

Conducting Sexual Assault Investigations: Key Considerations and Recommendations

The information in this brief applies to cold case sexual assaults as well as current case sexual assaults. Mentions of sexual assault apply to both types of sexual assault cases.

Effective investigative practices in sexual assault are foundational to improving an agency's response to sexual assault, responding to sexual assault legislation successfully, improving public safety, and fostering community trust. This document highlights key considerations and recommendations for sexual assault investigations that are easily implemented into sexual assault unit policy.

Preparing for Sexual Assault Investigations

As a jurisdiction responds to an increase in sexual assault cases—as a result of increased victim reporting, responding to legislation that requires the submission and testing of all sexual assault kits (SAKs), or implementation of measures to reduce sexual violence in the community—law enforcement agencies will face an increased workload as Combined DNA Index System (CODIS) hits come in from the tested SAKs. DNA samples will lead to both case-to-case hits and suspect identification. Planning around CODIS hit follow-up is key to investigating these cases effectively. Law enforcement agencies will need to develop a plan to allocate available resources for these cases:

- ◆ Ensure that adequate personnel and support services are established.
- ◆ Consider having communication protocols (e.g., email alerts) in place for the assignment, follow-up, and oversight of CODIS hits.

This will help ensure resources are in place for subsequent investigations and prosecutions.

Establish Personnel Standards

- ◆ Has core knowledge, skills, and abilities
- ◆ Has experience in sexual assault/major cases/cold cases
- ◆ Is self-motivated and a team player
- ◆ Has an understanding of DNA forensics
- ◆ Understands the dynamics of rape

Case Prioritization

When working through a large volume of sexual assault cases, you may need to develop a prioritization tool for investigation. Suggested prioritization factors include the following:

- ◆ Statute of limitations deadline
- ◆ Witness and victim availability
- ◆ New or substantial evidence available or testable

These prioritization factors have been used in other jurisdictions, although not enough research exists to determine their effectiveness. Cases also may need to be prioritized after CODIS hits, including cases that require immediate action because of community safety or offender status. Therefore, it may be helpful to identify those cases that are urgent because of an imminent public safety threat, that may need additional investigative work, and that can be put on hold (e.g., offender is already incarcerated).

For more information about case prioritization, view the [Introduction to Investigation of Cold Case Sexual Assaults webinar](#). Although this webinar has a cold case focus, the primary objectives support current cases as well. For the best webinar viewing experience, please use the preferred browser based on your computer platform. The preferred browser for personal computers (PCs) is Internet Explorer; the preferred browser for Macs is Chrome.

Assigning Cases

Establishing accountability for these CODIS cases is critical. U.S. law enforcement agencies have varying structures and resources for sexual assault investigations. Some agencies may already have or are creating a dedicated sexual assault team or may work sexual assault case assignments in with investigators' current caseloads. Whatever the method, law enforcement must ensure that investigative follow-up is completed.

Consider, whenever possible, establishing and working within a multidisciplinary team that includes officers, crime laboratory staff, victim advocates, and prosecutors. A sexual

assault case team needs to include officers dedicated solely to the investigation of sexual assault cases. Buy-in from leadership is essential to developing and maintaining a sexual assault case team.

Smaller and rural jurisdictions may be more likely to face challenges in investigating sexual assaults cases thoroughly. In some instances, creating partnerships or working in a mutual aid agreements with a larger, more experienced agency can help. This approach provides the opportunity to resolve the case and give smaller, and perhaps less experienced, investigators valuable training experience.

Locating, Collecting, and Reviewing Case Materials

Locate the following information on pre- and post-CODIS hit case activity:

- ◆ All reports, statements, recordings, and 911 call documentation
- ◆ All evidence, photographs, negatives, and diagrams

- ◆ Medical records and/or sexual assault nurse examiner reports
- ◆ Bulletins, composites, and media

Location and retention of this information vary by jurisdiction and source. If possible, conduct research to locate these materials before any CODIS hits are received to lessen the burden of locating them while conducting CODIS hit follow-up.

Organizing Your Case File

Create a standardized format for storing and organizing all the information. This could include hard binders, electronic copies of information, or a combination of both. Develop a method for filing this information to be easily accessible, such as within your case book. Identify and divide all written reports, and create separate sections listing all evidence, any leads, and so on.

