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SAKI Training and Technical Assistance

SEXUAL ASSAULT UNIT ASSESSMENT REPORT

Fayetteville Police Department (NC)

Kevin J. Strom, PhD, RTI International

James Markey, MEd, Detective Sgt. (Ret.)

Crystal M. Daye, MPA, RTI International

Richard L. Noble, Investigator, (Ret.)

Brian Acken, RTI International

Patricia A Melton, PhD, RTI International

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Executive Summary

The National Sexual Assault Kit Initiative (SAKI) is a Bureau of Justice Assistance program that assists jurisdictions contending with unsubmitted sexual assault kits (SAKs). The SAKI Training and Technical Assistance (TTA) program, led by RTI International, supports jurisdictions as they establish practices for collecting and processing sexual assault evidence, investigating and prosecuting cases, and supporting sexual assault survivors.

This report details the findings from the SAKI TTA Sexual Assault Unit (SAU) assessment of the Fayetteville Police Department (FPD) in North Carolina. An SAU assessment is a review of the sexual assault investigative process within and outside a law enforcement agency's domain. Assessments are carried out by SAKI TTA staff with significant experience in sexual assault investigations, both as supervisors and as investigators of current and cold case sexual assaults. The assessment method has three components: (1) a review of sexual assault policies and procedures, (2) in-person interviews with key staff including all sexual assault investigators, and (3) a systematic review of sexual assault cases.

In addition to assessment findings, this report provides recommendations for FPD leadership and identifies available resources to address specific needs.

Assessment Findings & Recommendations

The SAKI TTA SAU assessment identified the following findings, including strengths on which to build and areas for improvement in agency policies, practices, or procedures.

Strengths

The FPD has demonstrated commitment and leadership in establishing effective processes for responding to sexual assaults, including engaging with victims and working with multi-disciplinary partners. The following strengths were identified during the assessment and can serve as foundations for continued improvement:

- **Victim-centered response.** The assessment team found FPD's response to sexual assault to be victim-centered, reflecting a collaborative, multidisciplinary effort. FPD and its partners within prosecution, advocacy, and medical care (e.g., sexual assault nurse examiners) were found to be dedicated in ensuring that victims received the appropriate level of treatment.
- **Leadership and collaboration within and outside FPD.** There is strong leadership within FPD and collaboration across multidisciplinary city, county, and military partners. Partners in prosecution, medical care, victim advocacy, and crime laboratory all reported that FPD demonstrated leadership in the area of sexual assault.

- **Trust and communication with the community.** FPD has shown a willingness to be transparent in its efforts to address unsubmitted sexual assault kits (SAKs) and works aggressively to build trust with victims and with the community. The assessment team believes there is evidence that these efforts are already paying off in terms of increasing the likelihood that sexual assault victims will report crimes to law enforcement and engage in the justice process. These types of outcomes can have tremendous benefits in solving cases and in creating a culture of trust and cooperation with the community.

Areas for Improvement

As with any organization or endeavor, there are continual opportunities that can be assessed for future considerations. The overarching intent of the listed recommendations is to build on the already strong foundation that is in place.

Identified opportunities in policy, procedure, and training include the following:

- **Clarify roles and responsibilities for the initial response.** Designate specific detective callout criteria as to when they will respond to a sexual assault. This type of policy would provide improved guidance for patrol officers and patrol supervisors.
- **Ensure that victim advocates are used consistently and effectively.** Develop policy that dictates that a FPD Victim Advocate should respond to all sexual assault cases. Regularly assess how Victim Advocates, both law enforcement and community-based, respond to and assist victims of sexual assaults.
- **Identify—during supervisory case review—opportunities for investigative follow-up, to maximize these opportunities.** The most common missed opportunities for follow-up were 1) not interviewing the suspect or potential witnesses, 2) not following up on a potential crime location, and 3) not submitting evidence to the crime laboratory for analysis.
- **Ensure adequate staffing and resources are available to address the volume of sexual assault cases.** Having sufficient investigator staffing and support personnel is necessary to respond to the FPD caseload volume and to pursue all sexual assault cases in a thorough and victim-centered fashion. FPD Special Victims Unit (SVU) detectives also handle other non-sexual assault cases (e.g., aggravated domestic assaults). To address these needs, the FPD should assess in detail the necessity for additional investigators as well as other resources that may free up investigator time (e.g., administrative support, dedicated crime analyst position, additional victim advocate position). In addition, a pipeline should be established for recruiting the finest SVU investigator candidates to ensure openings are filled effectively. Policies should be developed that specify the personnel selection criteria for SVU detectives and supervisors.
- **Create specific guidelines for processing sexual assault evidence.** Address the handling and management of evidence by outlining policy-specific operational guides for evidence in sexual assault cases. These guides should include established, detailed requirements for how quickly after collection a SAK should be submitted to the crime lab, how long after a sexual assault a forensic medical exam should be conducted, and where and for how long SAKs should be stored.

- **Implement a comprehensive training program for sexual assault response.** Provide increased direction and support on establishing and implementing mandatory and reoccurring training for sexual assault detectives. Furthermore, provide training to ensure that standardized procedures are in place for supervisors to assess and evaluate the response and performance of investigators in the SVU.
- **Develop and implement quality control procedures.** Strengthen documentation of the methods and rationale in which cases are ultimately resolved. Outline standards for determining how cases are closed including the criteria to be used for Exceptionally Cleared cases. In addition, identify standard and defined data metrics when documenting a sexual assault report/investigation in the current record management system. Develop a process for ensuring that all reports of sexual assault written by patrol and detectives meet predetermined standards for proper documentation. Annually review the department's written policy to ensure response guidance is current and effective, and follows national guidelines and standards.
- **Regularly gauge the effectiveness of the department's responses to cases of sexual assault.** Develop processes for assessing how the department is performing. This should include an annual community-based survey with questions about victimization not reported to the police and perceptions about trust and confidence in the police (e.g., are victims more likely to cooperate with the police). In addition, an internal survey should ask staff about resource needs and effective practices that could be implemented or expanded.
- **Work with multidisciplinary partners at the local and state level to enact change.** Identify and implement methods to improve the submission timelines of sexual assault evidence. Conduct a thorough review of evidence analysis and the agency's relationship with the crime laboratory—including the North Carolina State Crime Laboratory's previous policy for not analyzing SAKs associated with cases with a known offender (i.e., consent cases). FPD should work with state and local partners to verify what the new state policy is for accepting and processing SAKs and to work with these partners to communicate the impact of these changes.

1. SEXUAL ASSAULT UNIT ASSESSMENT OVERVIEW

1.1 Introduction

Law enforcement is at the front line in addressing sexual assaults. The ability to investigate these crimes, leverage evidence, and work with multidisciplinary partners impacts the system's ability to deliver justice for a victim and prevent future crimes. Statistically, rape is one of the most underreported crimes in the United States (Lonsway & Archambault, 2012). The factors influencing underreporting are varied and complex, including a victim's expectations of law enforcement's response and fear of reprisal. Due to these and other factors, sexual assault cases are among the most difficult for a law enforcement agency to pursue. Despite these challenges, creating a comprehensive and sustainable process for sexual assault investigations can benefit not only individual victims, but also the communities that law enforcement agencies serve. Ultimately, a law enforcement organization's responsibility is to give its best effort to ensure community safety, while addressing crimes in a victim-centered way that follows current national standards.

The National Sexual Assault Kit Initiative (SAKI) is a Bureau of Justice Assistance program that assists jurisdictions with addressing unsubmitted sexual assault kits (SAKs). The SAKI Training and Technical Assistance (TTA) Sexual Assault Unit (SAU) assessment provides a comprehensive review of the sexual assault investigative process, within and outside the law enforcement agency's domain. The City of Fayetteville, North Carolina, is one of a growing number of cities nationwide that are actively addressing their unsubmitted SAKs, while also reviewing the process by which they respond to, investigate, and prosecute sexual assault cases. In FY2015, the City of Fayetteville was named as a SAKI grantee site.

The Fayetteville Police Department (FPD) has been working with other partners to lead a local effort to aggressively pursue sexual assaults, including cold case sexual assaults associated with previously unsubmitted SAKs. There have been challenges and successes along the way. In June 2015, the FPD publicly acknowledged that an audit of their evidence property room determined that more than 300 unsubmitted SAKs had been destroyed, all of which were associated with closed cases. However, this discovery also coincided with the initiation of a renewed effort to identify and test all previously unsubmitted SAKs and to implement more comprehensive policies for responding to victims and investigating sexual assault cases. As an example, the recent review and testing of these cold cases have led to more than 20 arrests to date, some of which have been serial offenders. Over the past several years, the community response has been largely positive, including statements from

victims, advocates, and medical providers acknowledging the leadership demonstrated and an increased trust and confidence in the police among victims.

This report details the main findings and observations from the SAU assessment for the FPD, conducted from August to December 2017. The report also details recommendations, and identifies available resources and trainings to address specific needs. Where appropriate, the report integrates recommendations from the Sexual Assault Forensic Evidence Reporting (SAFER) Act Working Group, a group sponsored by the National Institute of Justice, that developed best practices and protocols for the collection and processing of DNA evidence in sexual assault cases (National Institute of Justice, n.d.).

The SAKI TTA program, led by RTI International, supports jurisdictions as they establish effective and sustainable practices for collecting and processing sexual assault evidence, investigating and prosecuting sexual assault cases, and supporting survivors of sexual assault. The SAKI TTA project team includes expertise in sexual assault investigations, forensic nursing and evidence collection, forensic analysis, prosecution, victim advocacy and engagement, and research and evaluation.

1.2 Scope of the Assessment

The scope of this assessment project was comprehensive. FPD worked in cooperation with the SAKI TTA SAU team to initiate the review of the department's current sexual assault response procedures. The assessment was designed to identify opportunities and strategies for improvement. Providing valuable data and information that would assist FPD's leadership team in evaluating the current response, and utilizing this intelligence in a gap analysis approach, was a key aspect of this project.

For purposes of this assessment, the SAKI TTA SAU team used the Federal Bureau of Investigation's (FBI) definition of rape as a qualifier for sexual assault case files to review. The FBI defines rape as "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" (FBI, 2014). The SAKI TTA SAU team reviewed case files from a 4-year period—2013-2017— that met the FBI's definition of rape. It is important to note that policies, practices, and agency leadership may have changed over the 4 years of case files examined a factor which could have influenced report findings.

This review provided FPD with a foundation to help recognize its strengths, identify areas for improvement, and provide agency direction that will lead to the implementation of practices to improve the agency response to sexual violence. Upon completion of the police

investigative case file review process, the team captured, reviewed, and assessed key investigation-based data, using a defined set of metrics. This review resulted in the identification of strengths and potential trends or gaps in the overall sexual assault response.

2. ASSESSMENT METHODS

To develop the findings and recommendations described in this report, the SAKI TTA SAU Assessment Team of four subject matter experts—one research criminologist, with over 15 years of experience working with law enforcement agencies, and three retired police officers, with nearly 75 years of collective experience in law enforcement—conducted the assessment. The following processes were carried out: (1) a review of relevant policies and procedures related to sexual assault response; (2) in-person interviews with key staff, within and outside the law enforcement SAU; and (3) a systematic review of sexual assault cases. For each of these stages, specific processes were developed to ensure that similar questions and metrics were obtained. Key findings were then reviewed and agreed upon by the assessment team to ensure consistency. During the case file review and data gathering, the team discovered that occasionally the information was missing and not contained in the original or supplemental police reports. Missing information could not be included in the final data collection and evaluation.

