



THE KANSAS SEXUAL ASSAULT KIT INITIATIVE (SAKI) FINAL REPORT



KANSAS BUREAU OF INVESTIGATION

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 Violence (KCSDV)

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The KBI recognizes the members of the Kansas SAKI Multidisciplinary Working Group, as well as the contributing experts who advised the Kansas SAKI Multidisciplinary Working Group in their efforts. This project would not have been possible if it were not for these leaders and champions in Kansas. Their expertise and dedication to the successful outcomes of this project will touch the lives of many for years to come.

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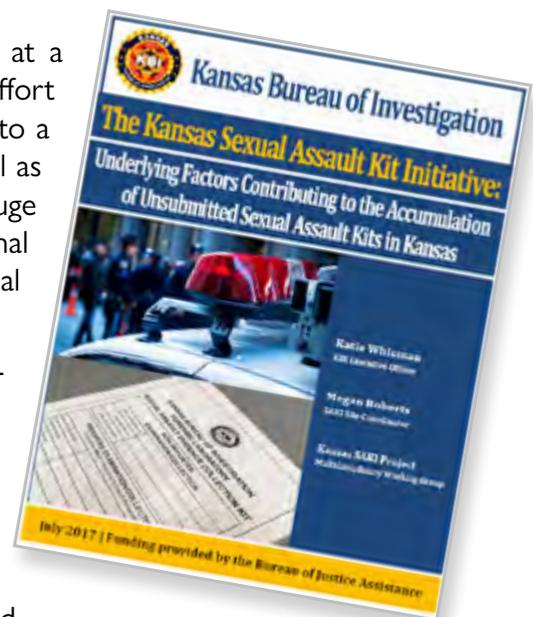
EXECUTIVE SUMMARY

The purpose of this publication is to summarize why and how the Kansas Bureau of Investigation (KBI) proactively launched the Kansas Sexual Assault Kit Initiative (SAKI) in 2014, to identify the key decisions and considerations made in conducting a statewide inventory of previously unsubmitted sexual assault kits and submitting them to a forensic laboratory for analysis, and to detail the significant findings, recommendations, and major activities resulting from this large-scale project which spanned over five years. The goal of publishing this information is to provide Kansas stakeholders with a comprehensive report detailing how the accumulation of unsubmitted sexual assault kits occurred, what can be done to prevent another accumulation in the future, and to summarize the outcomes of the SAKI project. More broadly, we hope this will also serve as a guide for jurisdictions who have or will embark upon a similar journey.

Whether addressing the issue of unsubmitted sexual assault kits at a municipal, county, or state level, and regardless of whether that effort is led by a law enforcement agency or prosecutor's office, central to a project of this nature must be concern for the crime victim, as well as an understanding of the operational impacts associated with a deluge of evidence, criminal investigations, and prosecutions into the criminal justice system. Identifying and testing previously unsubmitted sexual assault kits is merely the tip of the iceberg.

In Kansas, as in every jurisdiction facing this issue, several key decisions were carefully and thoughtfully considered. These included, but were not limited to, the following:

- What is the best way to conduct a comprehensive and accurate statewide inventory to identify unsubmitted sexual assault kits in law enforcement possession?
- Should every previously unsubmitted sexual assault kit identified through the statewide inventory process be tested or only some of them?
- How should testing be prioritized? By statute of limitations, status of the offender, etc.?
- Should testing be conducted in-house, or outsourced to a private laboratory? What are the pros and cons of each?
- What is the best way to facilitate submission of the previously unsubmitted sexual assault kits to the forensic laboratory for testing?
- How can testing of a significant historical backlog be accomplished while also minimizing, to the greatest extent possible, delays for current and incoming cases to the forensic laboratory?
- Are there special considerations that should be made for disseminating laboratory reports in cases that have an associated conviction?
- What cases will be referred to law enforcement for investigative follow-up? In what manner will this be accomplished? How will the outcomes of those cases be tracked?



