

# Case File Review

## A Collaborative Approach

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Thank you to our Funders!

This project was supported by Grant No. 2014-TA-AX-K043. Awarded by the Office on Violence Against Women, US. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Presenters



Jess Van Iperen, SVJI

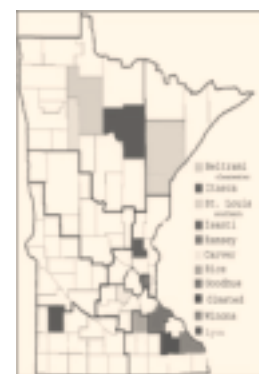


Jim Pittenger, SVJI Consultant

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# SVJI: Who are we?

The Sexual Violence Justice Institute **equips** multidisciplinary **teams** and allied professionals with the **concepts, tools, training,** and **resources** needed **to create a victim-centered response** to sexual violence within their local communities.



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Connecting Expertise



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# SVJI @ MNCASA



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Welcome and Introductions

- Show of hands
- Discipline (Advocacy, LE, Prosecution, Medical, Corrections, Other)
- Experience (0-5, 6-10, 11-15, 16-20, 20+)
- SART/SMART Coordinators

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.



## A word about words

- **SMART/SART**- Sexual Assault Multidisciplinary Action Response Team/ Sexual Assault Response Team.
- **CORE TEAM MEMBERS** - Law Enforcement, Medical, Prosecution, Advocacy. Some teams include Correction/Probation.
- **ALLIED MEMBERS** - Community based, can include, ministerial, college, public health, adult protection, marginalized communities, behavioral health, etc.. Some teams include Corrections/Probation in this status.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## A word about words

- **CASE FILE** - all the documents and other records accumulated in response to a sexual assault.
- **CASE FILE REVIEW** – the systematic process of examining case files and identifying compliance with or deviance from established policies and protocols. Case file review also can include a determination of gaps and barriers to an effective response.
- **CLOSED CASES** - Law Enforcement has made an arrest in the case or has referred the case and the prosecutor has filed charges. For the purposes of case file review, we included cases that Law Enforcement has made inactive with no immediate intent for follow up.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## What Is the National Context of Case File Review?



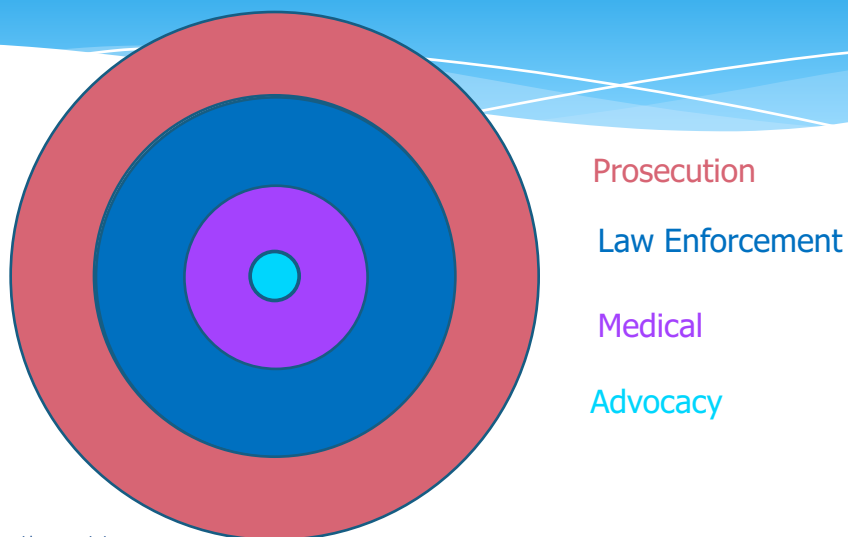
Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Context of Case File Review

- Research estimates that between 7% to 27% eventually result in charges being filed.
- Only 3% to 26% of those lead to some type of conviction.
- Often overlooked part of the criminal justice system's response is the documentation of a victim's report and the sexual assault investigation.
- Often times, based on these documents alone, a prosecutor determines whether to prosecute the reported crime.
- This is how powerful and significant these documents become.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Case File Review



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Case File Review Process

- Describe actual response to SA cases.
- Identify gaps in response.
- Emphasize importance of police reports.
  - To capture victim experience.
  - To communicate dynamics of incident.
- Inform perceptions and decisions of next responder.