The SAKI TTA SAU Assessment Team also linked recommendations to standards in the *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach* report written by the SAFER Act Working group (National Institute of Justice, n.d.). The National Institute of Justice-sponsored SAFER working group “was directed to address issues relating to evidence collection; prioritization of evidence and time periods for collection; evidence inventory, tracking, and auditing technology solutions; communication strategies; and victim engagement and notification.” (National Institute of Justice, n.d.). The SAFER Act Working Group identified 35 recommended best practices for jurisdictions to consider when addressing sexual assault and unsubmitted SAKs.

2.1 Policy Review

A review or assessment of any law enforcement agency policy or procedure manual on responding to sexual assault should be founded in identifying the strengths and gaps that may exist. FPD provided the SAU Assessment Team with copies of all written policies and procedures relevant to sexual assault response and investigations. This review was important in assessing current FPD policy and comparing it with the foundational standards of national best practices. As a guide for this sexual assault policy review, the team considered the following points:

- Is the policy standalone, or is it integrated in other general investigative procedures?
- Is the policy current and has it been updated within the past 5 years?

- Does the policy address a comprehensive approach to sexual assault investigations that includes addressing dispatch, first responder, investigators, and supervisors?
- Does the policy outline specific roles and responsibilities of personnel who respond to or conduct investigations into sexual assault?
- Does the policy provide standards for investigators who are assigned to an investigative unit?
- Does the policy provide standards for comprehensive training and continuing education in the area of sexual assault?
- Does the policy provide review and oversight guidelines for supervisors?
- Does the policy provide information on understanding victimization, to include trauma-informed interviewing, victim-centered approaches, and offender characteristics?
- Does the policy provide case management standards for investigators, which outline and describe how and when cases will be assigned, when follow-up will be completed, and how cases will be documented and supplemented?
- Does the policy provide guidance on the investigation of crime scenes and the handling of evidence in sexual assaults, to include submission standards of SAKs?
- Does the policy provide clear guidance on the clearing and closing of investigations, to include a definition of “unfounded” (defined as reported incidents where it was determined that no crime was committed)?

2.2 Personnel Interviews

FPD has a dedicated sexual assault unit, known as the Special Victims Unit (SVU), which falls under the Investigative Bureau—Major Crimes Division. The SVU and Youth Services sections are overseen by Lt. John Somerindyke. The SVU currently has one dedicated SVU sergeant and five SVU detectives, including a dedicated cold-case detective.

The SAU team interviewed the SVU personnel, as well as other key personnel in the Fayetteville community, with the intent of interviewing all staff who commonly work on sexual assault cases or who support victims of sexual assault. These individuals included those who work within the law enforcement agency, as well as those who have county or community support positions. The team interviewed selected individuals, including FPD personnel and individuals who were considered external partners that are critical in a successful response to sexual assault. Over 2 days, the team interviewed FPD employees: patrol officers, detectives, supervisors, victim advocates, public information officer, and agency leadership. External partners included the crime laboratory, sexual assault nurse examiners, community-based victim advocates and prosecutors.

The SAU team split into two, two-person teams to conduct the interviews using semi-scripted interview questions (see **Appendix A**). The interviews typically lasted 1 hour, but some were shorter based on staff position. For example, interviews with patrol officers were often 30 minutes. Notes were taken based on each interview, and these were then compiled and reviewed by the assessment team to identify key themes and observations.

Interviewees included the following positions, with the total number of interviews for each position from Fayetteville:

- Law enforcement agency:
 - Sexual assault unit detectives (5 total)
 - Patrol officers (1 per district, 4 total)
 - Line supervisors (2 total)
 - Command staff (1 total)
 - Public information officer (1 total)
 - Victim Advocates (1 total)
- County positions:
 - District Attorney: Sexual assault investigators (2 total)
 - Crime Laboratory Supervisor (1 total)
- Community positions:
 - Rape Crisis Center Director (1 total)
 - Victim Advocates (2 total)
 - Sexual Assault Nurse Examiners (2 total)

2.3 Case Review

The assessment and review of investigative case files was a critical component of this project. Case files were randomly selected and assigned to the assessment team members. Cases were reviewed using a predetermined set of data metrics (see **Appendix B** for a list of questions and data fields captured).

To select the appropriate cases, the assessment team reviewed the distribution of the agency's sexual assault cases to determine the proportions of sexual assault case types. Once identified, cases were randomly selected for review. To do this, FPD provided the SAKI TTA SAU Assessment Team with aggregate data that included incident numbers, dates, offense type, and offense description for all sexual assault cases that met the FBI's summary definition of rape—penetration, no matter how slight, of the vagina or anus with

any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (FBI, 2014)—that were reported from 2014 to 2017.

The assessment team randomly selected 106 of these cases from the selected time period and requested that the agency provide access to review the case files and associated information. For the case file review, the assessment team conducted a site visit to collect initial data from a subset of cases and worked with FPD to collect hardcopy files of all remaining cases for subsequent review and coding.

Details on the types of metrics collected as part of the case review were discussed with FPD and agreed upon during the pre-site planning process. This information included the timeliness of the investigation, compassionate dealing with victims, use of standard investigative techniques, effective use of information from the initial investigation, coordination with other jurisdiction resources, and complete documentation.

To ensure confidentiality, information recorded as part of the case file review did not include names, addresses, or other personal identifying information. All researchers associated with this project signed a confidentiality and nondisclosure agreement that ensures confidential information will not be shared outside of the research team. This methodology was reviewed and approved by the RTI Institutional Review Board, which aims to protect human subjects in research.

3. ASSESSMENT POLICIES AND PROCEDURES

Having a strong and effective response to sexual assault can be directly reflected in the agency's policies and procedures. Best practice for sexual assault policies should include a specialized policy that provides direction in the response and investigation of sexual assault cases. Policies should address the complexities of sexual assault cases and include, at a minimum, trauma-informed and victim-centered response, victim advocacy, direction on interviewing victims and approaches to offenders, working as a sexual assault response team, coordination of the sexual assault forensic exam, evidence collection, storage, and laboratory submission. Written policies that dictate the response and follow-through of the sexual assault investigation process are critical in providing uniformity, sustainability, and accountability with the SVU and among other agency staff, including patrol officers.

As part of the SAU assessment, the following FPD operational procedures were reviewed:

- 3.8: Response to Sexual Violence Cases
- 5.1: Detective Division Organization and Operation
- 5.4: Victim Assistance Program
- 5.6 and 5.7: Case Management System and Preliminary and Follow up Procedures
- 6.1 and 6.7: Crime Scene Processing Responsibilities and Submitting Evidence for Examination
- 6.2: Evidence and Property Management
- 6.3 and 6.5: Forensic Unit Evidence Management and Dispatch for Duties

Some key findings and observations from this process include the following:

- Review of Fayetteville Police Operational Orders identified several policies associated with sexual assault cases. The orders include general direction on evidence collection, initial response, investigative follow-up, case management, victim advocacy, and the handling of property and evidence.
- FPD has in place a standalone policy designed to provide direction and information for the department's response to sexual assault (Operational Procedure 3.8). This specialized policy includes a variety of detailed instructions on when to respond, and what personnel should do when responding, to a report of a sexual assault.

Policy Strengths:

- FPD sexual assault policy is comprehensive and detailed, especially as it pertains to the need for responding officers to be victim centered and to understand the impacts and effects of trauma.

- Specific duties for first responders and follow-up investigations for sexual assault cases provide sufficient detail.
- Policy requires a felony folder to be used as an investigative review checklist for all crimes.
- Specialized policy outlines the duties of the Victim Advocate and gives additional information in the sexual assault-specific policy.
- Policy details information and times on when to contact victims after initial report.

Identified areas to strengthen the existing policies:

- **Case Management System (5.6.2; Section E 2).** The policy states, “The assigned detective will submit a supplemental report in the Record Management System (RMS)”
 - **Recommendation:** Policy should state that detectives should complete a supplemental report as close to the reporting period as possible, which allows for more accurate and complete documentation.
- **Preliminary/Follow-up Investigations and Constitutional Requirements (5.7.3).** This section lists the follow-up investigation procedure to solve a crime but does not provide guidance on the digital recording of victim or suspect interviews. Recording the victim’s and suspect’s statements is a best practice, and a policy describing this procedure would clearly support this practice.
 - **Recommendation:** Add wording to include the recording of victim and suspect interviews.
- **Evidence and Property Management (6.2.8).** The policy states that quarterly letters are sent to the investigating officer/detective to determine whether the evidence or property needs to be retained. However, there is little guidance about the rationale or criteria applied as to whether an item will be destroyed.
 - **Recommendation:** At a minimum, this policy should be amended to state that evidence in sexual assault cases will not be destroyed. In addition, the need for supervisory oversight of all non-sexual assault evidence to be destroyed should be made clear. This could be accomplished by adding a requirement for that destruction be approved by a detective supervisor.
- **Forensic Technician Dispatches for Service (6.5.3).** This section covers the utilization of the Forensic Technician (FT). It was determined in practice that the FT was responsible for the collection of the SAK from the hospital; however, this duty is not clearly articulated in policy. The collection and transfer of the SAK in a timely manner is a critical aspect of a best practice in sexual assault response.
 - **Recommendation:** Include wording that that the FT’s responsibilities include collecting and impounding SAKs, as well as the timelines of when the SAKs are expected to be collected, impounded, and submitted to the crime laboratory.

4. CASE REVIEW CHARACTERISTICS

The FPD investigative case file review included a sample of 106 sexual assault cases that were randomly selected across calendar years 2014 through 2017. Of the 106 investigative files reviewed, 96 were ultimately included in the final analysis. The reviewed case information was collected and extracted from the FPD’s sexual assault investigative files. In some instances, the SAU Assessment team conducted follow-up with FPD staff to collect additional information, including updates for pending cases, or to address specific questions.

Case characteristics (see **Table 4-1**) show the following features of sexual assault cases that FPD investigated from 2014 to 2017, including the victim/suspect relationship, when and where the cases are occurring, and when the cases were assigned for investigative follow-up.

