



### D62 Evidence Collection for Suspect Examinations

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The goals of this presentation are to name two basic items that are collected in a suspect examination for evidence, (2) list two examples of potential evidence collection in a suspect examination, and (3) state two barriers in obtaining suspect examination.

It is not uncommon to see sexual assault cases in which evidence is only collected from the victim. Hazelwood, (2001). There are three crime scenes in a sexual assault: the victim, location, and the suspect. Evidence should be collected from all scenes. Too often the suspect crime scene is often overlooked. Frequently there are no standardized procedures or protocols that deal with suspect examinations. The suspect examination may even be the best source of probative evidence in the case. These are the barriers that many communities face. This presentation will impact the forensic science community by reviewing basic examine and documentation components as well as providing key points and recommendations for suspect examinations.

It is not uncommon to see sexual assault cases in which evidence is only collected from the victim (Hazelwood, 2001). There are three crime scenes in a sexual assault. They are victim, location, and the suspect. Evidence should be collected from all scenes.

One source of evidence that is critically important but all too often overlooked in a sexual assault investigation is the suspect examination. Most sexual assault teams, or law enforcement agencies have failed to establish appropriate policies and procedures for obtaining comprehensive forensic examinations for sexual assault suspects which is unfortunate, given the potential for recovering probative evidence from the body as well as the clothing of suspects (Archambault, 2007).

The purpose of this presentation is to make the case for the importance of suspect examinations, to explore some of the reasons why they often are not done, and to provide concrete recommendations for overcoming these barriers and using suspect examinations effectively in your community.

When evaluating potential sources of evidence, the focus is anything that might have transferred from the alleged suspect to the victim; thus, forensic examinations of the victim are seen as critically important. However, keep in mind that any evidence that could potentially be transferred from the suspect to the victim may also be transferred from the victim to the suspect. Therefore, depending on the type of contact involved in a sexual assault offense, the suspect's body may actually be a better source of probative evidence than the victim's.

For example, in the case of a digital penetration of the victim's vagina, the suspect's fingers will often be the best source of probative evidence.

Results of suspect kits analyzed SDPD revealed the following:

- In cases involving an adolescent victim, 44% of the suspect's rape kits that were examined by a criminalist identified the victim's DNA. In fact, DNA analysis of epithelial cells found on penile swabs of the known suspect were the most common pieces of suspect evidence associated with victim identification.
- In the cases with an adult victim, as many as 30% of the suspect's rape kits that were examined by a criminalist identified the victim's DNA. Again, DNA analysis of epithelial cells found on penile swabs of the known suspect were the most common pieces of suspect evidence associated with victim identification. Even beyond DNA evidence, the suspect examination is important

because it can provide documentation of the suspect's clothing, appearance (e.g., shaven or unshaven), and other characteristics that may become important later on during the course of an investigation and prosecution.

Clearly, the decision to obtain a suspect examination should not be based solely on an understanding of how long trace and biological evidence might be available on the suspect's body. Recommendations for a forensic examination of the suspect should be conducted any time (1) the suspect is arrested shortly after the sexual assault, (2) the law enforcement investigator believes that the suspect has not bathed since the sexual assault (however, keep in mind that depending on the type of assault, an exam may still be warranted even if the suspect has bathed), or (3) if there is reason to believe there might still be evidence of injury to the suspect.

#### **Barriers to suspect exams:**

1. Communities fail to see the importance of suspect examines.
2. No established protocols
3. Untrained, examiners.
4. Funding for payment of these examinations.

#### **Sexual Assault, Suspect Examinations, Evidence Collection**