

Multidisciplinary Sexual Assault Case Review

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.

Overview

On a sexual assault case, a multidisciplinary team (MDT) should conduct a case review, which is a technical and investigative assessment of case files. These reviews assess the viability and condition of sexual assault case investigations and direct future case follow-up with input from different disciplines. Sexual assault cases benefit from the perspective and expertise offered by these different disciplines.

This resource provides guidelines for sexual assault case reviews for both current and cold cases. Jurisdiction caseload and resources will determine how often these reviews can occur. When time and resources are available, an MDT review is a best practice for sexual assault cases.

Case Review Team Members

Members of the case review team (CRT) should include individuals from the MDT with expertise in sexual assault current and cold cases. These experts make investigative and prosecutorial determinations about cases that fall within their jurisdiction and oversight. Core CRT members should include law enforcement, prosecution, and advocacy. Depending on individual case scenarios and facts, the CRT may include crime laboratory personnel, sexual assault nurse examiners, probation/parole officers, and other individuals with critical information about the case.

Case Review Objectives and Goals

The objectives and goals of a case review include the following:

- ◆ Conduct a complete and thorough assessment of an identified case file.
- ◆ Identify strengths, weaknesses, and opportunities that will assist in developing an investigative or a prosecutorial strategy.
- ◆ Gather information to help plan next steps for the investigation, prosecution, and provision of advocacy services.

A case review is a best practice for investigations and prosecutions. It is *not* an audit to determine (a) whether proper practices were utilized or (b) whether the investigation complies with best practices. Multidisciplinary

Case Review Team Roles

Investigator: Review the key facts of the case. Identify ongoing investigative strategy.

Prosecutor: Consult on plans for ongoing investigation. Determine viability for potential charging.

Advocate: Provide input on victim notification and engagement. Plan for victim care.

Crime laboratory: Explain forensic testing, results, and statistical significance. Provide information about testing resources.

SANE: Explain medical history, history of the complaint, and medical examination. May also provide information about clinical findings associated with trauma.

Probation/Parole: Provide information on suspects if offender is or has been under supervision, including location and address changes.

case reviews allow different disciplines to coordinate their responses and share information effectively about a case. The CRT should ensure the confidentiality of the information shared, follow the privacy guidelines of their discipline, and maintain the integrity of the case.

Case Review Preparation

- ◆ Locate the entire case report and all existing supplements. The case file may include medical records, evidence sheets, taped interviews, previous case follow-up, and crime scene and other photographs.
 - Locate and view the evidence. Include all physical evidence items: Clothing, bedding, weapons, latent prints, shoe impression, ammunition/casings, and comparative analysis evidence.
 - Ensure that a hold is placed on the evidence and no evidence is inadvertently destroyed.
 - Document the evidence, when available, in the case information management database.
 - Identify and retain any suspect composites, media releases, video surveillance tapes, silent witness flyers, National Crime Information Center teletypes, and all-points bulletins.

- Obtain originals or copies of medical records for your working file. Consider impounding these in your property facility. It may be necessary to obtain a victim release form for these records. Consider a subpoena if you cannot locate the victim. When contacting the victim, refer to your victim notification protocol for sexual assault cases. If a victim notification policy does not exist, work with your MDT or sexual assault response team (SART) to develop a victim notification plan for sexual assault cases.
- ◆ Conduct a preliminary search for the victim. Determine their location and, if possible, status.
- ◆ Organize the information using a standard investigative case file format. When available, enter case information into your information management system or sexual assault case database system.¹
- ◆ Prepare a summary of materials for use during the multidisciplinary case review. Use the sample Pre-review Initial Case Assessment form² in this document if you do not have a summary form available.
- ◆ Provide case information to CRT members.
 - Prior to a facilitated team case review, CRT members should have the opportunity to read the entire case file and become familiar with all aspects. After this, technical considerations can be discussed as part of the case review.

Case Review Guidelines

- ◆ Assess the victim statement and overall quality of the investigation. Members should attempt to determine if an additional interview of the victim would be helpful and is warranted to gather more investigative facts.

Potential next step: If the interview was recorded, review the entire recording.
- ◆ Review the available evidence. Determine the location, status, and probative value in the case.

Potential next steps: If appropriate, submit evidence as soon as practical. Consult and communicate clearly with the crime laboratory to ensure they are aware of this case and any related requests for analysis.

 - Consider resubmitting previously tested evidence as technology may have improved.
 - Determine if additional medical records need to be located. If yes, then identify and liaise with local hospitals to understand their record retention policies and how to obtain this information. Include the sexual assault forensic exam and any treatment the victim may have received.
- ◆ Review supplements for all identified witnesses. CRT

members should attempt to determine if additional witnesses can be located and interviewed or re-interviewed.