Table 4-1. Fayetteville Police Department Case Review Results

Sexual Assault Case Review	Results	Sexual Assault Case Review	Results
Number of Cases ^a	96	Contact made with victim by detective after initial report	78 (88%)
Incident Location		Interview Type	
Residence (including apartment)	54 (56%)	Comprehensive detective interview completed	58 (60%)
Victim’s Residence	28 (29%)	Phone contact only	5 (5%)
Suspect’s Residence	21 (22%)	Interview recorded by patrol or detectives	19 (20%)
Victim/Suspect shared residence	1 (1%)	No additional information documented	4 (4%)
Apartment	2 (2%)	Witnesses Identified	51 (53%)
Residence unspecified	2 (2%)	Witnesses interviewed	40 (41%)
Vehicle	7 (7%)	Advocate Contacted	14 (14%)
Outdoors/Alley/Public	10 (10%)	Crime Scene Identified	70 (72%)
Abandoned House	2 (2%)	Crime scene located	52 (54%)
School	1(1%)	Crime scene processed	32 (33%)
Business/Hotel	13 (13%)	Sexual Assault Evidence Collection to Submission	
Other	7 (7%)	Sex assault exams completed/Sexual Assault Kit (SAK) collected	41 (42%)
Unknown	2(2%)	SAK submitted to lab	20 (21%)
Case Characteristics		SAK submitted to laboratory within 60 days?	9 (47%)
Suspect known to victim	75 (77%)	Other evidence collected	22 (23%)
Suspect was a student	6 (6%)	Suspect identified	78 (80%)
Suspect was military	11 (11%)	Suspect located	56 (58%)
Victim was student	19 (20%)	Arrests	25 (26%)
Victim was military	9 (9%)	Cases Submitted to Prosecutor	24 (25%)
Alcohol used by suspect	19 (20%)		
Alcohol used by victim	26 (27%)		
Drugs used by suspect	13 (13%)		
Drugs used by victim	16 (16%)		
Victim reported incapacitation	15 (15%)		
Investigation Process			
Case forwarded to detective for interview	89 (92%)		
Unfounded reports	2 (2%)		
Victim contacted by detectives after initial report	89 (92%)		

^aThe results displayed in this table are based on 96 cases, as 9 cases were missing data and 1 case was deemed ineligible, as it was an indecent exposure case.

5. ASSESSMENT FINDINGS

The following section details the core findings from the FPD SAKI TTA SAU Assessment, including information gathered from the personnel interviews and investigative case file reviews. These observations identify the processes that are working effectively, along with identified opportunities, response gaps, and needs in current practices or procedures. These observations are designed to inform recommendations for improvement and assist in the development of sustainable practices that will remain in place through FPD staff turnover for those involved in sexual assault response.

The findings were organized by the response stage, beginning with the initial response to the reported crime (by patrol and detectives) to the close of the investigation. This assessment also addresses key findings on the involvement and engagement of the key multidisciplinary partners associated with sexual assault response in Fayetteville.

5.1 Initial Response to the Reported Crime

The assessment team found the FPD initial response to sexual assaults to be timely, well-organized, and largely victim-centered. FPD and its partners displayed significant effort to make sure that victims received the appropriate level of service and care. Most notable was that the interviews showed a high degree of compassion and interest from FPD patrol officers and detectives in providing the best response they could for sexual assault victims. For example, FPD patrol and detectives all displayed an understanding of the importance in providing a victim-centered response, including the critical role of effective communication with the victim when responding to a sexual assault. External partners also shared this same feeling and sentiment whenever they interacted and responded with FPD on a report of a sexual assault.

Additionally, several areas were identified as potential prospects to build and improve the initial agency response. These are further discussed in Section 6, which includes outlining of specific opportunities, recommendations and future considerations.

5.1.1 Initial Response by Patrol Officers and Detectives

How promptly detectives respond to initial reports of sexual assault, the infusion of a sex crimes detective's expertise at this early stage can help support positive case outcomes. This outcome is supported by research on homicide cases that have shown that the timely response by detectives to the scene is one of the key predictors of case clearance (Wellford and Cronin, 2000). In the FPD investigative case file review, the assessment team identified

that responding patrol officers typically notified the detective bureau of the sexual assault in a timely manner, advising them of the details of the case and requesting assistance or guidance on any additional steps needed to be taken.

The interviews with patrol officers and SVU detectives revealed a general understanding of their roles in responding to a sexual assault. This knowledge also was reflected in the written documentation found in the case reviews. Important aspects of the initial response by patrol officers to the scene were completed, including interviewing the victim and identifying potential witnesses, locating the crime scene, coordinating any medical examinations, and identifying and locating the suspect(s).

Patrol officers routinely contacted SVU detectives. This included advising and updating detectives on information about the initial response to a sexual assault. There was some misinterpretation or uncertainty identified during the staff interviews about when patrol officers should notify detectives for scene response, as well as when a patrol officer should take (or not take) the victim's statement. As an example, one patrol officer interviewed asked whether to take a victim's statement if the victim is underage (juvenile) or had mental illness.

Documenting Initial Response and Interaction

The length and type of follow-up completed and documented by the initial responding patrol officer also varied greatly. In files reviewed by the assessment team, patrol officers had documented that they completed an initial victim interview, notified detectives, and when appropriate, facilitated a medical exam for the victim. In some cases, patrol officers attempted to locate a crime scene and notify the forensic unit to assist them in processing.

Patrol officers documented that they limited their interview, questioning, and interaction with the victim to obtaining the essential facts needed to establish a criminal act. There were very few notable instances documented in which the officers used interviewing tactics that blamed or questioned the victim's actions. This finding supports FPD's victim-centered/trauma-informed practice, as victim-blaming questions or interview methods are not a best practice and not in alignment with victim-centered responses. Additional comments are detailed in Section 5.1.2.

Other initial documentation included the location of witnesses and potential crime scene and related evidence. In many instances, the names of witnesses were documented in the body of the report, but their role in the case was not articulated and they were not interviewed.

Additionally, follow-up information about where to contact the witness was also limited and often missing.

Responding patrol officers generally completed the original investigative report and, when detectives did not respond to original scenes, cases were channeled to the SVU through the FPD's RMS. Files review indicated these RMS cases were assigned in a timely manner for follow-up, and detectives initiated follow-up. For additional information on case follow-up, see Section 5.1.3.

5.1.2 Victim Contact and Interviewing

Initial contact and ongoing victim interaction and engagement are some of the most critical aspects of the sexual assault response. Research has shown that delayed or poor initial interactions by law enforcement can contribute to victims choosing to not participate in the investigative process and increase emotional and psychological negative effects for the victim. A generally accepted victim-centered agency response includes understanding, empathy, and support for victims at these initial stages.

First contact and continued interaction with the victim at the first response and detective phase include taking statements about the assault. The case file review revealed victim statements were completed at both the initial patrol response and when appropriate, at the detective/investigator level. Victim interviews documented in the written reports appeared to be conducted in a victim-centered manner. There were only limited exceptions that indicated the interviewer was using a manner of questioning that could be construed as victim blaming.

In addition to appropriate questioning of victims, one practice identified for further review is the joint interviewing of victims by officers and/or detectives and sexual assault nurse examiners. This type of interview practice was described by personnel both within and outside the FPD and generally consisted of patrol, detective, advocate, and sexual assault nurse examiner. Conducting the investigative interview simultaneously with the sexual assault nurse examiner interview may result in challenges during case prosecution.

The purpose of the detective's "investigative interview," is to gain testimony for potential criminal prosecution. The sexual assault nurse examiner is gathering information in the form of patient history and not conducting a forensic or investigative interview. If the investigative and medical "interviews" are conducted simultaneously the potential of excluding the medical history taken by the nurse examiner at trial is considerably more probable. Excluding this critical information could adversely impact the integrity of the

prosecutor's case in court. Additionally, having multiple individuals in a room during an interview or disclosure by a sexual assault victim could in some instances have a perceived "quieting" effect on the privacy of the victim and impact his/her openness to disclose personal information in front of a "crowd."

Furthermore, the National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents supports that law enforcement should not be present while the nurse examiner is conducting the forensic exam or collecting the patient history. Although this same protocol indicates in section C4 Medical Forensic History to coordinate the medical forensic history and the investigative interview, it is not explicitly suggesting or supporting these two efforts should be conducted simultaneously. The forensic medical history is obtained by asking patients detailed forensic and medical questions related to the assault, and is intended to guide the exam, evidence collection, and crime lab analysis of findings. In cases where the victim reports the assault to law enforcement, law enforcement representatives should *also* collect information from patients to help in the apprehension of suspects and in case investigation. Those seeking information about the assault should work collaboratively to create an information-gathering process that is as respectful to patients as possible and minimizes repetition of questions. However, jurisdictions should consider the implications of the evolving law on hearsay exceptions when determining the level and nature of coordination (National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents, p. 87).

Whereas a joint interview between a detective, advocate (system based), and victim may be of benefit for the victim, an interview that includes a detective, nurse examiner or other medical personnel, and victim could be a potential concern. Currently, nurse examiners do not conduct interviews, but collect a medical history. This critical distinction allows the medical history obtained by to be utilized in any potential court proceedings as an exception to the hearsay rule, as it was not collected or being obtained as testimonial evidence.

Making a victim feel at ease and comfortable upon contact is critical, facilitated by choosing an appropriate location to talk. The case file review revealed that the location of where the first responder interviews were conducted varied and, was at times, situationally dependent. In general, interviews conducted by patrol occurred where the victim called to report the assault or where police responded. On some occasions, the patrol officer asked the victim to relocate to a more private area to conduct the initial interview. In several instances, the victim interviews were conducted in more open, public areas, and other individuals, including potential witnesses or even those not involved in the investigation, were present.

Supportive and private interview locations should be recognized and used by all personnel when speaking with sexual assault victims.

Accurate documentation of the victim's statement is important in a thorough investigation and can be advantageous in the ability to accurately recall information and subsequently document the details in a police report. Accuracy can be aided by recording statements for victim, witness(s), and suspect(s). The assessment revealed that FPD patrol officers rarely recorded the victim's initial statement with video or audio devices. Overall, only 6% of cases documented patrol recording or videotaping the victim statement. In several of these instances, patrol officers used their body-worn cameras to conduct the recordings, and occasionally recorded the victim statements as detectives conducted their interview. Detective recording practices of victim statements was similar in nature to patrol, with 13% of cases documenting that the interview was recorded by detectives using audio or video.

Current FPD policy does not indicate or provide guidance on the recording of victim statements, and when personnel were interviewed by the assessment team, there was not a clear understanding of whether officers should be recording statements. A consistent and clear direction on recording interviews, and providing the tools to record, would enhance the investigative process. This best practice of documenting all information from the victim interview by recording is clearly articulated by End Violence Against Women (EVAWI) (see Archambault & Lonsway, 2008).

Finally, in about 20% of the investigative files (18 out of 94 cases), the victim was "unable" or "uncooperative" in following up with the officer or detective. When this was documented in the case file, it was seldom followed by a qualification for why this finding was determined. Whether the interaction with officers and detectives may have been a factor in the victim's response to not engage is unclear, and further research and examination into this area would be beneficial.

5.1.3 Detective Assignment and Victim Follow-Up Practices

Timely and appropriate follow-up with the victim by law enforcement is critical and has been shown to have a positive impact on a victim's continued participation in a case. Likewise, delayed contact or no follow-up contact by law enforcement can be detrimental to a successful response and overall investigation process.

Among all the sexual assault cases reviewed (n=96), 89 (92%) were assigned to a detective for follow-up. There were no noticeable issues with assignment method, timelines of case assignment, or the amount of time from report to victim contact. Although Operational

Procedures (OP) 5.7.2 allows for certain cases to be preliminarily closed without follow-up, there did not appear to be instances of this occurring in cases of sexual assault. To ensure all sexual assault cases are assigned for investigative follow-up, operational procedures should be amended to indicate follow-up before closing a sexual assault case.

Across the FPD cases, detectives were successful in contacting the victim in over 90% of cases. About 85% of these victims were contacted by detectives within 48 hours or less. When interviewed, not all detectives were familiar with specific policy on how and when follow-up contact should be made. Each said that they attempted to contact the victim as soon as practical, which generally fell within 24 to 48 hours. FPD does not have a specific operational procedure for investigative contact with victims, although OP 3.8 states SVU detectives should initiate follow-up with the victim as soon as possible. The wording of the operational procedure should be strengthened in this regard. When detective follow-up contact was made with the victim, most were completed in person (74%), while 31% were made by telephone, and 7% were made via other means (most often text messages). In one case file, the detective documented inadvertently texting with someone other than the victim.

