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The Evolution of Cold Case Investigations:

An Overview of the Jacksonville Site Investigative Process



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Training Goals

- Provide background information about the Jacksonville site
- Discuss how inventory and submissions affect the investigative process
- Outline the initial investigative challenges
- Discuss how the investigative challenges were overcome
- Offer a case study of a successful cold case investigation
- Address future investigative concerns

Background Information





- Jacksonville is the largest city (land area) in the continental United States (840 square miles)
- The city-county consolidation of governments was formed in 1968 (“Duval”)
- Jacksonville has a population of over 880,000, which also includes a high homeless population
- Duval county has the highest rate of violent crime in Florida (murder, sexual assaults, robbery, etc.)



- In 2014, a multidisciplinary team was created to explore the problem of un-submitted Sexual Assault Kits (SAK) in Duval County, Florida
- Through this research approximately 1,700 un-submitted SAK were discovered at the Jacksonville Sheriff's Office Property & Evidence Facility
- In 2015, the State Attorney's Office was provided with funding through the Sexual Assault Kit Initiative (SAKI) to address this backlog
- Additional funds were also obtained by the Florida Department of Law Enforcement through the DANY grant for testing of the SAKs



- In 2016, the Jacksonville Sheriff's Office was also awarded funding via SAKI to focus on the evidence component (storage renovations, evidence tracking, etc.) as well as the investigative component (training, overtime, travel, crime analysis, etc.)
- A “forklift approach” was used whereby every identified un-submitted SAK was submitted for processing, at a rate of approximately 120 SAK per month
- This submission process took over a year, and naturally created investigative challenges

Investigative Challenges & Solutions



Challenges

Mandatory Notification

Survivor Whereabouts

Survivor Longevity

Case Chronology

Staffing

Investigative Variance

Solutions

Selective Notification

Crime Analysis

Community Based Advocacy

Case Prioritization

Overtime & Shift Adjustments

Unit Protocols

Case Study

Frederick Marshall

- In March 2009, the victim was approached by an unknown individual driving a burgundy car (tan roof); the suspect offered her transportation, which she accepted
- The suspect subsequently presented a grey semiautomatic firearm, and forced sexual intercourse
- At that time, the case was assigned, but later suspended after the detective was unable to locate or contact the victim (SAK not submitted)
- In 2016, the SAK was selected for processing through the SAKI project and resulted in a CODIS hit to Frederick Marshall





- Research into Marshall's history revealed he was incarcerated in prison since 2009, for driving offenses and weapons violations
- Further research into this arrest revealed during a “routine” traffic stop, in the same area the victim was assaulted, the suspect was driving a burgundy and tan Chrysler Sebring. The suspect took flight, but was apprehended shortly thereafter and found to be in possession of a grey semiautomatic pistol
- Where is the firearm?



- Staff with the Jacksonville Sheriff's Office Property & Evidence Facility reported to the lead investigator that the firearm had since been purged
- The tenacious lead detective continued his investigation and discovered, prior to its purging, the firearm had been photographed



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New DNA tests prompt arrest of serial rape suspect

Frederick Marshall charged in 3 more Jacksonville sexual assaults

By Corley Peel - Reporter, Frank Powers - Assignment manager

Posted: 7:21 PM, March 19, 2018
Updated: 10:53 PM, March 19, 2018

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JACKSONVILLE, Fla. - As a result of new DNA tests, a convicted rapist is now charged in three more sexual assaults that occurred in Jacksonville from 2008 to 2009.

Frederick Marshall, 50, was in prison for a felony motor vehicle offense and was set to be released in December, but the Jacksonville Sheriff's Office put a detainer on him.

Marshall was brought to JSO from prison last week and charged in the three old cases, which were among the backlogged rape kits waiting to be analyzed.

Serial rape suspect timeline

July 24, 1988: First woman kidnapped and raped.

Sept. 5, 1989: Marshall sentenced to 15 years in prison.

May 1, 1996: Marshall released after serving 6.5 years.

June 30, 2008: Second woman kidnapped and raped.

March 6, 2009: Third woman kidnapped and raped.

Aug. 17, 2009: Fourth woman kidnapped and raped.

Nov. 21, 2009: Marshall arrested on felony motor vehicle offense.

Aug. 10, 2010: Marshall sentenced to 10 years in prison, scheduled for release on Dec. 18, 2018.