The image shows two pages from a Tooele City Police Department report. Page S is the 'SUPPORTING DOCUMENT' page, and Page C is the 'CASE SUMMARY' page. Both pages contain detailed information about the incident, including dates, times, and descriptions of events. The reports are filled out with specific details, demonstrating the level of detail required for a case file review.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Case File Review Process

## Case File Review is not:

- Evaluation of individual performance or the overall performance of a specific agency.
- Discussion of disagreements about policy/practice.
- Negative feedback.

The image shows two pages from a Tooele City Police Department report, labeled S and C. These are identical to the sample reports shown in the first section, illustrating the format and content of the case files being reviewed.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Why teams do Case File Review

- To evaluate current policies and practices of SART agencies.
- To identify and implement strategies for sexual assault cases to be more successfully investigated and documented.
- To create new resources that will assist officers in sexual assault case response, investigation, and report writing.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Why teams do Case File Review

- To develop a shared response protocol that addresses gaps and barriers present in the jurisdiction of SART agencies.
- To pinpoint system improvements' by reviewing case files, ultimately improving prosecution rates and the likelihood of victims reporting to law enforcement.
- To take advantage of the current heightened awareness regarding sexual violence.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.



## SVJI Facilitated Case File Review



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Example: Rice County, MN

- SVJI-SMART Collaboration conducted in Rice County, MN.
- Presumption that individual responses were based on system-wide patterns.
- Focused assessment of how victim safety and offender accountability were affected by established practice.
- External review.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Example: Hastings, MN

- Individual agency audit and review conducted in Hastings, MN.
- Presumption that the way in which investigations were documented had a direct effect on prosecution decisions.
- In depth audit of response to sexual assault; including assessment of statistics, interviews of staff, and evaluation of policy and training.
- External review.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Example: Tooele, UT

- SVJI collaboration with an informal SART in Tooele, UT.
- Presumption that sexual assault reports did not document the totality of the victim experience.
- Assessment of the depth and scope of documentation created by law enforcement.
- Internal review.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Adaptability of Case File Review

The case file review process can be adapted to accommodate the needs and concerns of a particular team. For example:

- Rice County, MN – conducted an internal, multi-disciplinary review of prosecution cases.
- Hastings, MN – conducted an in depth audit of data and documentation, including an external review of law enforcement cases.
- Tooele, UT PD – conducted an internal, multi-disciplinary review of law enforcement cases.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Is your team ready?

- Has your team developed common response protocols?
- Is there strong law enforcement and prosecution representation on your team?
- Has your team developed a mechanism for discussing issues related to protocol and practice?
- Is your team looking for a new focus for improvement and willing to look internally?
- Does your team have a sufficient number of cases?

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Considering Case File Review

- What level of involvement by core agencies do you see in your jurisdictions?
- What issues exist in your jurisdiction that might be illuminated through case file review?
- What practices and procedures are in place in your jurisdiction for discussing issues related to sexual assault cases?

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Assess interest in Case File Review

- Why does your team want to do it?
- Remember what it feels like to be reviewed?
- The key is EVALUATION.



**\*\*Possible sticking point\*\*** – team doesn't discuss and decide on a specific focus of case file review and it can go away from evaluation and cause problems.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Team Agreements

- Identify acceptable use of documents.
- Define process for discussion of cases.
- Establish ground rules for review.
- Ensure confidentiality.