There did not appear to be a standard investigative practice regarding how many attempts should be made, nor how this contact is to be made (e.g., phone, in person, email, letter). In several cases, the assigned detective requested that the victim appear at FPD headquarters for a comprehensive interview (although this is not standard practice). In addition, if victims could not be re-contacted and interviewed, the cases often would be closed and investigations suspended.

Victims' statements in cases of sexual assault may continue to evolve as details, and a second, more comprehensive interview may be appropriate. In 60% of the reviewed cases, detectives re-interviewed the victim to obtain additional information or confirm existing information. Re-contacting the victim can serve to further the case, but also to provide resources and information addressing concerns or needs the victim may have, including victim services.

After detectives completed a follow-up interview, this information was documented in a variety of forms, and written documentation of this interaction was sometimes limited (see Section 5.5, "Case File Documentation"). In some cases, the purpose of the follow-up contact was not clearly articulated, nor was whether additional information may have been discovered and relayed in the interview. In many of the FPD reports, the goal of re-contacting the victim appeared to be simply an attempt to confirm certain details already

known or disclosed in the victim's initial statement, question the victim's desire to prosecute, or ask whether the victim would assist the detective in conducting a confrontational/control phone call with the suspect.

5.1.4 Utilization of Victim Advocates and Follow-Up with Victims

Victim support and engagement are key factors in a successful response to sexual assault. When responding to a sexual assault, it is FPD policy to utilize the services of a community-based advocacy partner, Cumberland County Rape Crisis Center (CCRCC), and an internal FPD advocate. Representatives from the CCRCC indicated during interviews that there is a very strong relationship with the FPD and meetings occur regularly as a part of their local Sexual Assault Response Team (SART). The roles of the advocates were described as having different responsibilities: CCRCC advocates were responsible in general for crisis intervention of sexual assault victims at the hospitals, and the FPD advocate conducts secondary follow-up with sexual assault victims who reported cases to the FPD.

One key challenge for evaluating the use of victim advocates in FPD sexual assault cases was that there was very little information in the investigative case files indicating the role or response of either type of advocate. Only in 14% of cases was there documentation of any response activity by an advocate (this included both FPD advocates and community-based advocates). The cases in which there was clear documentation that an advocate had contacted the victim were mainly attributed to when the victim reported at the hospital, and community advocates were called by hospital staff. Whether the information contained in the files accurately reflects the services being provided by the victim advocate unit is unclear. Having this information available in the written report would assist in future investigative follow-up and contact with the sexual assault victim.

5.2 Case File Documentation

5.2.1 Accuracy and Consistency in Documentation

Complete, accurate, and consistent documentation of sexual assault cases from initial report through case closure is essential. This includes the terms or language used when writing the victim's, suspect's, or witnesses' statements. In addition, documentation should include justifications for why certain activities were carried out (or not carried out), as well as updates on victim engagement and follow through and on adjudication outcomes (e.g., did the prosecutors file the case?). More comprehensive documentation and justification can help guide any subsequent reviews of the case in question (including a cold case review, if the case remains unsolved).

Accurate and consistent documentation is also crucial for informing agency-level policy and for contributing to the identification of lessons learned. Any calls for comprehensive documentation also must balance the amount of burden and workload that is placed on officers to enter a larger amount of detail and update case files at critical times.

The case file review demonstrated that for the FPD sexual assault cases, the level of detail and type of information entered by patrol officers and investigators varied considerably from report to report. This may be due in part to the RMS being used to input agency crime reports. The non-narrative sections of the RMS have limited structured fields for inputting standardized data that would assist in the documentation and analysis of data. More important, the RMS does not appear to provide a mechanism for conducting more detailed intelligence analysis of sexual assault cases, for example, linking less severe and more serious cases, connecting persons between cases, or identifying common features regarding suspect patterns and behaviors.

Data and case information, in general, were written into the narrative section of the report by the patrol officer and detective. This method of free text documentation creates a lack of consistency from report to report, with some information present in some reports but not in others. Inconsistent documentation was observed in the notification of advocates, clear statements of the incident by the victim, detailed suspect descriptions, and the identification and response to potential crime scenes and evidence. Although there were instances when this type of data was documented, it was not consistently present and was sometimes missing altogether. This issue also existed in the disposition of the case; there lacked a standard method for how and why a case was being inactivated, closed, or pending.

5.2.2 Language Employed and Descriptive Content

The first impression and contact the victim has with law enforcement can set the stage for further engagement in the investigation and impact healing and recovery for the victim. Positive interaction and verbal communication with the victim ensures that initial and subsequent contacts help gather accurate investigative information about the crime without interjecting a victim-blaming or personal bias about the incident. Equally important is how these initial conversations are documented, as the language used can set the tone, positively or negatively, of an agency's overall response.

The area of language and description was assessed within the individual case file reports completed by patrol and follow-up detectives. During the assessment interview process, most officers were appropriate in their use and description of sexual assault victims and their actions. Case files reviewed from patrol and detectives routinely documented the

victim statements using the words and descriptors deemed appropriate. Only on rare occasions were words or phrases like “alleged” or “claimed” employed to describe the victim. In one case file, the officer advised the victim that her actions after the assault “doesn’t look good.” This appeared to be an indication that the officer was evaluating the veracity of the victim’s statement. In a second case, the officer documented that he questioned why the victim did not call police immediately but instead walked several miles to her sister’s home.

Except for some of the examples noted earlier, FPD sexual assault cases were documented in an unbiased way, and investigators refrained from documenting their opinion of the victim or the assault circumstances. In multiple instances, detectives explained to the victim that they (the detective) understood if the victim could not remember details and to take their time, even perhaps delaying a comprehensive interview. In contrast, many of the reviewed reports illustrated patrol officers asking detailed questions of who, what, when, and where the assault took place, and sometimes questions about a victim’s consumption of alcohol or other actions. Where details are an important aspect of these cases, how these questions are presented to the victim can negatively impact the detectives’ ability to build trust and rapport, and at the same time obtain accurate information.

5.2.3 Case Resolution and Disposition

The resolution of a sexual assault case, including how an agency categorizes the final disposition, can directly reflect on the quality of their response to sexual assault. In reviewing the case files, the assessment team noted that current case status, final disposition, or the closing of an investigation had generally been documented in some manner by the follow-up detective. On the other hand, there appeared to be a range of documentation practices when the investigation was closed out in the case file; supporting justification for closing a case was not generally consistent across the detectives.

In cases closed and/or inactivated, investigators would document a variety of reasons. These included the victim not wanting to prosecute, the detective not being able to locate the victim, or the victim not responding to calls from the detective. In one case closure example, the detective wrote the victim did not desire prosecution, yet there was no information in the report to support this statement (e.g., did victim advise the detective of this? Was there additional information which led the detective to this conclusion?).

The most common case closure or disposition used by detectives was “Exceptionally Cleared,” narrowly defined by the FBI Uniform Crime Reporting Program: There must be probable cause for an arrest, the whereabouts of the offender is known, and there must be

some reason outside law enforcement control as to why the suspect cannot be arrested. Most reviewed case files revealed the closure did not meet this definition. A thorough review of proper case closure to include update training may help address this concern.

A review of cases that were closed as unfounded (no crime committed) also was assessed. Out of the 96 case files reviewed, about 2% were unfounded sexual assault reports. National research indicates that between 2% and 8% of rape cases fall into this category. FPD unfounded cases fall within this generally accepted area (PERF, 2013). After further review of these cases by the assessment team, the use of the unfounded disposition appears to be appropriate, given the case facts as documented by the investigator. One example noted a case was unfounded after the victim had called the detective and stated the sexual contact was consensual.

5.3 Investigative and Crime Scene Follow-Up

After the initial contact and interview of the victim, investigative follow-up and crime scene investigation are critical components of a recommended sexual assault response. Generally accepted follow-up practices include conducting inquiry that is germane to the investigation. This encompasses identifying and processing a crime scene, interviewing witnesses, conducting confrontation or control calls with the suspect, obtaining information on social media, and interviewing a suspect. All these activities can contribute to a thorough investigation and successful case outcome.

During the case file review, there were opportunities for follow-up noted in investigations that, if completed, may have helped alter the case outcome. Missed opportunities included 1) no attempt to identify or locate several “transient” witnesses to the assault, 2) failure to ask for or obtain the victim clothing as evidence, 3) not reviewing medical records from victim treatment at the hospital to identify corroborating information, and 4) not following up on a possible “nickname” for the “unidentified” sexual assault suspect. In one case file report, a patrol officer indicated the victim appeared to have a sore and “raspy” voice, after describing being “choked.” There was, however, no additional information or mention about any additional medical or investigative follow-up to provide the victim medical treatment or forensically document this disclosure. The most common missed opportunities for follow-up identified were 1) not interviewing the suspect or potential witnesses, 2) not following up on a potential crime location and documenting the same, and 3) not submitting or having additional items of evidence sent to the crime laboratory for analysis.

5.3.1 Follow-Up with Witnesses

Clearly identifying, locating, and interviewing all persons with information about a crime are germane to any investigation and considered an essential and accepted investigative standard. In 53% of the sampled case file reports, officers and detectives indicated there were additional witnesses or other persons with information about the crime. Of these potential witnesses, FPD investigators followed up with all potential witnesses for interviews in 78% of cases, according to documentation in the case file. Names of potential witnesses were also found in the written case files; however, this information was not consistently documented and was almost exclusively contained in the narrative of the report. In addition, this information generally appeared in the form of a name with no supporting documentation of how to contact this person or the relationship to the crime. Witness information rarely appeared in the pre-narrative section of the RMS, the most appropriate area to consistently document this information.

5.3.2 Interviewing Suspects

Obtaining a suspect statement, which involves planning when and how to gain important investigative intelligence, is a learned skill in sexual assault cases. There is unquestionable value in obtaining a statement from the suspect in a case, and all attempts should be made to conduct interviews in cases where the suspect is identified. The FPD case file review showed that a suspect was named or identified in 80% of cases. Among these cases with an identified suspect, 78% included documentation that the suspect was contacted by a patrol officer or a detective, but the remaining cases (22%) included no record of contact by law enforcement. As with any investigation, there are significant factors which may influence the decision to interview (e.g., no probable cause to arrest and suspect refused to be interviewed, potential threat to victim as suspect is current or former partner).

In addition to conducting interviews of potential suspects, the opportunity to collect forensic evidence from the suspect may also be present. Based on our assessment, in cases where a suspect was contacted, in only 7% of the time was there an attempt to collect any forensic evidence from the suspect (or suspects).

Understanding rapists and sexual assault suspects is an important factor in developing an interview strategy. The assessment team was unable to determine the quality and types of interviews that were completed. In suspect interviews documented in the case files, most of the interviews were completed shortly after the initial investigation was started; investigators appeared to be simply asking the suspect whether they had assaulted the victim. Suspect interviews were not consistently recorded; interviews would occur at a

variety of locations, as opposed to the police station; and suspects overwhelmingly did not make any admissions. When information was obtained from the suspect, only occasionally was this information pursued.