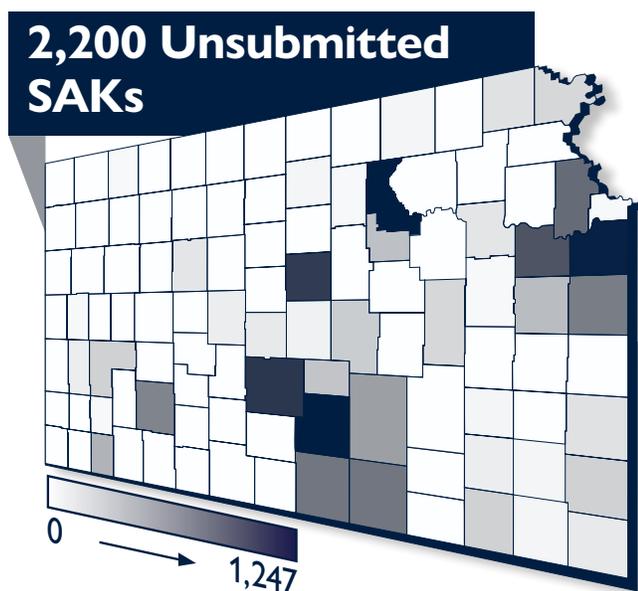
- What level of training or information sharing is necessary to prepare law enforcement and prosecutors for the cases that will be referred to them for investigative follow-up?
- In what cases will victims be notified of the request for testing and associated outcomes?
- Considering the potential for re-traumatization, how should victims be notified and who should be involved in the notification process? How can the impact of re-traumatization be minimized?

These were some of the more significant decision points associated with conducting a statewide inventory and ensuring a thoughtful and effective response to testing a decades' long accumulation of unsubmitted sexual assault evidence. Kansas became

the first state in the country to conduct a statewide inventory with 100% voluntary law enforcement participation. Ultimately, 2,200 unsubmitted sexual assault kits were identified in Kansas; collectively, the kits were possessed by 87 law enforcement agencies, in a total of 41 Kansas counties.

There were many unique challenges associated with a state-level project. One of the first challenges encountered when initiating the statewide inventory was effectively communicating why it was important to identify and test unsubmitted sexual assault kits. While the SAKI project was initiated and overseen by a statewide criminal investigative agency, participation of local law enforcement agencies was voluntary. Even when they agreed to participate and submit kits for testing, jurisdiction for the criminal investigations and prosecutions still resided at the local and county level. This meant that despite the

results of forensic testing, the initiation of a subsequent investigation and/or prosecution occurred only at the discretion of local law enforcement and their respective county or district attorney.



“The issues underlying the accumulation of unsubmitted kits are multi-faceted, complex, and interrelated; they do not belong to any one stakeholder group.”

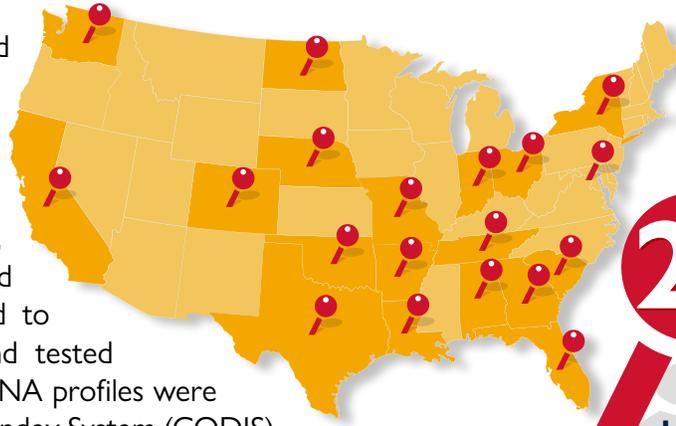
Katie Whisman,
Executive Officer, KBI

Another challenge related to helping prepare local law enforcement agencies to notify victims – years after they had submitted to a sexual assault medical forensic examination and reported a crime to law enforcement – in a manner that would minimize re-traumatization and ensure victims were connected with advocacy and support services.

In order to thoughtfully approach the significant decision points and ensure effective communication to such a large and diverse set of stakeholders, the KBI’s approach to addressing the statewide accumulation was to start small. A pilot study was initiated wherein roughly 20% of the kits in the statewide inventory were submitted for forensic testing, regardless of the case facts and circumstances, and regardless of any related conviction obtained prior

to the testing. As testing was underway, there was an attempt to collect case-specific data from the medical forensic exam, law enforcement, and prosecutors for each of the kits in the pilot study. The goal of this approach was to evaluate the case information and testing outcomes to develop an evidence-based recommendation for addressing the remainder of the statewide inventory. This systematic approach also allowed for the development and deployment of training and protocols to help prepare local law enforcement agencies for reevaluating cases in which laboratory testing generated new investigative leads, and to assist them in reengaging victims in a trauma-informed manner.

