

2023 SEXUAL VIOLENCE SYMPOSIUM

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***CODIS:** The Combined DNA Index System and the generic term used to describe the FBI's program of support for criminal justice DNA databases, as well as the software used to run these databases.*

NC SURVIVOR ACT (2019)

- Mandatory **submission** requirements for all future Sexual Assault Evidence Collection Kits (SAECKs).
- Immediate **notification** to Law Enforcement (LE). Requires that any entity that collects a SAECK notify LE within 24 hours. LE then has 45 days for preliminary investigation, after which it is required to submit the SAECK to a crime laboratory for testing.
- Required **testing** of all SAECKs before 1-1-2018. Every reported SAECK submitted to a crime laboratory will be analyzed to develop DNA profiles that are eligible for entry into CODIS.
- \$6,000,000 **funding** for testing backlog.

NC Sexual Assault Kit Initiative

- DOJ awarded grant in 2018
- Develop a comprehensive statewide approach to address 16,000+ untested kits
- Increase trauma informed Sexual Assault investigations and prosecutions
- Victim notification protocols
- Additional trainings for Law Enforcement
- Guidance with Cold Case Investigations

How does it become Cold?

- All reasonable leads have been exhausted
- Time restraints of active case loads
- Technology not available to unlock evidence at time of investigation



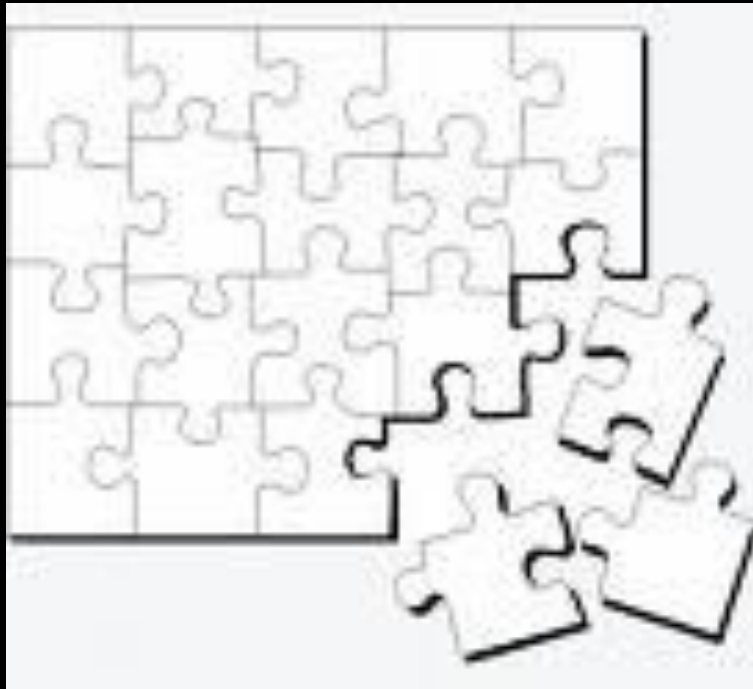
When is a Cold Case re-opened?

- Detective self-initiates
- Victim or family member contacts unit
- Other officer/agencies contacts unit
- Cold DNA hits
- NC Survivor Act

Team



New Cases vs Cold Hits



CODIS HIT FOLLOW-UP

Requires any LE agency that receives a CODIS hit to **provide notice** to the State Crime Laboratory within 15 days of an arrest in connection with the hit, and within 15 days of a conviction in connection with the hit.

CODIS HIT NOTIFICATIONS – OFFENDER/ARRESTEE

Upon a routine search of the North Carolina state DNA database (SDIS), a (high/moderate) stringency match occurred between the DNA profile obtained from your item of evidence (Item 1-1) and the DNA profile contained within the North Carolina state DNA Database identified as belonging to:

Name: John Doe

DOB: 9/9/1999

SSN: xxx-xx-xxxx

SID: xxxxxxxx

FBI: xxxxxxxx

This information is to be used only as an **investigational lead** and may support probable cause to obtain a DNA standard from the above individual. Analysis in this case is not considered complete until a DNA standard has been obtained from this individual and submitted for comparison purposes.

Please notify the NCSCL if you determine that this individual is not a subject of your investigation (e.g. consensual sex partner or witness) so that this profile will no longer be routinely queried in the CODIS database.