Once this interview was completed, the case follow-up generally was limited, and it was rare that the suspect was re-interviewed with new investigative information. Additionally, how much and the quality of training provided for FPD personnel in the suspect interview process is unknown.

Keeping the investigation “close” allows the detectives to conduct follow-up with minimal leaking of information to any suspect or witnesses. At times, investigative strategies may have been compromised as detectives who could not locate a named suspect would leave a message with a relative or friend. On several occasions, detective contact with suspects occurred when the victim had yet to be contacted by any follow up detective. With limited case information, detectives would attempt to get a statement from the suspect.

5.3.3 Conducting Confrontational or Control Calls

Sexual assault cases are among the most difficult to investigate. Consequently, sexual assault detectives must deploy a variety of investigative tools to solve cases and seek justice for victims. One such tool is a control or confrontational call with the suspect, made by victims under the guidance of investigators. This strategy requires the victim to be willing and able to participate in a monitored phone call with the suspect. This type of call, if successful, could assist in moving a case forward toward prosecution. When a victim could not or would not make this call, there did not appear to be any additional follow-up, such as interviewing potential witnesses and suspects.

Within the FPD cases, there were multiple instances identified where control calls could have been used to move difficult cases forward. In two cases, this investigative tool was suggested to the victim as being the only option for pursuing a “difficult” case, with little or no additional investigative follow-up to help move the case. Several other opportunities to conduct a control call were compromised when detectives contacted the suspect within 2 days after the initial report of the crime. Contacting a suspect quickly, without having sufficient details about the case and the case circumstances (i.e., the potential alibis the suspect may use), compromises the ability to employ all investigative techniques available to the detective.

5.3.4 Accessing and Searching Electronic or Social Media Data

Electronic evidence in sexual assaults includes data collected from cell phones, such as texts, call logs, and Global Positioning System (known as GPS) locations, but can also include information from social media, such as emails and posts on sites such as Instagram and Facebook. This type of evidence can provide important details on suspect or victim activities, corroborate information, or identify witnesses or associates not previously known. FPD has an established protocol for obtaining, documenting, and preserving this type of data and, during the case file review, the assessment team found this protocol was consistently followed. Overall, if electronic information was accessible, it was routinely sought out by the detectives.

However, in cases indicating a mobile device was a part of the victim/suspect interaction, there was not sufficient documentation as to 1) whether data from the mobile device were accessed, and 2) how the information, if obtained, may have been useful in the investigation. Additionally, there were times when investigators or patrol officers believed mobile device data could have been beneficial to the investigation, but data were not accessed, and there was no clear documentation why this step was not taken.

Investigators regularly obtained both victim and suspect electronic information from mobile devices; how detectives accessed the data differed. During the follow-up portion of the investigation, many victims who were not in person with the detective were routinely asked to “text” or email potentially probative case information to the detective. In one occasion during an interview with a suspect who carried a mobile phone, the detective asked the suspect, when he “had a chance” after the interview, to send the detective the information from his phone. Generally, an accepted practice for detectives in an investigation is to identify, seek and legally obtain critical investigative information or evidence that may assist in determining the facts of a case. This includes potentially investigatory or exculpatory information brought to the detective’s attention, which in several cases involved cell phone information. When this evidence is not collected immediately the accuracy and integrity of the evidence is questioned. Providing additional guidelines and training in this area may help clarify and develop this type of investigative practice for case follow-up.

5.3.5 Locating and Processing Crime Scenes

Crime scene examination is important in leading detectives to identify additional avenues of investigation, corroborate the victim’s statements, and investigate the suspect’s statement. Identifying and collecting items of evidentiary value, beyond the SAK, is a critical component of an effective sexual assault response. This evidence can be physical, forensic,

electronic, or video. The ability to process a crime scene is contingent on searching for and successfully identifying the location in question.

In 72% of the reports, there was an indication of a potential crime scene. Of those reports where a crime scene was identified, about three out of four (74%) documented that the crime scene was located. Of those crime scenes located, 61% were processed in some fashion (defined as examined/processed/evidence collected). In some reports, patrol officers completed an initial scene follow-up investigation prior to submitting their written report. Patrol officer follow-up generally would consist of arranging transportation for the victim to a sexual assault medical exam, or in some cases, impounding a limited amount of additional evidentiary items. In one case, the crime scene was located; however, the report indicated the hotel was “known for prostitution” and, therefore, no additional evidence was to be collected.

A review of the case files showed additional evidence was identified and/or impounded in 23% of the case file reports. This evidence included, but was not limited to, crime scene photographs, text and emails, and physical evidence such as clothing and bedding.

5.4 Physical Evidence and Laboratory Analysis

A complete forensic medical evaluation and the collection of a SAK has many benefits for treating the victim after the assault and can provide critical forensic evidence to further the criminal investigation. In 42% of the sexual assaults reported to FPD, the victim had a sexual assault examination and a SAK was completed. This information was sometimes documented by the first responding patrol officer, but in most cases, it was revealed in the crime scene technicians’ impounding of evidence supplement. Based on the case file review, there was a lack of consistent documentation about whether the victim was offered an exam, whether an examination was completed, or the reasons why the victim may have declined an exam. Having this information can assist detectives in assessing the viability of a case or identify and assess an agency’s standard of response to sexual assaults.

Patrol officer reports frequently noted that they arranged to coordinate transport for victims to the hospital for a medical examination. This transportation most often was provided by local emergency medical response (ambulance). Often, patrol officers also accompanied the victim to the hospital, a practice which could create a chain of evidence custody concern. In several other instances, the responding officer informed the victim that, if he/she wanted to have a SAK collected, he/she would need to drive to the hospital. Beyond initial documentation of sending the victim to the hospital, there was very little to no follow-up information about exam results, or communication with the sexual assault nurse examiner

about whether additional facts may have been discovered or statements made to the sexual assault nurse examiner. This was supported through the personnel interviews in which the sexual assault nurse examiner indicated that, after an exam, little or no information about exam outcomes is provided to the police.

Among cases in which the victim did receive a medical forensic exam and have a SAK collected, 49% indicated that the SAKs were submitted to the North Carolina State Crime Laboratory (NCSCCL) for analysis. However, this finding also suggests some deviation from the official FPD policy, which requires that all SAKs be submitted to a crime laboratory for analysis. Whether the lack of this documentation in the case file was simply an oversight is unclear.

Timely submission of a SAK to the crime laboratory is also indicative of a proactive sexual assault response. The files reviewed showed that 47% of SAKs were submitted for analysis within 60 days or less. Additional information regarding laboratory processing and turnaround times for laboratory examination of sexual assault kits were generally not included in the case files. Information was gathered from the investigative case files of the 41 cases with SAKs submitted, revealing that 18 were still pending laboratory results and 8 reports indicated laboratory analysis had been completed. Whether SAKs in additional cases were actually tested is unknown because that information was not included in the investigative files. Accurate and consistent documentation of laboratory testing results are important when evaluating the sexual assault response and identifying potential gaps and opportunities.

Processing all SAKs has proven to be a benefit to investigators across the country in the ability to solve sexual assaults and link offenders and cases (Lovell et al., 2017). Whereas FPD does not have control over the NCSCCL, the state crime laboratory had a policy in place to not process all SAKs, particularly where the investigative issue is consent. The NCSCCL reported that they were revisiting the policy, but it is not clear whether the policy has been or will be changed. How this issue will be resolved and communicated between the laboratory and law enforcement across the state is unclear. Having effective lines of communication plays an important role in the examination and testing of SAKs. In interviewing state laboratory personnel, laboratory employees indicated that communicating out broadly to all law enforcement agencies across North Carolina is difficult due to lack of resources and an effective communication mechanism targeted to law enforcement.

5.5 Case Submission to the Prosecutor

A strong relationship between police and prosecution is critical in sexual assault cases. Interviews conducted with both police and prosecutors generally indicated that the relationship between them was positive and effective. Some of the investigative case files documented that FPD detectives would speak with a prosecutor prior to case submission. Having these conversations regularly can help both disciplines address specific case concerns. During interviews, county prosecutors indicated they do employ some specialization for sexual crimes. When FPD initially submits cases to prosecution, the case is “screened” or reviewed initially for charges by a general prosecutor outside the sexual crimes unit. This process was a slight point of frustration for both FPD and prosecutors. The submission process requires that, prior to a case being submitted for review, FPD detectives complete and submit a felony folder that supplements the written police reports and other documentation completed by detectives.

Overall, based on the case files reviewed, 25% of FPD sexual assault cases were formally submitted to the prosecutor. Because this documentation is not consistent, it is unclear whether this proportion is an underestimate. Additionally, there is very little documentation from the case files regarding case filings, decisions, and their outcomes. The accurate and consistent documentation of this type of information will be very beneficial toward regularly reviewing an agency’s sexual assault response.

Standards for when and how a case is submitted are not clearly outlined in the case files or operational procedures. Investigative discretion does play a role in this decision process as well. In one case, the detective documented speaking to the “D.A.,” and that the district attorney would not file charges. However, there is no apparent policy to require this practice. On occasion, the report did document when a case was NOT submitted to the prosecutor, but again this was not consistently completed. Explanations for not submitting a case to the prosecutor were rarely included. When documented, the explanations included that the victim was not willing to testify in court or aid in any prosecution, the detective was unable to locate the victim, and additional information or follow-up was needed.

5.6 SVU Resources and Workload

One goal of the assessment was to examine the size of the SVU staff, the roles that these staff take on, and the availability of other support personnel within the agency that can be used to increase the efficiency and effectiveness of the collective sexual assault response. Since 2014, staffing levels for the FPD SVU have increased gradually each year. In 2014, the SVU had two full-time detectives; in 2015, there were three assigned detectives. By

2016, four detectives were assigned to the unit, and beginning in 2016, an additional detective was assigned, bringing the total number in the unit to five detectives (one of which was designated to cold-case sexual assaults). Along with staffing, a review of detective monthly caseload/assignment revealed that from January to August 2017, the four SVU detectives were assigned a combined total of 152 sexual assault cases. This averaged to nearly 5 sexual assault cases assigned per detective/per month. Although there are few rigorous studies that address staffing and caseloads for SVUs, some previous studies describe the optimal detective case load at two to eight cases per month. However, there are a number of other factors at play here. One is that, in addition to sexual assault cases, SVU detectives continue to investigate other types of cases including cases that were not sexual in nature (e.g., aggravated domestic violence). This additional work does impact a detective's ability to concentrate on sexual assault cases exclusively. In addition, the sexual assault caseload (which has increased over the past two years) and the time demands required to ensure an appropriate victim-centered response indicated the need for additional staff resources. The assessment team recommends that the FPD should closely evaluate the need for an additional SVU investigator along with other resources that could free up investigator time (see sections below). Furthermore, a process should be established for identifying and recruiting the most suitable candidates for SVU investigators. Finally, policies should be developed that provide guidelines and qualifications for SVU detectives and supervisors.

5.6.1 Agency Advocates: Do They Have Enough Staff?

In the interviews conducted with internal agency staff and external partners, it was also noted that the SAU has only one agency-based victim advocate currently supporting sexual assaults. Given the caseload and current policies (and recommended policies), the assessment team recommends an increase of at least one additional victim advocate to support the unit. This would ultimately save time for the detectives in the unit and provide improved ability to serve victims throughout the entire sexual assault process.