Investigation and Case Management Strategies

CODIS Hit Follow-up

The following table outlines the four possible CODIS outcomes from testing and the first steps that can be taken in each scenario:

Offender Match	Case-to-Case Match	No Match	No DNA
<ul style="list-style-type: none"> ◆ Assess probative value. ◆ Create offender work-up (e.g., threat assessment, timeline/opportunity, criminal history, family, associates, and employment). ◆ Conduct file review. ◆ Locate/initiate victim notification, if victim has not already been notified of testing according to established protocols. ◆ Meet with prosecutor. 	<ul style="list-style-type: none"> ◆ Communicate with case match agency/agent. ◆ Share and review file(s). ◆ Identify new leads. ◆ Analyze patterns/modus operandi (MO). ◆ Coordinate assignments. ◆ Consider statute of limitations and John Doe warrants. 	<ul style="list-style-type: none"> ◆ Determine profile type and additional testing options (e.g., Y or familial). ◆ Consider other available evidence. ◆ Conduct crime analysis or identify linkages to other cases through patterns/MO. ◆ Consider statute of limitations and John Doe warrants. ◆ Document in file. ◆ Enter criteria cases into the Violent Criminal Apprehension Program (ViCAP). 	<ul style="list-style-type: none"> ◆ Communicate with the laboratory to see whether all SAK items have been tested. ◆ Determine whether additional testing is possible (for complex mixtures, consumption decisions). ◆ Conduct second level of evidence/scene review. ◆ Conduct second case file review. ◆ Conduct crime analysis or identify linkages to other cases through patterns/MO. ◆ Enter criteria cases into ViCAP.

Best Practices

To manage the increased workload, investigation assistance and case organization are key. Some strategies that can be implemented include the following:

- ◆ **Involve victim advocates.** Incorporating victim advocates' assistance in communicating with sexual assault victims can be beneficial to not only help locate and update the victim on their case, but also provide reassurance and address victim concerns—especially if the case is going to court. **Note:** Systems-based advocates who work within criminal justice agencies can be a valuable resource to guide victims through the investigation process. However, community-based advocates offer confidential communication and connection to key community resources for survivors.
- ◆ **Develop and distribute policies and procedures for sexual assault investigations.** If possible, these policies and procedures should be in place before SAKs are submitted and analyzed. Policies should accomplish the following:
 - Cover investigative responsibilities in sexual assault cases, case management guidelines to include timelines for task completion, and a tool for supervisory oversight
 - Be put in writing so they become common practice in the unit and can be passed along if new investigators come on board.
- ◆ **Implement case monitoring systems.** Consider developing or acquiring a system to track individual sexual assault case investigation activities and monitor results. Ideally, create a system that is robust and will pull together information from multiple sources, such as laboratory DNA screening and test results, clearance and arrest outcomes, and court filings and convictions.
 - Supervisors should develop a case monitoring system for the overall status management of all sexual assault investigations.
 - A system would ideally be available for investigators to archive, retrieve, link, and analyze information related to their case.
- ◆ **Include crime analysts.** If possible, include a crime analyst on your team to help identify related criminal activity of offenders, collect related case information, identify offenders when there is no CODIS hit, create crime timelines, locate possible suspects or persons of interest, locate victims, and link other crimes possibly associated with the case. If you are anticipating a high volume of CODIS hits and cases, a crime analyst can provide crucial support for investigators. They can also assist with developing electronic information systems, updating case information, entering data, serving as your ViCAP point of contact, and coordinating with other agencies.
- ◆ **Coordinate with prosecution.** Establish this relationship early in the process. Determine standards for case submission, a process for reviewing cases, and coordinate any additional follow-up activity with the prosecutor's office.

Suggested and Available Training for Investigators

Investigators who are responsible for working sexual assault cases need to possess essential skills and abilities that include having a firm understanding of the dynamics of sexual assault cases, survivors, and offenders. Consider providing the following types of training for investigators working on sexual assault cases:

Neurobiology of trauma	Trauma-informed interviewing	Understanding CODIS and DNA analysis/forensic science	Sexual Assault Response Team (SART) training	Suspect interview strategies
Sexual assault case review strategy	Crime scene review and analysis	Report writing and documentation	Crime analysis and research	Major case supervision for sergeants and lieutenants

Additional training on sexual assault investigations is available under the SAKI Training and Technical Assistance Program. For training or assistance with developing or updating sexual assault case procedures, visit the Investigation category of the [SAKI Toolkit](#) or contact the SAKI Training and Technical Assistance team via email at sakitta@rti.org or call 1-800-957-6436.

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