The results of the pilot study allowed the Kansas SAKI Multidisciplinary Working Group to conclude that there was value in testing all sexual assault kits collected as evidence of a reported crime.¹ Ultimately, 2,086 of the previously unsubmitted sexual assault kits were submitted to an in-state forensic laboratory and tested (Figure 1). From this, 560 foreign DNA profiles were uploaded into the Combined DNA Index System (CODIS). CODIS hits linked Kansas cases to cases and/or offenders in 20 other states.



20

**KANSAS SAKI
SAKs HAVE
HIT TO 20
OTHER STATES.**

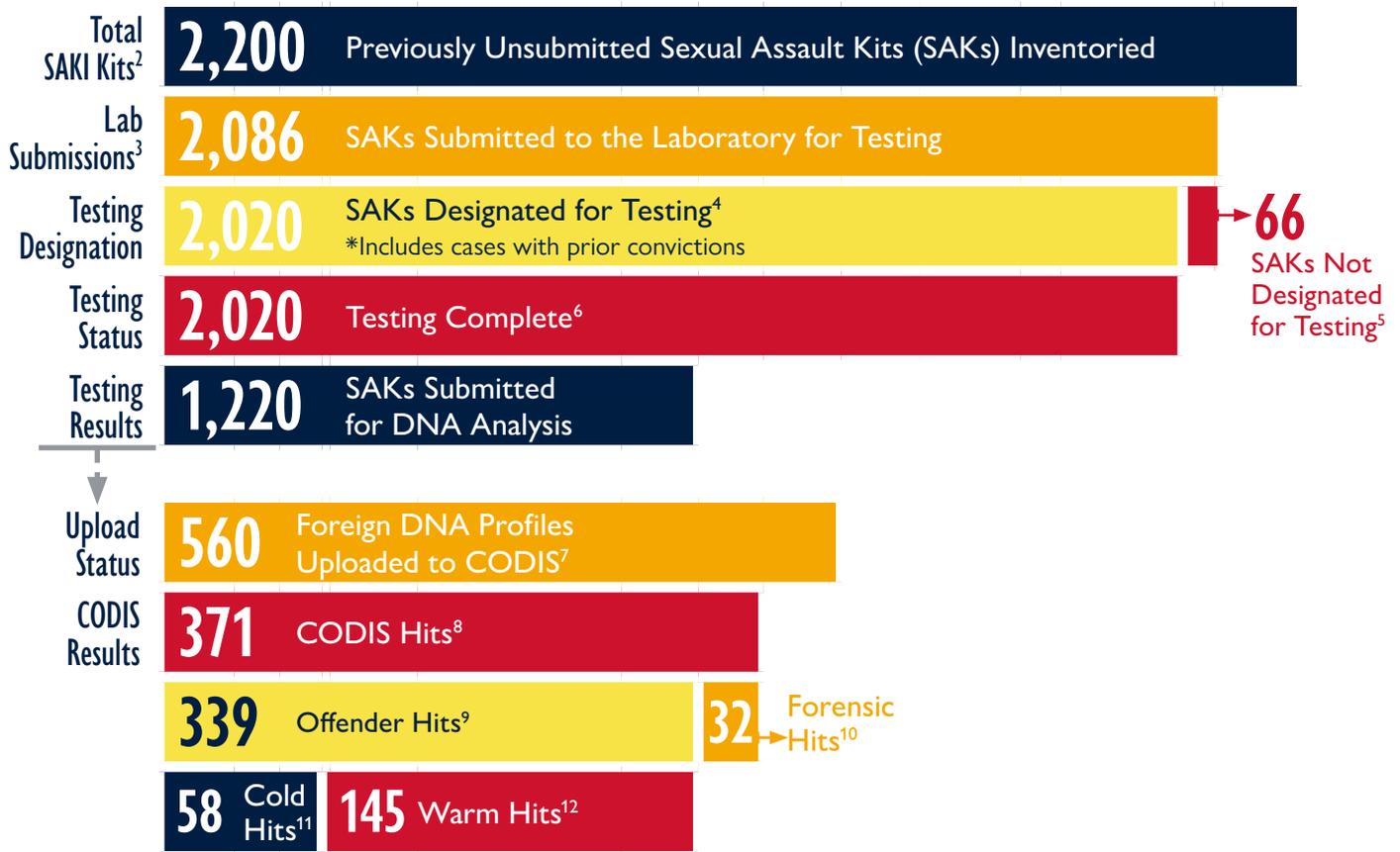
Through October 1, 2019, of the 371 cases forwarded to law enforcement, 17 were known to have been forwarded to a prosecutor for review and only two new convictions have been attributed to the project's efforts. These outcomes underscore the ongoing need for increased training, awareness, and resources.