5.6.2 Training and Experience of SVU Staff

Most personnel expressed a desire to receive additional and ongoing training in the area of sexual assault response. They believed this training would be helpful in improving their response and the quality of their investigations. Much of the training provided for sexual assault detectives and patrol officers was online in nature, with limited in-person training offerings through the state or the local college. There did not appear to be an organized

effort to specifically provide training, both basic and advanced, to key personnel. A review and assessment of the current training being provided is a critical recommendation.

5.6.3 Mentorship and Supervision Opportunities

Assignment and personnel selection to the SVU is a critical component of ensuring an appropriate response to these cases. FPD currently has operation procedures and standards for selection to many specialty positions (OP 6.6), however these procedures do not outline specific requirements for the SVU, either for detectives or supervisors. Recruiting and retaining for this position provides a good foundation for sustaining an excellent standard of response to sexual assault cases. FPD would benefit from implementing an effective process exclusively for the transfer of personnel to the sexual crimes detectives and supervisory positions. This type of action would help elevate this position and show the importance of these cases to FPD leadership and the community.

5.6.4 Support Staff

A final area to consider is the use of support staff for the SAU, which can assist with responsibilities such as crime analysis, case tracking, data entry, data management, filing, answering phones, and other clerical activities. Personnel interviewed believed that additional support personnel would allow them more investigative follow-up time and relieve them of some non-investigative duties that they occasionally must complete. FPD should also assess and consider implementing a crime analysis position, dedicated either full-time or at least some portion of time to the SVU. For example, across a number of U.S. jurisdictions a considerable amount of new information is being gained on the prevalence of serial sexual assault, as well as cross-over offending with other types of crime (Lovell et al., 2017). Developing a process for identifying these offenders through crime analysis and forensic evidence is a critical aspect of a successful, holistic, sexual assault response.

5.7 Multiagency Communication and Collaboration

Information and research have shown that working collaboratively as a multidisciplinary team in the response to sexual assault is advantageous for communities. This team response fosters sharing resources and expertise, identifying successful response, understanding opportunities to improve, and providing a seamless response to victims of sexual assault. Within the Fayetteville community, the assessment team spoke with sexual assault nurse examiners, victim advocates, prosecutors, and crime laboratory personnel, all key disciplines for establishing a model, holistic, sexual assault response.

5.7.1 Forensic Medical Providers

Members of the Sexual Assault Nurse Examiner Program from both the community medical care provider and the military indicated they have a good working relationship with FPD and feel they are a part of a strong, committed team. The process for activating the sexual assault nurse examiner for a rape examination is standardized and followed by FPD. The processing, storing, and transferring of the SAKs from the nurse examiner to law enforcement operates in a well-coordinated and efficient manner, as well. This procedure helps ensure evidence integrity and chain of custody for future investigative steps.

5.7.2 Prosecution

Members of the County Prosecutors office expressed their commitment to pursuing all cases of sexual assault, improving the system response, and providing open communication with the FPD and their investigators. The prosecutors participate in regular meetings and encourage investigators to contact them at any phase of the investigative process. The attorneys in this office would like to have more resources for sexual assault cases and they believe this would improve the prosecution response to rape cases. The prosecutors are sometimes hampered by delays or extended wait times for evidence to be examined by the state crime laboratory. Improving these aspects would also create a better response.

5.7.3 Crime Laboratory

The crime laboratory plays a significant role in the FPD response to sexual assault. The laboratory provides forensic services to the agency for the testing of SAKs and other evidence in sexual assault cases. Members of the North Carolina State Crime Laboratory expressed their support for the FPD and working with all law enforcement in North Carolina as they address sexual assault. Resources for the laboratory are a critical factor in their ability to provide timely and important forensic testing in cases of sexual assault. These resources limit the ability to communicate broadly with law enforcement agencies across the state including SARTs or sexual assault multidisciplinary teams. Nevertheless, the crime laboratory is committed to providing excellent service to their partners.

Communication and resources were discussed, regarding the follow-up on Combined DNA Index System (CODIS) hits obtained in sexual assault cases. Currently, there is not an effective check and balance system in place to provide essential feedback from the laboratory to law enforcement, and vice versa when CODIS hit information is sent to an agency.

The laboratory also previously had a statewide practice of not routinely analyzing a SAK if the suspect was known and the case was one of consent. This practice may have been a side effect of limited resources within the state laboratory; however, the testing of SAKs in cases of consent has shown nationally to be a tremendous benefit in sexual assault cases, as the power of DNA can link offenders and cases across jurisdictions. At the time of the assessment, FPD and its partners in prosecution were under the impression that this state laboratory practice was still in place and indicated that the practice of not analyzing consent cases had a negative, trickle-down impact. Specifically, this practice was negatively impacting law enforcement's willingness to pursue and submit SAKs from cases with a known offender, as well as the prosecutor's motivation to pursue charges on these cases. The FPD should work with local partners and the state laboratory to verify the nature of these changes and to communicate out the impact.

6. RECOMMENDATIONS AND OPPORTUNITIES

There were many documented strengths to the Fayetteville Police Department's current response to sexual assault. As compared with the national practices and guidelines, FPD has shown its commitment in addressing the fundamental elements of an effective law enforcement response to sexual assault. This effort is seen in the recent implementation of several policies and practices that show that commitment. A "test all" SAK policy, being the recipient of a national DNA backlog grant, and employing a full-time advocate within the SVU highlight the agency's pledge to address sexual violence. These important steps are examples of leadership's forward thinking, ensuring the implementation of effective and concrete practices. The recommendations provided include steps that can be taken to create a sustainable, model response to sexual violence, provide a supportive culture for victims, hold sexual offenders accountable, and above all, create a safer community in the City of Fayetteville. The SAKI TTA SAU Assessment Team's recommendations are linked to recommendations from SAFER Act Working Group, where appropriate (National Institute of Justice, n.d.).

For support for these recommendations, visit www.SAKITTA.org. SAKI TTA offers briefs, virtual technical assistance, and online coursework to support these recommendations in the form of online training via SAKI TTA webinars, SAKI TTA Toolkit, and the SAKI TTA Virtual Academy. Opportunities for in-person training are also available.

6.1 Strengths

6.1.1 Fayetteville Police Department's Response Is Victim Centered

The assessment team found the Fayetteville Police Department response to sexual assault to be victim-centered, largely representing a collaborative, multidisciplinary effort. The FPD and its partners within prosecution, advocacy, and medical care (e.g., sexual assault nurse examiners) were found to be dedicated and compassionate in their efforts to ensure that victims receive the appropriate level of respect and treatment.

6.1.2 Fayetteville Police Department Has a Solid Foundation with Its Sexual Assault Written Policies

The FPD sexual assault policies are comprehensive and detailed, particularly pertaining to the need for responding officers to be victim-centered and to understand the impact of trauma. Specific duties for first responders and follow-up investigations for sexual assault cases are also detailed. The assessment team believes there are opportunities to build on these policies to provide greater clarity on roles and responsibilities within specific situations

and eliminate any areas of uncertainty regarding the response, investigation, and accountability phases.

6.1.3 Leadership and Collaboration Are Strong Within and Outside the Fayetteville Police Department

There is strong leadership within the FPD and collaboration across multidisciplinary city, county, and military partners. Partners in prosecution, medical care (sexual assault nurse examiners), victim advocacy, and crime laboratory all reported that the FPD demonstrated leadership in sexual assault response.

6.1.4 Fayetteville Police Department Staff Are Innovative and Dedicated

FPD has emerged as a leader at the state and national levels in sexual assault. As an example, they have implemented new training programs, as well as liaison programs such as the Sexual Assault Liaison Program, which was internally developed in 2017 to create more formal mentorship and in-service training for selected patrol officers in the response to sexual assault-related calls. The internally developed SVL program is an innovative step in creating a more formal mentorship and in-service training process for selected patrol officers in the response to sexual assault-related calls. The objective is for the SVL officers to be dispatched as the responding officer to incoming sexual assault calls for service. This approach represents another important step that the FPD is taking to create a comprehensive, victim-centered response to sexual assault. The overall objective is to decrease the number of unreported sexual assaults within the City of Fayetteville.

6.1.5 Fayetteville Police Department Engage in Active Communication with the Community

FPD has worked hard to promote a positive message to the community while also being very open about the past destruction of unsubmitted SAKs and the efforts to contact all the victims associated with those cases. In partnership with victim advocacy, medical, and legal partners, they have established trust and confidence with victims and with the community. Being transparent in their activities, sharing successes, and owning up to the previous mistakes, has resulted in increased trust and confidence from not only victims of sexual assault but also the community in general. There are examples that demonstrate that these steps are increasing the likelihood that victims will report crimes to law enforcement and engage in the justice process. These types of outcomes can have tremendous benefits both in terms of solving cases but also creating a culture of trust and cooperation with the community more broadly.

6.2 Gaps, Needs, and Recommendations

6.2.1 Patrol Officer Roles During Sexual Assault Response

Based on the interviews conducted, there appeared to be different interpretations among patrol officers in terms of their roles and expectations, including when SVU detectives should be called to the scene and when to interview certain types of victims (e.g., adolescent victims, mentally disabled victims). Recommendations include the following:

Recommendation 6.2.1.1

- Designate specific detective callout criteria as to when patrol will respond to sexual assault cases. This type of policy would provide improved guidance for patrol officers and patrol supervisors. Supplement existing policies to define when and under what circumstances patrol officers should (1) request a detective, and (2) conduct an interview with the victim.

Recommendation 6.2.1.2

- Implement department-wide training for patrol officers that complements the Sexual Assault Liaison Program for specialized officers. Identify current training resources and integrate these into your plan. This includes accessing online (e.g., the SAKI virtual academy and toolkit) and in-person tools available through the SAKI TTA.
 - This recommendation is in alignment with the broader *SAFER Recommendation 22*: All law enforcement personnel involved in sexual assault investigations should receive training in the neurobiology of trauma and specialized skills for interviewing sexual assault victims.
 - *SAFER Recommendation 2*: Sexual assault responders should use a victim-centered and trauma-informed approach, when engaging with victims of sexual assault.
 - *SAFER 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency's strategic plan.

6.2.2 Use of Victim Advocates in Cases

According to case file documents, there was a lack of consistency in involving a victim advocate or documenting this involvement, as part of the response. This included both FPD agency advocates and community-based advocates. Advocates were mentioned in fewer than one out of five sexual assault cases, including multiple instances involving special needs victim populations. Recommendation includes the following:

Recommendation 6.2.2.1

- Add more specific detail to existing policy that dictates a Victim Advocate should respond to all sexual assault cases. Also, provide training to officers to ensure direction on how to contact the appropriate victim advocate and, what services the victim advocate can provide. If a victim advocate is not used, then the reason and justification should be documented.

- This recommendation is consistent with
 - *SAFER Recommendation 3*: Agencies should collaborate and involve victim advocates early in the process to create a more victim-centered approach to the criminal justice process.
 - *SAFER 4*: The multidisciplinary approach should seek out and include voices from underserved or vulnerable populations in the community’s response to sexual assault cases.

6.2.3 Follow-Up with Victims and Witnesses

Most of the witnesses listed in the narrative of the police report were never followed up with, or if there was follow-up, it was not documented in the report. Additionally, there was weak report documentation when it came to providing identifying information for witnesses, suspects, and sometimes victims. Basic information—dates of birth, addresses, or phone numbers—often were not provided. This makes future follow-up difficult with these individuals. Recommendations include the following:

Recommendation 6.2.3.1

- Develop a report writing and documentation regime and provide additional training for all department members but in particular sexual assault investigators.

