matches those WITH SPECIFIC SEALING INSTRUCTIONS ON ADDRESS, PUBLIC MARK, AND BLOOD ENVELOPES.

4. FILL-BLOOD SAMPLE: In a separate sealed envelope and REFRIGERATE or FREEZE (as required by agency). (Do not seal inside kit.) If URINE collected, put in a separate sealed envelope and REFRIGERATE or FREEZE (as required by agency). (Do not seal inside kit.)

5. Place all specimens (except blood and urine) including the original envelope into double pouches bag, along with the completed original copy of report and kit. All bags should be sealed or tied. Seal with clear packing tape. Place initials, date and time sealed on each seal area. Place the completed date of custody form in the outside pouch.

6. REFRIGERATE or FREEZE clothing and kit.

CHAIN OF CUSTODY:

INDEX NAME	TO NAME	DATE	TIME
Karyn Raabe RN	FAC REPRESENTATIVE	06/21/08	1155

Kit used as intact prior to use: **000000** Initials: **000000**

Swabs dried on 06/21/08 at 0945 by Karyn Raabe RN at **Franklin County**

Kit sealed on 06/21/08 at 1155 by Karyn Raabe RN

Distribution: Crime Lab, Law Enforcement, Evidence/Quality **COPY** Chain of Custody

One Cold Case Paradigm Shift

- Push hard for confession



- Obtain denial and stop

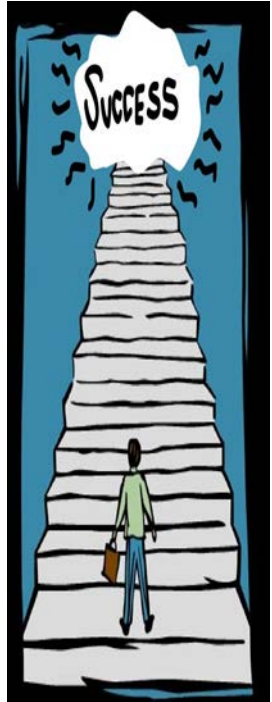


Presenting Evidence

- What do you have?
- What does the Sp think you have?
- DNA presentation
- Introduction of other “stuff”

...Do We Have a Second Chance?

- Accept what previously happened in the investigation
- Opportunity to engage and support survivors
- Internally assess and implement positive changes and policies
- Identify critical resources and ensure they are in place
- Renew partnerships & cultivate trust with the community
- Put a bad guy in jail
- Sometimes history does not have to repeat itself



Contact Information

Jim Markey

Senior Law Enforcement Specialist

RTI International

(919) 541-8878

jmarkey@rti.org



The SAKI TTA Team

Helpdesk: sakitta@rti.org

Hotline: 1-800-957-6436

Website: <http://sakitta.org>



[Like our page](#)



[Follow the conversation](#)



[Watch and subscribe](#)