If you need further information regarding this CODIS hit or need assistance in applying for or serving a search warrant in this case, please do not hesitate to contact Forensic Scientist (name) or the State CODIS Administrator at 919-582-8860.

FIRST STEP OF CODIS HIT: CASE STATUS

- 1) **Adjudicated** case with known suspect
- 2) **Open** case but known suspect
- 3) **Open/Unknown** suspect “Cold Case”

ADJUDICATED CASE

- ✓ Utilize **advocates** and their resources.
- ✓ Notify victim that lab work has been completed and **DNA confirmed** it was known suspect.
- ✓ **Nothing** about the case or prosecution status has **changed**.

OPEN CASE: KNOWN SUSPECT

- 1) Review **case file** for any other new leads or information
- 2) Meet with **District Attorney** about the DNA results and confirmation of suspect information
- 3) Any **change** in prosecution status
- 4) Utilize **advocate** and resources
- 5) Notify **victim** about the confirmation of DNA match
- 6) Discuss any change in **case status** based on DA meeting
- 7) Case with a known suspect should be **closed** by some means

CODIS HIT FROM UNKNOWN SUSPECT: INITIATE COLD CASE INVESTIGATION

Determine status of suspect

- ✓ Dead/Alive
- ✓ Incarcerated
- ✓ Current location
- ✓ Criminal history
- ✓ Sex offender registry
- ✓ Active warrants
- ✓ Etc...

COLD CASE INVESTIGATION

- Locate the case file and review
- Locate and review property records
- Identify victim and their location
- Contact and meet with DA with new identification
- Determine potential charges and prosecution hurdles

COLD CASE INVESTIGATION

Compile Corroborating Evidence

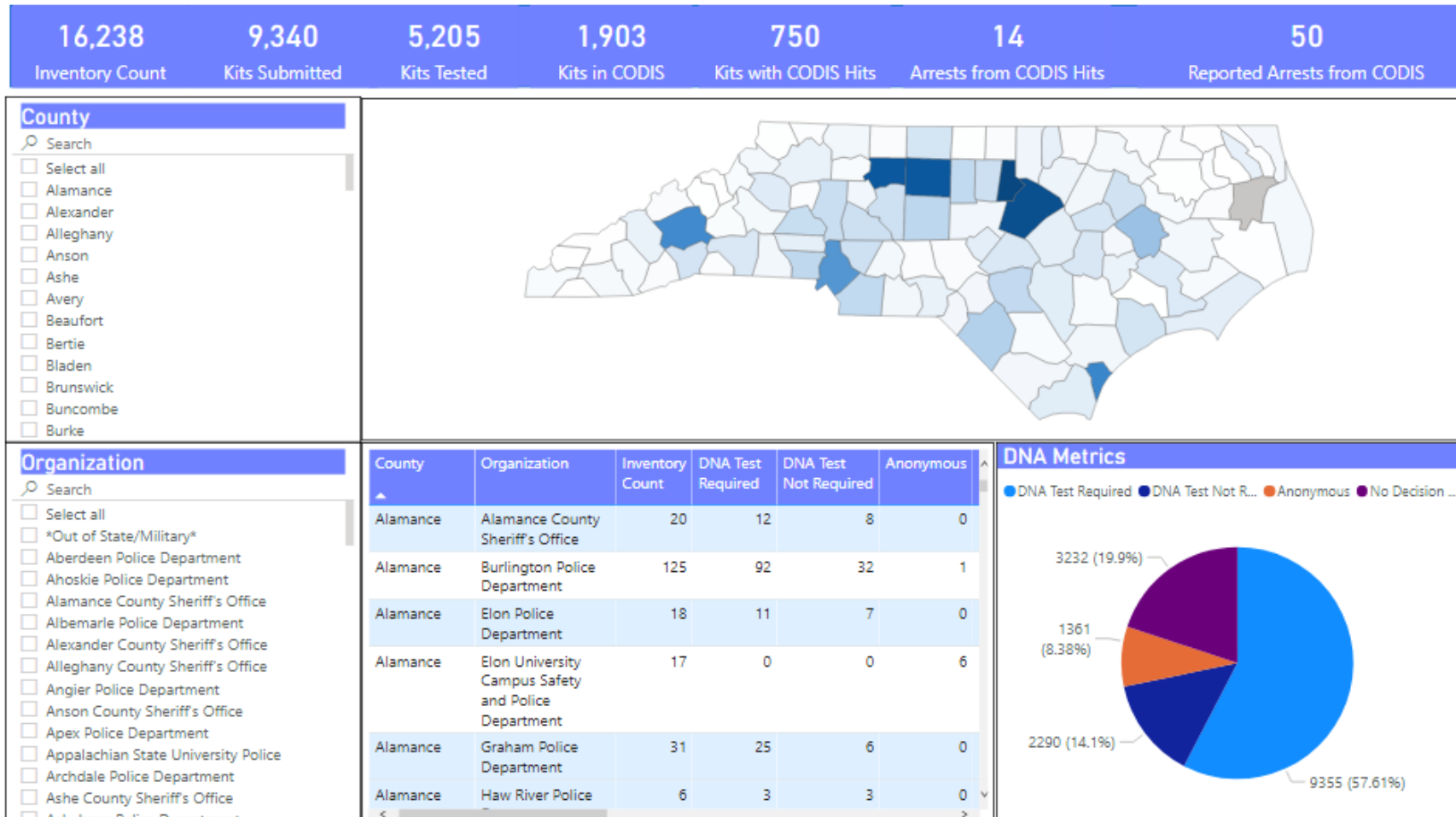
- Race
- Sex
- Age
- Place suspect in area during time frame of crime
- Criminal history
- Potential 404-B evidence
- M/O comparisons to other cases through ViCAP
- Prepare all necessary documents for warrants