This project was supported by Grant No. 2014-TA-AJ-0343, awarded by the Office on Violence Against Women, US Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

## Team Agreement

### SART Case File Review

The Sexual Assault Response Team (SART) Case Review Reimbursement Project that the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault (SVJI @ MNCASA) is working in partnership with Mark Gustafson Against Sexual Assault (MCSAA) involves an in-depth review of sexual assault cases that have come through the Towle City Police Department in recent years. This review process will involve having access to actual case files and other documents provided by the Towle City Police Department. To ensure the integrity of the process, respect the role of individual agency employees, and to protect the privacy of community residents, all case review team members agree to the following:

1. The material collected and distributed to team members is intended only for use in conducting this case review and to inform project staff and stakeholders about needed changes to current response practices.
2. Team members will have access to case files and file information only for the purposes of the case review. At the end of each review day, all written materials with case information will be turned in to SVJI @ MNCASA staff for safe keeping.
3. The case review process and specific case information should not be discussed outside of the review room.
4. While careful work has been done to protect the identities of the parties involved in each case as well as those of responders, the nature of the documents remains sensitive. Any discussion of case file content will happen only in the context of the case review process and only in the presence of team members who have agreed to the confidentiality statement. Additionally, should identities become known, review team members will not identify or discuss any individuals involved in any case materials, except as necessary within review team meetings.
5. Team members are not authorized to release or discuss any details of the review or case information to anyone outside of the review team or SVJI @ MNCASA, except as agreed to through the release of findings and recommendations.

Team member signature: \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

Developed by SVJI @ MNCASA 2016. Use with permission and attribution, no alterations without permission.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Case File Selection



- Who will be supplying the case files?
- How many will you do?
- What type of sexual assault case files do you want to look at?
- Case Status?

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Identify Agency Concerns

- Meet with discipline-specific small groups.
- Assess the concerns that might affect each discipline.
- Present discipline-specific concerns to entire team.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Identify Agency Concerns

- From the perspective of your discipline, what concerns you about the process of case file review?
- What concerns might other disciplines have about case file review?
- How could these concerns be addressed?

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Preparing for Case File Review – Data & Information

- Agency Policies
- Team Protocols
- Mapping Existing System (Anecdotal)
- Sexual Assault Statistics
- Staff Interviews
- Responder Surveys
- Process Mapping/Flowcharting (Interviews)

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Law Enforcement Case Files

SARAT SPRING POLICE DEPARTMENT  
TOWNSHIP VEHICLE REPORT

DATE: 11/11/16 TIME: 11:00 PM LOCATION: 1600 EASTMAN AVE

OFFICER: [Name] [Signature]

VEHICLE: [Make] [Model] [Year] [Color] [VIN]

DESCRIPTION: [Handwritten notes]

REMARKS: [Handwritten notes]



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Confidentiality Concerns

What are the applicable data practices laws affecting your jurisdiction?

- HIPAA
- VAWA, VOCA, other funder requirements
- Advocate privilege and confidentiality
- Brady
- Professional ethics
- Other considerations

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Redaction of Information

- Victim name and address;
- Suspect name and address;
- Witness name and address;
- Responding officer name and badge number;
- Advocate name; and
- Sexual Assault Nurse Examiner name.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.



# Facilitating Case File Review

- Internal Facilitator
- External Facilitator



Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Case File Review Process

## Individual Observation Form

- Initial Response
- Victim In-depth Interview
- Suspect Interview
- Evidence Collection

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

Case ID number:	
Reviewer:	
1. INITIAL RESPONSE	OBSERVATIONS
<ul style="list-style-type: none"> <li>• Advocacy offered/engaged</li> <li>• SA exam offered/encouraged as applicable (AA)</li> <li>• Coordination within dept. /with outside resources (AA)</li> <li>• Report uses victim's language and descriptive words as applicable/appropriate</li> <li>• Complete, thorough documentation</li> <li>• Crime scene secured, proper evidence collected</li> <li>• Additional observations</li> </ul>	
2. VICTIM IN-DEPTH INTERVIEW	OBSERVATIONS
<ul style="list-style-type: none"> <li>• Uses trauma informed practices</li> <li>• Report uses victim's language and descriptive words as applicable/appropriate</li> <li>• Report captures the full context of the crime in language of non-condemnsal sex</li> <li>• Context of force, threat, or fear victim experienced well documented in interview (AA)</li> <li>• Documented unique factors that affected victim's experience, perspective and response (e.g. cognitive impairment, size differences, immigration status)</li> <li>• Complete, thorough documentation</li> <li>• Additional observations</li> </ul>	
3. SUSPECT INTERVIEW	OBSERVATIONS
<ul style="list-style-type: none"> <li>• Suspect interview attempted/accomplished</li> <li>• Report uses suspect's language as appropriate</li> <li>• Elements of 'voluntariness' of statement highlighted</li> <li>• (or suspect Mirandized if in custody)</li> <li>• Offender history collected/investigated (AA)</li> <li>• Suspect's role in 'setting up' the assault</li> <li>• (or creating the conditions of vulnerability) noted</li> <li>• Areas of corroboration of victims' account highlighted</li> <li>• Implausible/absurd statements highlighted</li> <li>• Forensic/physical exam conducted (AA)</li> <li>• Additional observations</li> </ul>	