Recommendation 6.2.3.2

- Examine whether the current RMS allows for this information to be effectively entered, if not explore expanding the RMS.

Recommendation 6.2.3.3

- Develop a policy which outlines the standards required for report documentation.
 - These recommendations are in alignment with the broader *SAFER Recommendation 23*: Law enforcement agencies should implement electronic records management systems that incorporate investigative workflows to improve case investigations and communication.

Recommendation 6.2.3.4

- Review and explore the implementation of standardized policy for recording all interviews, including patrol interviews, interviews of victims, witnesses, and suspects.

Recommendation 6.2.3.5

- Evaluate the cost for creating a victim-centered interview room or facility separate from the current FPD interview rooms, exclusively for conducting victim interviews.
 - This recommendation is in alignment with the broader interpretation of *SAFER Recommendation 2*: Sexual Assault responders should use a victim-centered and trauma-informed approach when engaging with victims of sexual assault

Recommendation 6.2.3.6

- Provide additional guidance in the form of training for supervisors to ensure all germane follow-up in a case is being completed.
 - This recommendation is in alignment with the broader application of *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.

6.2.4 Investigative Follow-Up Opportunities

There are always continuing opportunities to improve the investigative follow-up in sexual assault cases. The following recommendations are for the specific areas mentioned:

- Identifying and processing crime scenes
 - Provide additional guidance in the form of training for patrol officers and detectives on the importance of crime scene follow-up, identification of crime scenes, and the processing of crime scenes.
 - Review current policy and practice on crime scene investigation particularly for sexual assault cases. Implement policy that outlines requirements for processing a crime scene and ensuring this is appropriately documented in the police report.

These recommendations are in alignment with the broader application of

 - *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.
 - *SAFER Recommendation 8*: Examiners should concentrate the collection of evidentiary samples by using no more than two swabs per collection areas so as not to dilute the biological sample.
 - *SAFER Recommendation 11*: Due to increased sensitivity in DNA technologies, masks and gloves should be used by all medical-forensic care providers and others in the collection and packaging of evidence, especially during the collection of intimate samples.
- Interviewing suspects and witnesses
 - Provide additional guidance in the form of training for the following:
 - Patrol officers and detectives, on the importance of conducting appropriate follow-up with witnesses and suspects
 - Supervisors, to ensure all germane follow-up in a case is being completed
 - Patrol officers and detectives, on effective follow-up strategies, interviewing methods for victims witnesses and suspects
 - All personnel, and implement policy updates on the appropriate way that witness, suspect, and victim information is to be documented in the police report

These recommendations are in alignment with the broader application of *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.

- Collecting and processing crime scene evidence
 - Review current policy and practices to ensure adherence to all avenues of crime scene investigative follow-up.

This recommendation is in alignment with the broader application of *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.
- Confrontational calls/other missed opportunities
 - Develop a standardized policy for the utilization of confrontation/controlled phone calls, assessing when they would be appropriate in the investigation.
 - Develop a training plan for all personnel involved in sexual assault cases for utilizing a confrontation phone call.

These recommendations are in alignment with the broader application of *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.

6.2.5 Consistency and Detail in Reporting Documentation

The sexual assault reports are inconsistent in several fundamental elements, including the listing of victims, suspects, and witnesses into the proper structured categories within the RMS; the lack of detail regarding the types of actions that were followed (or not followed); and the outcomes of cases including laboratory testing results and adjudication decisions. Recommendations include the following:

Recommendation 6.2.5.1

- Offer additional training on report writing and documentation to ensure consistency from investigation to investigation. This would serve to strengthen documentation of the methods and rationale in which cases are resolved. Outline specific minimum standards for case closure that are consistent across all investigators.

Recommendation 6.2.5.2

- Identify standards for officers and detectives in the content, language, format, and information to be utilized when documenting a sexual assault report/investigation in the current RMS. Create data fields that will provide officers a consistent method for this documentation.

Recommendation 6.2.5.3

- Create a review process for ensuring that all reports of sexual assault written by patrol and detectives meet predetermined standards for proper documentation.

Recommendation 6.2.5.4

- Implement written policy outlining requirements and standards for report writing and information documentation in cases of sexual assault.

These recommendations are in alignment with the broader application of

- *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency’s strategic plan.
- *SAFER Recommendation 23*: Law enforcement agencies should implement electronic records management systems that incorporate investigative workflows to improve case investigations and communication.

6.2.6 Documentation and Justification for Clearing Cases

The case file review showed possibly inconsistent practices for exceptional clearances that did not meet the FBI’s definition for closed by exception. Recommendations include the following:

Recommendation 6.2.6.1

- Ensure that case clearance decisions adhere to FBI definitions and are well documented with supporting justification for closing an investigation.

Recommendation 6.2.6.2

- Study, assess, and identify the feasibility of implementing a more robust RMS that will ensure critical case metrics and information is archived and retrievable by investigators in the SVU.

This recommendation is in alignment with the *SAFER Recommendation 23*: Law enforcement agencies should implement electronic records management systems that incorporate investigative workflows to improve case investigations and communication.

Recommendation 6.2.6.3

- Ensure unit supervisors review all case closures and that these closures are consistent among investigators and within appropriate case closures standards.

6.2.7 Increasing Investigative Resources and Support

Recommendations include the following:

Recommendation 6.2.7.1

- Ensure adequate investigative resources are employed in the SVU. Having the necessary staffing and support personnel creates the environment that the crime of sexual assault is a priority within the organization.

Recommendation 6.2.7.2

- Explore conducting an independent, in-depth process-flow, case load, assessment within the SVU.

6.2.8 Implement a Standardized Training Program Within the Agency for Sexual Assault

Provide increased direction and support on establishing a specialized training for sexual assault detectives within the FPD. This focuses on a standardized training program for both

patrol and SVU detectives. This training should include such topics as trauma-informed response, improving victim interviews, effective case follow-up, managing and handling DNA and other evidence, the laboratory process, crime scene investigation, understanding offenders/suspect dynamics and interviewing same, and comprehensive report writing for rape cases. Offer and implement additional training and technical review on report writing and documentation in sexual assault investigations to ensure accuracy and consistency from investigation to investigation. Additional recommendations include the following:

Recommendation 6.2.8.1: Patrol Officers and Supervisors

- Implement a mandatory sexual assault training regimen for all officers. Include a yearly refresher as part of annual training requirements. This training should include topics such as trauma-informed response, improving victim interviews, effective case follow-up, managing and handling DNA and other evidence, the laboratory process, crime scene investigation, understanding offenders/suspect dynamics and interviewing same, and comprehensive report writing for rape cases. Consider creating a budgetary item for this specialized training.

Recommendation 6.2.8.2: SVU Detectives and Supervisors

- At a minimum, require that detectives and supervisors assigned to sexual assault cases receive 40 hours of specialized training and annual updated training. This training should include topics such as trauma-informed response, improving victim interviews, effective case follow-up, managing and handling DNA and other evidence, the laboratory process, crime scene investigation, understanding offenders/suspect dynamics and interviewing same, and comprehensive report writing for rape cases. Consider creating a budgetary item for this specialized training.

Recommendation 6.2.8.3: Other Staff

- The FPD should also explore the benefits to other detective units and for cross-training opportunities with prosecutors. Consider creating a budgetary item for this specialized training.

These recommendations are in alignment with *SAFER Recommendation 35*: Mandatory training for those responding to sexual assault should be incorporated into every agency's strategic plan

6.2.9 Address Laboratory Submission Policy

Recommendation 6.2.9.1

- Provide training and policy direction on the management of all sexual assault evidence, to include sexual assault kits. This should include direction on when a SAK should be submitted to the crime laboratory, when a sexual assault nurse examiner will be contacted for the completion of an exam, the process for having a SAK collected by medical personnel, and how long SAKs will be retained in evidence.

This recommendation is in alignment with

- *SAFER Recommendation 15*: SAKs should be received by the local law enforcement agency from the hospital or clinic as soon as possible, ideally, no

later than three (3) business days from the collection of the kit, or as specified by statute.

- *SAFER Recommendation 16*: Law enforcement agencies should submit the SAK to the laboratory for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK, or as specified by statute.
- *SAFER Recommendation 18*: A comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information (e.g., unique kit identifier, date collected for all SAKs).
- *SAFER Recommendation 31*: Jurisdictions that do not have evidence retention laws should adopt biological evidence retention policies/protocols that are victim-centered and preserve evidence from uncharged or unsolved reported cases for 50 years or the length of the statute of limitations, whichever is greater.
- *SAFER Recommendation 32*: Unreported SAKs should be retained for at least the statute of limitations or a maximum of 20 years, and
- *SAFER Recommendation 34*: Jurisdictions should develop a communication strategy to increase transparency and accountability to stakeholders within their communities regarding the response to sexual assault.

6.2.10 Create a Sustainability Plan

For FPD and its partners, leadership should develop a written plan that can be used to not only sustain existing efforts and momentum, but also continually review and re-assess to make steady improvements over time. Recommendations include the following:

Recommendation 6.2.10.1

- Ensure that standardized procedures are in place for supervisors to assess and evaluate the response and performance of investigators in the SVU.

Recommendation 6.2.10.2

- Conduct a thorough review of evidence analysis and crime laboratory relationship. Identify and implement methods to improve the submission and testing timelines of sexual assault evidence.

Recommendation 6.2.10.3

- Annually review the department's written policy to ensure the response guidance in the policy is current and effective, and follows national guidelines and standards.

These recommendations are in alignment with the broader interpretation of *SAFER Recommendation 34*: Jurisdictions should develop a communication strategy to increase transparency and accountability to stakeholders within their communities regarding the response to sexual assault.

6.2.11 Measuring What Works (and What Does Not)

With the goal of identification and sustainability of effective practices, implement both internal and external processes for routinely assessing what is working in terms of the sexual assault response.

Recommendation 6.2.11.1

- Internally, patrol officers and detectives should be asked routinely (e.g., annually) about what has been working well and outstanding resource or training needs. Externally, an annual community survey could be used to identify the effectiveness of departments' responses to cases of sexual assault. The community survey could include questions about victimization not reported to the police, reasons for not reporting, as well as perceptions about trust and confidence in the police (e.g., are victims more likely to cooperate with the police?).

This recommendation is in alignment with the broader interpretation of *SAFER Recommendation 34*: Jurisdictions should develop a communication strategy to increase transparency and accountability to stakeholders within their communities regarding the response to sexual assault.

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Appendix A: Interview Guides

Law Enforcement Stakeholder Interviews

Question for SAU Detective Interviews

Assessor/s: _____ Date: _____
Name: _____
Position: _____
Rank: _____
Total years of L.E. experience: _____
Total years in Investigation Division: _____

1. Describe your job duties?
2. What training and education have you received in the investigation of sexual assault cases?
3. How are detectives evaluated?
4. Is there a department or bureau policy specifically addressing sexual assault investigation?
5. What is the case assignment process?
6. What is the average caseload of detectives in the unit?
7. Are there written guidelines for case follow up?
8. What is the process or criteria for closing SA investigations?
9. Describe your interview and interaction with sexual assault victims?
10. Are finalized sexual assault case files reviewed by a supervisor before they are closed?
11. Does your agency have a case file checklist? How is it utilized?
12. Are investigators required to complete a supplemental report on the case status at any point in time?
13. How do you manage or handle sexual assault crime scenes and associated physical evidence (e.g., processing, collection, impounding to include SAKs)?
14. Are there policies or guidelines for handling sexual assault kits evidence?
15. What type of internal external support or resources would be helpful in your current position?
16. What are some areas you see for improving your department's sexual assault response?
17. Is there coordinated community response or SART team for your agency?
18. How do you communicate information with other detectives within and outside of your agency?
19. How would you describe moral?