COLD CASE INVESTIGATION: VICTIM NOTIFICATION

- Utilize **advocate** and resources
- Meet with victim **in person** with advocate available
- Verify that suspect was not a **consensual partner**
- Communicate with victim that suspect has been **identified**
- Important to let them know that you are immediately ready to move forward with **charges**/no more waiting
- “Transfer of power”
- End contact with advocate

PUBLIC FACING DASHBOARD

Sexual Assault Kit Tracking Dashboard



Anonymous Reporting

NC allows for an adult Sexual Assault victim to receive treatment at a medical facility without involving Law Enforcement

Patient at Hospital

- Victim/Patient presents at the medical facility after an assault
- After being medically cleared the patient can see a SANE or other professional for a SAK and treatment
- SANE documents injuries and collects evidence as usual
- SANE retains exam results as part of the medical records
- The evidence is packaged and sealed
- No markings are to be used on the packaging that could identify the victim

After SAK is collected and sealed

- The appropriate Law Enforcement agency is contacted
- Inform them that hospital has Anonymous SAK to be picked up
- Law Enforcement will respond and take possession of the SAK for Chain of Custody purposes
- Potential that case may make its way to a trial in the future
- Anonymous only means it is anonymous to Law Enforcement
- Will not count as a crime for statistical purposes

What happens to the SAK?

- Law Enforcement picks up the SAK
- SAK gets an identifying number to be tracked by
- Law Enforcement ships SAK to LESS warehouse
- Less = Law Enforcement Support Services
- Warehouse in Raleigh
- LESS will store the SAK in the appropriate environment
- Nothing is sent to the Lab and no follow-up by Law Enforcement
- LESS will store SAK indefinitely

If Victim wants to report at later date

- Victim needs to contact the Law Enforcement agency that has jurisdiction
- Law Enforcement needs to obtain a signed consent form from the victim to retrieve SAK
- Crime report is completed
- The consent form is presented to LESS which will allow them to release SAK to the State Crime Lab
- Investigator must complete Lab request
- CMPD will retrieve SAK from LESS and transport to CMPD Lab

Considerations of Anonymous Report

- Loss of potential evidence from crime scene, video, digital, social media, suspect
- Crime victim compensation eligibility only if crime is reported within 72hrs of occurring
- No crime stat reporting to Law Enforcement, may be part of series
- Mandatory reporting of a crime against a minor (under 18)

Anonymous Reporting

- No time limit to report to Law Enforcement
- No Statute of limitations on felonies in NC
- State reports that about 8.5% of SAKs collected in NC are Anonymous
- Approximately 2400 kits at LESS (April 2023)
- Agencies pick up about one a month

We are here to help

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