



Untested Evidence and the Investigation of Cold Sexual Assault Cases

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Course Description

This in-depth module is designed to help communities address the complex challenges of untested evidence in sexual assault cases. While the material is largely written about cold cases, much of the guidance also applies to current sexual assault investigations. We begin by exploring the "forklift approach" and compare alternative strategies to prioritize cases for testing and follow-up investigation. We also discuss issues arising from the public disclosure of untested kits, including community education and media responses. We then provide concrete recommendations for policies and practice, including the development or improvement of a Cold Case Unit, and tools to prioritize testing and investigations.

Specific guidance is offered for notifying victims that their investigation has been re-opened, keeping victims informed of the status of their case, and providing ongoing victim support throughout the criminal justice process. Perhaps most important, this module highlights the need for resources to support the analysis of sexual assault kits and other evidence, as well as the investigation and prosecution of cases - both old and new.

Estimated time for completion: 10 hours

OVW Grant Funding

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Expert Contributions

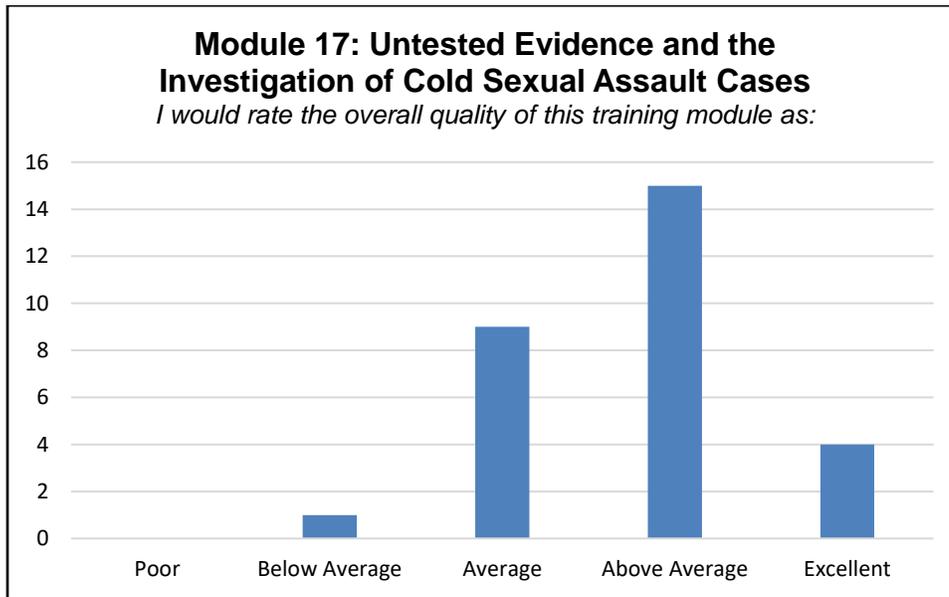
OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.

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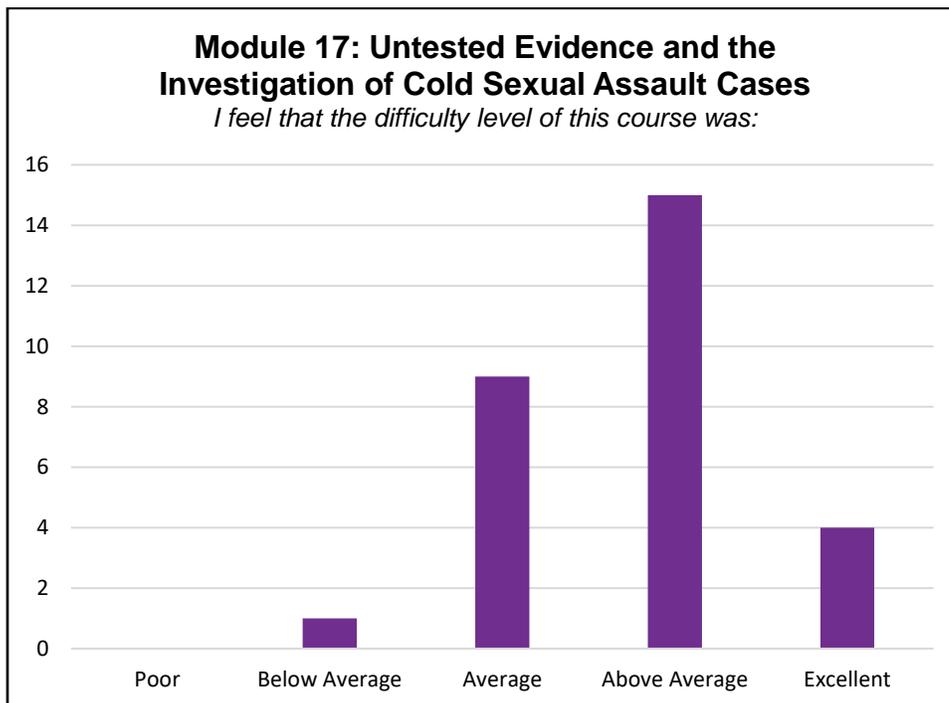
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Course Evaluations