- ◆ Review any crime analysis for the case. Assess whether there are connections or similarities to other cases (via forensic evidence or the facts of the case).

Potential next steps: Conduct additional crime analysis. Consider uploading to the FBI Violent Criminal Apprehension Program (ViCAP) database.

- ◆ Review suspect information and any identified suspects still outstanding.

Potential next steps: Complete an analytic history of the suspect (e.g., criminal history, employment, any relatives or personal contacts, relationships [including any relationship to the victim]). Develop a timeline of activities leading up to the crime.

- Identify the current status and location of suspect(s); create a contact and interview strategy at this stage.
- ◆ Review the current status of the victim, considering their experience during the initial investigation.

Potential next steps: Decide if or when the victim should be notified if they have not already been notified. Develop (if one doesn't already exist) a victim notification plan with your MDT or SART.

- Consider creating a "Victimology." This includes a complete analytic history of the victim, relatives, contacts, relationship (if any) to the suspect, and timeline of activities leading up to the crime.
 - Attempt to locate photograph(s) of the victim in relation to when the crime occurred. Photo(s) will be helpful later on when contacting and interviewing the suspect.

After the Case Review

At the end of the cold case review, assign CRT members follow-up tasks and completion dates for next steps. The case review should provide CRT members with additional information to make decisions and keep the case moving. Depending on when the case review is conducted, additional investigation or forensic analysis may need to occur. Decisions about the case should be informed by details the CRT members presented at the case review. The ultimate charging decision lies with the prosecutor, but the decision should be made with the input of the CRT.

Note: Refer to the following sample forms to guide the case review process.²

¹ Visit www.sakitta.org or email sakitta@rti.org for more information on evidence tracking and case management systems.

² The forms can also be downloaded on the SAKI website in an editable Microsoft Word format.

COVER SHEET
Pre-review Initial Case Assessment

This form was created with cold cases in mind; however, the form can certainly be used for current cases.

Reviewing Detective: _____
 Date of Review: _____
 Report Number: _____
 Date of Offense: _____
 Victim: _____
 Original Case Agent: _____

SYNOPSIS

SEXUAL ASSAULT CASE REVIEW CHECKLIST

Questions	Yes	No	NA	Comments
Suspect named in original case?*				
Suspect arrested?				
Suspect known—consent defense?				
Suspect known—prior record?				
Previous prosecution record?				Status:
SAK available?				Location:
Submitted to laboratory?				Date:
Laboratory analysis completed?				Describe:
Other evidence available?				
Case entered into ViCAP?				
ViCAP searches conducted for similar cases/offenders?				
Evidence releasable?				
Victim status known?				Describe:
Jurisdiction?				
Within statute of limitations?*				
Witness(es) available?				

*Applies to cold case sexual assaults only.

Case Review Summary

This form was created with cold cases in mind; however, the form can certainly be used for current cases.

Current Case Agent: _____

Current Case Supervisor: _____

Date of Review: _____

Report Number: _____

Case Review Team Members Present: _____

SEXUAL ASSAULT CASE POST-REVIEW CHECKLIST

- ✓ Review report(s) and all supplements.
- ✓ Review evidence and results of forensic analysis.
- ✓ Review supplements for all witnesses identified and witnesses to be interviewed or re-interviewed.
- ✓ Review identified suspect's information.
- ✓ Review victim status and the notification plan.
- ✓ Review any crime analysis.
- ✓ Assign specific follow-up tasks and completion dates.

SUMMARY

Evidence and Forensic Analysis:

Additional forensic processing possible with existing evidence?

Witnesses:

Witnesses to be interviewed or re-interviewed?

Suspect(s):

Suspect(s) identified or outstanding?

Victim:

Notification?

Crime Analysis:

Connections or similarities to other cases (via forensic evidence or the facts of the case)?

Post-Case Review

This form was created with cold cases in mind; however, the form can certainly be used for current cases.

SEXUAL ASSAULT CASE POST-REVIEW CHECKLIST

- ✓ Identify specific follow-up tasks and completion dates.
- ✓ Ensure the case management entry and status is accurate and up to date.
Document case review in the case management system.
- ✓ Schedule additional case review meetings if needed.

Questions	Yes	No	NA	Comments
Elements of the offense currently present?				
Additional investigative information needed?				Describe:
Additional forensic analysis needed?				Describe:
Witnesses to be interviewed or re-interviewed?				
Suspect to be located or interviewed?				
Victim to be located or re-interviewed?				
Additional crime analysis needed?				
Forward for prosecution?				

Tasks	Assigned	Completion Date