Question for Patrol Officer Interviews

Assessor/s: _____ Date: _____
Name: _____
Position: _____
Rank: _____
Total years of L.E. experience: _____
Total years in Patrol Division: _____
Total years throughout your career in the Patrol Division: _____

1. What type of training have you received in sexual assault response? How often do you receive training in this area?
2. Do you have a patrol response policy to sexual assault?
3. What is the procedure you follow when responding to a sexual assault call?
4. What are your duties at a crime scene of a sexual assault?
5. Who is responsible for processing, collecting, and impounding evidence?
6. Describe your follow up activities for sexual assault cases. What do you understand your responsibilities to be?
7. What is your involvement in the sexual assault medical examination?
8. Do you contact a victim advocate?
9. Does your supervisor come to the scene?
10. Who makes the call for having Sexual Assault Unit Detective respond?
11. How often do you communicate with detectives in the SAU?
12. What would be helpful in assisting you in your response to sexual assault?

Question for SAU Detective Sergeant Interviews

Assessor/s:

Date:

Name:

Position:

Rank:

Badge:

Total years of L.E. experience:

Total years as Supervisor in Investigation Division:

Total years throughout your career in the Investigation Division:

1. Describe your job duties?
2. What training and education have you received in the investigation of sexual assault cases?
3. Is there a department or bureau policy specifically addressing sexual assault investigation?
4. What's your selection process for supervisors and officers to be eligible to work in this unit?
5. How are you evaluated?
6. How do you evaluate your employees' performance?
7. How do you measure and ensure your investigators are conducting thorough investigations that meet department policies?
8. What type of case management or tracking system does your organization have for sexual assault cases?
9. How are investigations assigned to detectives?
10. Describe how SA cases are coded or reclassified?
11. Describe your staffing work hours and the process for investigating a sexual assault that occurs after hours?
12. How do you manage or handle sexual assault crime scenes and associated physical evidence (e.g., processing, collection, impounding to include SAKs)?
13. Are there policies or guidelines for handling sexual assault kits evidence?
14. Describe your process for the review and crime lab submission of sexual assault evidence.
15. What types and how often do officers receive specialized sexual assault training for investigating sexual assault?

16. What type of internal external support or resources would be helpful in your current position?
17. What are some areas you see for improving your department's sexual assault response?
18. Is there coordinated community response or SART team for your agency?
19. How would you describe moral?

Question for SAU Lieutenant Interviews

Assessor/s:

Date:

Name:

Position:

Rank:

Total years of L.E. experience:

Total years as Supervisor in Investigation Division:

Total years throughout your career in the Investigation Division:

1. What is your role in sexual assault investigations?
2. What training and education have you received in the investigation of sexual assault cases?
3. What type and how often do officers receive specialized sexual assault training for investigating sexual assault?
4. Is there a department or bureau policy specifically addressing sexual assault investigation?
5. What's your selection process and requirements for supervisors and officers to be eligible to work in this unit?
6. How are you evaluated?
7. How do you evaluate your employee's performance?
8. How do you measure and ensure your investigators are conducting thorough investigations that meet department policies?
9. Are there specific written policies or standards for case management?
10. What type of case management or tracking system does your organization have for sexual assault cases?
11. How are investigations assigned to detectives?
12. Describe how SA cases are coded or reclassified?
13. Are finalized sexual assault case files reviewed by a supervisor before they are filed?
14. Describe your staffing work hours and the process for investigating a sexual assault that occurs after hours?
15. How do you manage or handle sexual assault crime scenes and associated physical evidence (e.g., processing, collection, impounding to include SAKs)?
16. Are there policies or guidelines for handling sexual assault kits evidence?
17. Describe you process for the review and crime lab submission of sexual assault evidence.
18. What are the case submission standards for sending cases to the prosecutor?
19. What type of internal external support or resources would be helpful in your current position?
20. What are some areas you see for improving your departments sexual assault response?
21. Is there coordinated community response or SART team for your agency?
22. How would you describe moral?

Victim Advocate (agency)

Assessor/s: _____ Date: _____
Name: _____
Position: _____
Rank: _____
Total years of L.E. experience: _____
Total years in Crime Scene: _____

1. What sexual assault training did you receive prior to becoming an agency advocate? Do you receive continuing education?
2. Do you receive training on topics such as the neurobiology of trauma or self-care? If not, would you like to? What other topics would be helpful to you to support your role?
3. What is your role in the sexual assault investigation process? When do you get involved and what does that process look like?
4. At what point do you get involved with victims in cold cases?
5. How often do you communicate with detectives? How do you normally communicate (e.g., meetings, email, training)?
6. Are you involved in the victim notification process? If so, what is your agency's protocol for victim notification?
7. Are you provided with the necessary case information to work will with sexual assault victims? If not, what information would be helpful to fulfill your responsibilities?
8. How do you explain your role to sexual assault victims? Do you explain your confidentiality restrictions to them? If so, at what point?
9. What resources do you provide to victims? Do you, for example, have written materials that you can provide them? What's missing in your opinion?
10. How do you explain your role to law enforcement?
11. How would you describe your working relationship with community-based victim advocates? How do you connect with community-based advocates on a case and determine each person's role? Any best practices you care to share or ideas for improvement?
12. Describe your follow up process.
13. Do you feel your team is adequately staffed? If not, how does this affect your assistance to sexual assault victims?
14. How could you be better utilized in the system.
15. What improvements can be made to better serve sexual assault survivors?

County Stakeholder Interviews

Questions for SAU Prosecutor Interview

Assessor/s: _____ Date: _____
Name: _____
Position and agency: _____
Total years of experience as a prosecutor: _____
Total years of experience in sexual assault prosecutions: _____

1. What type of cases do you prosecute? What is your monthly case load?
2. What type of specialized training have you received in sexual assault?
3. What is your role in sexual assault cases?

4. Does your office have a specialized sexual assault unit? Is there a designated cold case prosecutor?
5. When do you become involved in a sexual assault police investigation?
6. Do you respond on scene to assist on LE sexual assault investigations?
7. Does your office have specific procedures or policies that you follow when reviewing, charging, prosecuting a sexual assault investigation?
8. What methods and how often do you communicate with the sexual assault unit and/or detectives?
9. Does your office and the police train together?
10. How are investigations submitted to your office? Are there submission standards or requirements for sexual assault cases?
11. Do you participate in a sexual assault response team?
12. What would be helpful to assist you in your job?

Questions for Crime Scene/Evidence Tech

Assessor/s:

Date:

Name:

Position:

Rank:

Total years of L.E. experience:

Total years in Crime Scene:

1. What training and education have you received in crime scene processing?
2. Who makes the call for having you respond to sexual assault? Are there some criteria for you to respond?
3. What is the procedure you follow when responding to a sexual assault call?
4. Does your supervisor come to the scene?
5. How do you ensure scene integrity and proper evidence collection?
6. What is your process for evidence after the crime scene is processed?
7. What would be helpful to help you process a scene, collect and impound evidence?
8. Describe your follow up activities for sexual assault cases.
9. How often do you communicate with detectives in the SAU?
10. What is your involvement in the impounding of the sexual assault kit?
11. What is the process for submitting evidence to the crime lab?

Community Stakeholder Interviews

Victim Advocate (community)

Assessor/s:

Date:

Name:

Position:

Rank:

Total years of L.E. experience:

Total years in Crime Scene:

1. What is your role in the sexual assault investigation process? When do you get involved and what does that process look like?
2. What resources do you provide to victims? Do you, for example, have written materials that you can provide them? What's missing in your opinion?

3. Do you have a sense that others within the agency – and community – have a clear understanding of your unique role and responsibilities?
4. How do you explain your role to law enforcement?
5. How often do you communicate with law enforcement/agency victim advocates? Other system actors? Any best practices you care to share or ideas for improvement? Describe your relationship.
6. How do you establish a contact at the appropriate police department and prosecutor’s office? How often do you communicate with them?
7. How are cases assigned to you? Does your involvement with sexual assault victims differ when an agency advocate is also assigned to a case?
8. What is your specific role in the notification process? Do you feel prepared for and supported in that role?
9. How do you explain your role to sexual assault victims? Do you explain your confidentiality restrictions to them? If so, at what point do you disclose those restrictions?
10. Do you have a protocol for victim engagement? If so, please explain.
11. Describe your follow up process.
12. Do you charge sexual assault victims for your services? If so, please explain.
13. How does your role intersect with a prosecutor-based advocate?
14. What do you see as the benefits of including community advocates in work with sexual assault victims?
15. Do you feel that your role is respected in the criminal justice system?
16. Do you feel your organization is adequately staffed? If not, how does this affect your assistance to victims?
17. How could you be better utilized in the system?
18. What improvements can be made to better serve survivors?
19. Do you receive training on topics such as the neurobiology of trauma or self-care? If not, would you like to? What other topics would be helpful to you to support your role?
20. What do you believe are gaps in law enforcement training to work with survivors?

Question for Sexual Assault Nurse Examiner (SANE) Interview

Assessor/s:

Date:

Name:

Position and agency:

Total years of experience:

Total years of experience in sexual assault examinations:

1. How is the SANE contacted? What is the process?
2. Do you have a sane on call 24/7?
3. Does the SANE do the complete the entire exam?
4. Is there a time frame for which an exam is completed following the assault?
5. Is an advocate called and when does this happen?
6. Do you offer to do a Forensic SANE exam without LAW ENFORCEMENT?
7. What happens to the SAK after the exam?
8. What communications do you have with law enforcement prior to, during, or after the exam?
9. Do SANE meet regularly with other partners? LE, Prosecution, Advocacy, Crime lab?
10. Is the SANE a part of the cold case team discussions?

Appendix B: Database Variables and Definitions

SABiR Data Fields
Number of cases in this report
Cases assigned to detectives
Number of victim initiated reports
*Most common location (apt/house/outdoors)
Cases where the suspect was known (e.g. frnd/acq/coworker)
Cases where the suspect was a student
Cases where the victim was a student
Cases where alcohol was used by the suspect
Cases where alcohol was used by the victim
Cases where DFSA is suspected
Victim reported incapacitation
Cases where prosecution asked by patrol
*Attempts where detective tried to contact victim
Average days detective to contact victim
Victims interviewed by follow up detective
Reports unfounded false/baseless
*Interview type – Comprehensive completed
*Interview type – No Additional Information Documented
*Interview type – Phone Contact Only
Interview was recorded
Documented advocate contacts
Cases submitted to prosecutor
Sexual Assault Exams/Kits completed
Sexual Assault Kits submitted to crime lab
Sexual Assault Kit collection to submission
Sexual Assault Kits completed by crime lab
Crime scenes located/processed
Other evidence was collected
Suspect/I.L. identified (named)/contacted
Arrests
Case witness/s identified
Witness/s interviewed