A multidisciplinary working group was needed to address an issue that compounded over time, was complex and required in depth stakeholder collaboration. As such, a state level multidisciplinary working group was created; comprised of law enforcement leaders, prosecutors, sexual assault nurse examiners, forensic laboratory directors and scientists, and both community- and system-based victim advocates. The primary task of the group was to assist the KBI in evaluating the systematic, financial, and legal barriers to kit submission and testing, while identifying the underlying factors that contributed to the accumulation of unsubmitted SAKs in Kansas.

Through October 1, 2019, of the 371 cases forwarded to law enforcement, 17 were known to have been forwarded to a prosecutor for review and only two new convictions have been attributed to the project's efforts.

¹ The only sexual assault kits not recommended for testing were those collected as a matter of protocol in unattended deaths that lacked any suspicious circumstance.

FIGURE 1. Inventory and Testing Summary



2 Total SAKI Kits: The number of SAKs identified by Kansas law enforcement agencies and reported to the Kansas SAKI project.

3 Lab Submissions: The number of SAKs submitted to the Kansas Bureau of Investigation and Johnson County Sheriff's Office Criminalistics Laboratories as part of the Kansas SAKI project. (Some agencies who reported did not submit, and there were deviations between SAKs reported and SAKs submitted.)

4 SAKs Designated for Testing: The number of SAKs set to be tested as part of the Kansas SAKI project.

5 SAKs Not Designated for Testing: SAKs not being tested as part of the Kansas SAKI project include SAKs which were previously tested and SAKs collected as part of a death investigation.

6 Testing Complete: The number of SAKs that underwent forensic testing to conclusion and no more forensic analysis is requested. This includes SAKs that were screened and did not progress on for DNA analysis; SAKs that progressed on for DNA analysis, but no usable profile was obtained; and SAKs that progressed on for DNA analysis where a usable profile(s) was obtained.

7 Foreign DNA Profiles Uploaded to CODIS: The number of foreign DNA profiles that were identified from the DNA testing of the SAK and met the FBI's eligibility criteria and were uploaded into CODIS.

8 CODIS Hits: The foreign DNA profile from the SAK that was uploaded into CODIS matched against one or more profiles within CODIS. A SAK can have more than one CODIS hit. This number can continually change as hits can happen indefinitely into the future. The hit can be either a forensic hit or an offender hit.

9 Offender Hits: The foreign DNA profile from the SAK that was uploaded into CODIS hit against a profile in the offender or arrestee index. The offender and arrestee indexes contain DNA profiles obtained at the point of arrest or conviction and are connected to a named individual. For the purposes of this project, offender hits can be classified as cold or warm hits. This terminology and subclassification is different than current FBI/CODIS terminology.

10 Forensic Hits: The foreign DNA profile from the SAK that was uploaded into CODIS hit against a profile in the forensic index. The forensic index contains evidentiary profiles from crimes that are connected to incidents or cases and not to specific individual people.

11 Cold Hits: The foreign DNA profile from the SAK hit against an offender or arrestee profile and that offender/arrestee was not named as a suspect in the case associated with the SAK and is for hits occurring up until October 1, 2019.

12 Warm Hits: The foreign DNA profile from the SAK hit against an offender or arrestee profile and that offender/arrestee was named as a suspect in the case associated with the SAK and is for hits occurring up until October 1, 2019.

