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## **Evidence Assessment, Interpretation and Case Impact**

Contrary to the stereotype of stranger danger, we know that someone known to the victim commits most sexual assaults, yet date rape, another common stereotype, accounts for only a small percentage of sexual assaults.<sup>1</sup> In a study of 1,228 sexual assaults reported to the San Diego Police Department Sex Crimes Unit between 1994 and 1996, 70% of the acquaintance assaults were perpetrated by an acquaintance in a non-dating relationship with the victim.

Sex offenders rarely use weapons other than verbal threats and hands, or intoxicating substances, such as drugs and alcohol. Although few sexual assault victims require medical attention as a result of injuries suffered during the assault, in the same study, 46% of adolescents, and 55% of adults, suffered some form of non-genital injury, most commonly to the head, face or neck.<sup>2</sup> Law enforcement and forensic examiners are often times so focused on the collection of evidence such as semen and trace, evidence most often used to identify an assailant, they overlook the subtle signs of force and injury such as scratches, fingerprint marks, a missing button from a blouse or the stretched elastic on a victim's panties, evidence that can be used to overcome a consent defense.

SANEs have significantly improved medical evidence collection following a sexual assault. For optimal impact on the criminal case, it is essential that law enforcement officers and prosecutors understand how to interpret and use the medical evidence obtained. It is also important for SANE programs to have a feedback procedure in place to obtain the results of the evidence they collect, so that they can continually improve their evidence collection process.

Upon completion of the course, participants will be able to:

- Properly assess all aspects of evidence that might be found in a sexual assault
- Analyze case scenarios to determine the crime classification, elements to be proven, likely defenses(s), type of evidence needed, and the purpose of each type of evidence
- Understand the impact specific evidence may have on the disposition of an investigation
- Understand the differences in evidence needed to corroborate sexual assaults involving consent defenses and those where the assailant's identity is in question

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<sup>1</sup> <sup>2</sup> Lindsay, S.P., An epidemiological study of the influence of victim age and relationship to the suspect on the results of evidentiary examinations and law enforcement outcomes in cases of reported sexual assault. Doctoral dissertation, University of California at San Diego, June 1998.