# Case File Review Process

## Team Findings Form

- What was done well in this area?
- What can be improved upon?
- Recommendations related to this area?

**S.A.R.T. TEAM FINDINGS**  
Sexual Assault Case Review  
Findings and Recommendations

Response Area		
1. Initial response		
What was done well in this area?	What can be improved upon?	Recommendations related to this area?

Developed by SVJI @ MNCASA 2016. Use with permission and attribution, no redistribution without permission.

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

# Case File Review Process

## Evaluation Rubric

1. Initial response	1	2	3	4	5
<b>Advocacy offered/engaged</b>	Victim advocacy services were not explained or offered to the victim. Victim advocate was not contacted or engaged.	Victim advocacy services were explained to the victim. Victim advocate was offered and/or a referral was made for advocacy services.	Victim advocacy services were explained to the victim. Victim advocate was contacted, with the victim's consent, but not engaged until after the response.	Victim advocacy services were explained to the victim. Victim advocate was contacted and engaged, with the victim's consent, but not throughout the entire process.	Victim advocacy services were explained to the victim. Victim advocate was available at the first contact the victim made with a service provider. Victim advocate was fully engaged, with the victim's consent, throughout the process.
<b>Sexual assault exam offered/encourage as applicable (AA)</b>	Sexual assault exam was not explained or offered to the victim.	Sexual assault exam offered as an after thought, prompted by advice from other responders	Sexual assault exam, and no cost information, explained to the victim. Immediate access to exam delayed because of law enforcement decision to interview victim and/or conduct other investigative steps before the exam. No assistance was provided in transporting victim when victim was at a different location than the exam site.	The medical and investigative benefits of a sexual assault exam, along with no cost information, were explained to the victim. Sexual assault exam was offered, but delayed due to investigative tasks. When necessary, law enforcement transported or facilitated transportation of victim to the exam site.	Sexual assault exam benefits, along with no cost information, were explained to the victim. When necessary, law enforcement transported or facilitated transportation of victim to the exam site. Sexual assault exam was completed and kit paperwork obtained prior to an in depth interview of the victim.
<b>Coordination within dept. with outside resources (AA)</b>	No evidence of coordination within department or with outside resources.	Some evidence of coordination within department, but little engagement with outside resources	Evidence of coordination within department and regular engagement with advocacy and medical providers	Coordinated response within all pertinent areas of the department and regular engagement with advocacy, medical, and mental health providers.	Coordinated response within all pertinent areas of the department and a high level of engagement with other public, private, and/or non-profit service providers.
<b>Report uses victim's language and descriptive words as applicable/appropriate</b>	The report used none of the language and descriptive words used by victim.	The report accurately paraphrased statements made by the victim, but rarely used direct quotes.	The report quoted language and descriptive words used by the victim, but more often paraphrased the statements of the victim.	The report regularly quoted language and descriptive words used by the victim and accurately paraphrased additional statements of the victim.	The report consistently quoted language and descriptive words used by the victim, especially when the statements pertained to the victim's thoughts and feelings. Additional

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Findings & Recommendations

- Who is responsible for documenting findings?
- Who is responsible for developing recommendations?
- How and to whom are findings and recommendations presented?
- Who is responsible for implementing any changes to policy and/or practice?

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.

## Questions?



Jess Van Iperen, SVJI  
jvaniperen@mncasa.org



Jim Pittenger, SVJI Consultant  
jptngr@gmail.com

Copyright SVJI @ MNCASA, 2016. Do not reproduce without permission.