



### D48 Suspect Examinations for Evidence in the Investigation of a Sexual Assault

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After attending this presentation, attendees will be able to list several barriers as to why suspect examinations are not considered, as well as, be able to give examples of when a suspect examination should be considered.

This presentation will impact the forensic science community by expanding knowledge and will review common misconceptions about examination collection and potential interpretation as well as the information that can be obtained during the examination process.

All too often suspect examinations are often overlooked in a sexual assault investigation. Most law enforcement agencies as well as nurse examiner programs have failed to establish appropriate policies and procedures for obtaining comprehensive forensic examinations for sexual assault suspects. The purpose of this presentation is to make the case for the importance of suspect examinations, for the collection of evidence from both the suspect's body and clothing, to explore some of the reasons and barriers as to why they often are not done, and to provide concrete recommendations for overcoming these barriers and using suspect examinations effectively in your community. Any evidence that provides corroboration of the victim's account and documents force or injury is absolutely critical for the investigation of sexual assault. The forensic examination is arguably the most critical component in the aftermath of a sexual assault. The exam has two main goals: (1) to treat the survivor of the assault for any medical injuries that may have resulted from the assault; and, (2) to collect precious evidence that may eventually lead to the arrest, prosecution, and conviction of the offender. At the completion of the examination, the medical forensic report is generated. The suspect examination form will have information that can be impact the investigation of sexual assault. Common misconceptions will be reviewed about examination interpretation as well as the information that can be obtained during the examination process. When evaluating potential sources of evidence, law enforcement professionals often focus on anything that might have transferred from the 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 if the suspect forced his penis into the victim's mouth during the sexual assault, his penis maybe a richer source of evidence than the victim's mouth. Clearly, any evidence from the suspect's body that establishes the identity

of the victim will be important in the investigation and prosecution of sexual assault. It is therefore surprising that so few law enforcement agencies routinely collect forensic evidence from the body of the suspect.

It's Not Just About DNA Identification.<sup>1</sup>

Yet the importance of the suspect examination is not solely based on the potential for documenting the victim's DNA for identification purposes. Depending on *where* the victim's DNA is found on the suspect's body, it may provide a better idea of the specific acts that were involved in the sexual assault (e.g., penile-vaginal penetration, digital penetration, oral copulation). This type of evidence may be particularly helpful with very young victims or with victims who are under the influence of drugs or alcohol, because they may not recall or may not be able to articulate exactly what happened to them. Evidence of the victim's DNA on the suspect's body can also be important in cases involving multiple perpetrators, where the victim knows that a suspect participated in the assault but is not sure if he penetrated her. **Reference:**

<sup>1</sup>. Forensic Exams for the Sexual Assault Suspect by Joanne Archambault 2008.

**Suspect Examines, Sexual Assault, DNA Collection**