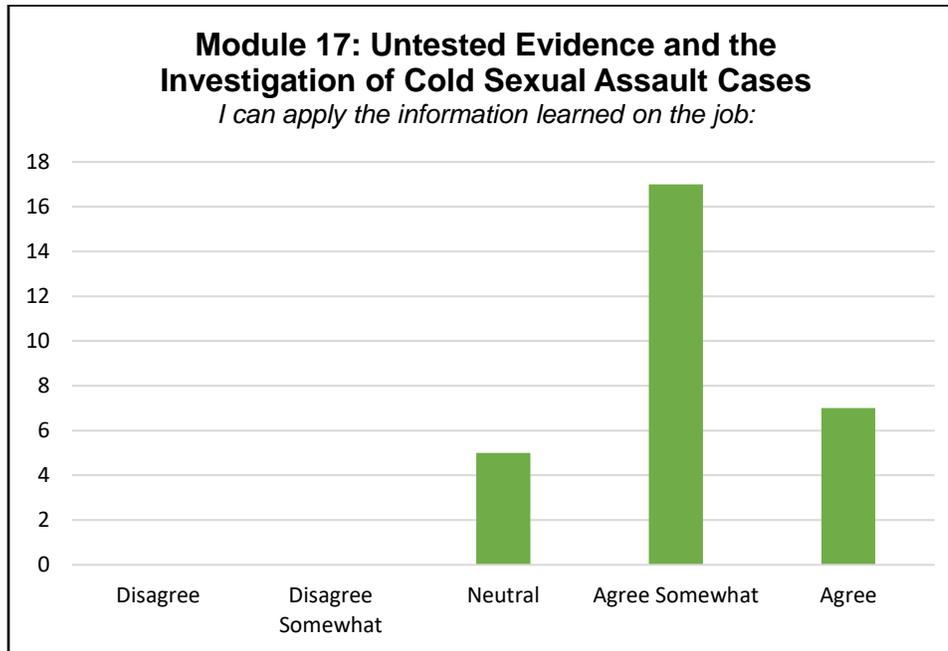
At the end of each module, participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts.



66% rated the module "excellent" or "Above Average."



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83% agree that they can apply what they learned on the job.

Course Objectives

At the end of this training module, the learner will be able to:

1. Describe the evolution of thinking on the problem first described as a “rape kit backlog,” and now understood as untested evidence in sexual assault cases.
2. Apply the SARA model to a recurrent problem, such as untested kits and other associated evidence in cold sexual assault cases.
3. Explain issues underlying the problem of untested evidence in sexual assault cases.
4. Formulate a plan to respond to the issue of untested evidence in sexual assault cases.
5. Consider the challenges associated with conducting an inventory of untested kits and other associated evidence in sexual assault cases.
6. Design a strategy for submitting previously untested evidence to the crime laboratory, as well as prioritizing cases for testing and investigative follow-up.
7. Develop a policy that is reflective of the Department of Justice’s position regarding testing evidence without victim consent.

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8. Prepare for the investigation of cases associated with untested evidence, and secure sufficient resources to pursue prosecution or exoneration where appropriate.
9. Consider creating a specialized unit to investigate and prosecute cold sexual assault cases.
10. Explore the development of a computerized tracking system to record the status, progress, and outcomes of sexual assault cases and their associated evidence.
11. Determine a manageable caseload for investigators and prosecutors, and ensure that specialized training and strong supervision are available to be successful.
12. Develop a plan to educate the community about these complex issues.
13. Create a protocol to notify victims when a case is selected for renewed investigation.
14. Follow best practice recommendations for investigating sexual assault.

Course Outline

- I. Introduction
 - a. The problem of “Untested” Kits
 - b. “Forklift Approach”
 - c. “Test all Kits” Laws
 - d. Funding for Reforms
 - e. Unprecedented Opportunities
- II. Understanding the Problem of Untested Evidence in Sexual Assault Cases
 - a. Problem Oriented Policing
 - b. Scanning and Analysis: Defining the Problem
- III. Responses to the Problem of Untested Kits
 - a. Conduct an Inventory of Untested Kits
 - b. Testing Evidence
 - c. Benefits of Testing Kits
 - d. Common Limitations
 - e. Do Not Test Without Victim Consent
 - f. Develop a Testing Plan
 - g. Prioritizing Cases for Testing
 - h. Create a Specialized Unit
 - i. Develop Tools for Case Evaluation

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- j. Create a Computerized Tracking System
- k. Dedicate Sufficient Resources
- l. Ensure Manageable Caseloads
- m. Provide Specialized Training
- n. Integrate Victim Advocacy
- o. Offer Strong Supervision
- p. Educate the Community
- q. Develop a Victim Notification Protocol
- r. Employ Best Practices for Sexual Assault Investigation
- s. Hope for the Future