March 30, 2015: Rape kit from 2008 results match Marshall's DNA, arrest affidavit says.

April 28, 2017: First rape kit from 2009 results match Marshall's DNA, affidavit says.

Sept. 7, 2017: Second rape kit from 2009 results match Marshall's DNA, affidavit says.

Oct. 17, 2017: JSO places a hold on Marshall with the Florida Department of Corrections to ensure he won't be released.

March 13, 2018: Marshall is brought to JSO from prison, charged with the three rapes in 2008-2009.

One case involved the kidnap and rape of a woman in 2008. According to an arrest report, the woman accepted a ride from Marshall, and he raped her at gunpoint in a vacant home.

The other case was in 2009 when another woman accepted a ride from Marshall, and he took her downtown, where he raped her, according to another arrest report.

In August 2009, an arrest report states, Marshall asked a woman if she needed a ride and when she declined, he pointed a gun at her and ordered her into the car. The arrest report said he then drove her to a house on Lee Street, where he raped her.

The rape kit was processed in April 2017, as the result of a grant from the U.S. Department of Justice to cut through the backlog of rape kits.

"When there are those kinds of corroborating pieces of evidence to go with the DNA, it makes for a very powerful case," said former prosecutor Rick Alexander.

Alexander told News4Jax on Monday that lack of funding is the reason why so many rape kits go untested.

"The biggest backlog tends to be at the testing facilities because they just don't have the manpower and all the testing that they need to do," he said. "There are approximately 200,000 to 400,000. They don't actually know how many untested rape kits there are in America."

Marshall was previously convicted in a 1988 kidnapping and rape. He served seven years in prison.

Alexander said it's common for rape suspects to go back to raping women once they're out of jail. He said that's why the kits are so important because, once they are tested, they can help keep rape suspects behind bars.

- Marshall was interviewed, made implicating denial statements, and was subsequently linked to four separate sexual assaults with a similar modus operandi
- Prior to his scheduled release from prison, Marshall was extradited back to Duval County, Florida, where he awaits trial for these sexual assaults

Other Issues with the case

- Locating the survivor
- Building rapport with the survivor
- Building trust and confidence in the system again

Lessons Learned

- The significance of building rapport with the survivors (longevity)
- The value of recruitment and selection to the cold case team
- The important of thorough background research in every case
- Using interview tactics to avoid the consensual defense
- The commitment to not repeat our history:

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 - The importance of personnel section, supervision, and case management
 - The danger of suspending cases without survivor contact
 - Mandatory submission of all Sexual Assault Kits (tracking system)

Results

- All previously un-submitted SAK have been processed
- 732 CODIS entries & 411 CODIS matches
- Cases resulting in CODIS matches have been prioritized (nature of the offense, suspect whereabouts, legal restrictions on prosecution) and investigations are underway
- New CODIS hits are constantly received and investigated

JACKSONVILLE
Rape kit leads to arrest in 2006 case
Frank Hampton, of Jacksonville, being held on \$750,000 bond
By Bethany Tucker - Executive producer, Frank Powers - Assignment manager
Posted: 9:45 PM, November 02, 2017
Updated: 9:45 PM, November 02, 2017
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JACKSONVILLE
I-TEAM: Sex offender charged in 2006 Jacksonville rape
Mikel McClusky, 48, released from prison just days before arrest
By Tank Miller - Anchor, I-TEAM reporter, Frank Powers - Assignment manager
Posted: 12:17 PM, March 29, 2018
Updated: 5:49 PM, March 29, 2018
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JACKSONVILLE
New DNA tests prompt arrest of serial rape suspect
Frederick Marshall charged in 3 more Jacksonville sexual assaults
By Corley Reed - Reporter, Frank Powers - Assignment manager
Posted: 7:22 PM, March 19, 2018
Updated: 11:03 PM, March 19, 2018
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JACKSONVILLE
Jacksonville man found guilty of 3 counts of sexual battery
Posted: 5:46 PM, October 13, 2017
Updated: 5:46 PM, October 13, 2017
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What's Next?

and then there is the other evidence...

- Look past the SAK
- Local efforts are underway to inventory un-submitted “peripheral evidence” associated with prior sexual assaults (undergarments, clothing, touch DNA, etc.)

Questions?



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