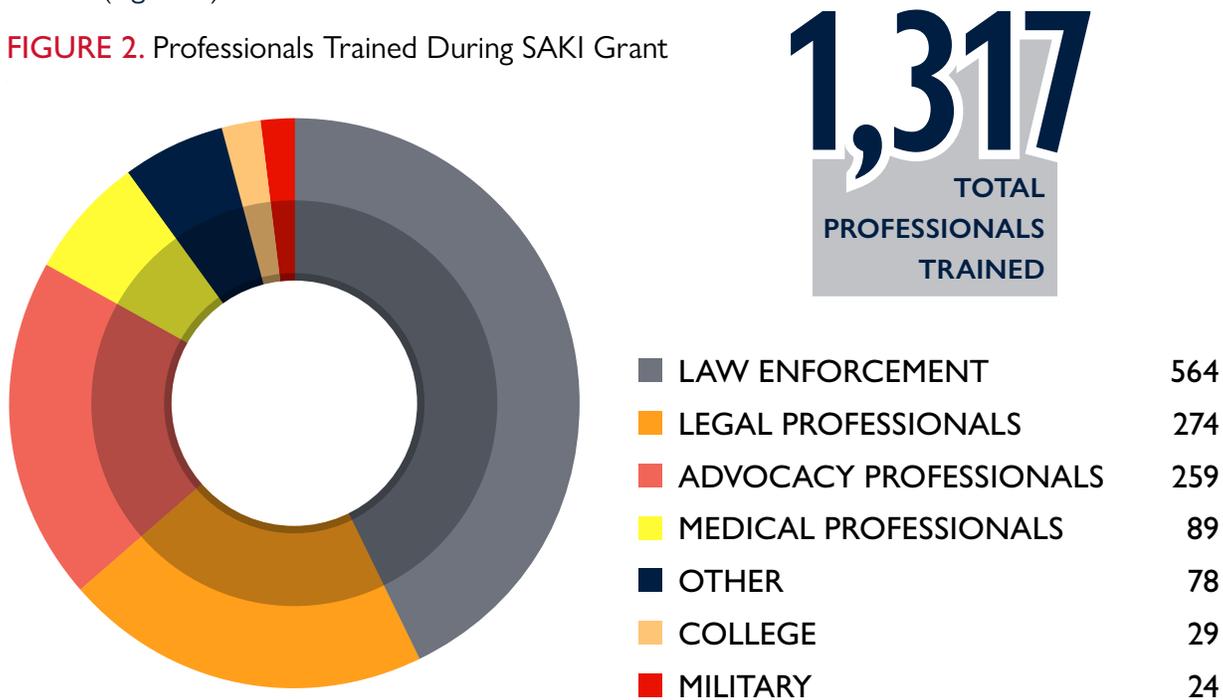
Ultimately, the Kansas SAKI Multidisciplinary Working Group identified four underlying factors that contributed to the accumulation of unsubmitted sexual assault kits in Kansas. These included lack of training, lack of resources, lack of policy, and lack of societal awareness. Furthermore, it was determined that each of these factors was related to one another and affected each stakeholder group. In July 2017, the KBI published a report which detailed these findings and provided recommendations to address the underlying factors, create sustainable solutions, and prevent a future accumulation of SAK evidence.

The report can be downloaded at <http://www.kansas.gov/kbi/saki.shtml>.

Lack of Training

A lack of interdisciplinary training contributed to a historically compartmentalized response to sexual assault. Lack of trauma-informed training—particularly for law enforcement officers and prosecutors—can impact the way a victim’s statements and actions are perceived, decisions regarding evidence submission, and ultimately the progression of a case through the criminal justice system. To address that, the KBI and the Kansas SAKI Multidisciplinary Working Group provided multidisciplinary and trauma-informed sexual assault investigations training to over 1,300 practitioners in Kansas (Figure 2).

FIGURE 2. Professionals Trained During SAKI Grant



The KBI also commissioned the development of a webinar-based trauma-informed sexual assault investigations training that is hosted by the Kansas Law Enforcement Training Center’s Professional Development and Continuing Education Department. This course includes lesson modules and provides participants continuing education credit.

Lack of Resources

There is a pronounced lack of personnel resources, ranging from community and system-based victim advocates to police officers and prosecutors specifically trained to investigate and prosecute sexual assault offenses. The result is victims who have been woefully underserved by the justice system and offenders not being held accountable for the crimes they commit. This lack of resources has also impacted the capacities of forensic science laboratories and the ability of law enforcement agencies to implement computerized evidence management systems.

While there is still much work to be done in terms of increasing resources in each of the above referenced areas, one success resulting from the Kansas SAKI project was the Kansas Legislature's appropriation of funding to the KBI to increase the KBI Forensic Science Laboratory's capacity to test sexual assault kits.

Lack of Policy

When the KBI initiated the SAKI project, there were no model policies or best practice recommendations to guide decisions regarding SAK retention, submission, or destruction. Jurisdictions exercised discretion in what evidence to submit and how quickly it could be destroyed. Consequently, unsubmitted evidence accumulated in some jurisdictions while others destroyed evidence before the statute of

Without understanding and identifying solutions to address the underlying factors, sexual assault will continue to be misunderstood, the value of sexual assault evidence will continue to be overlooked, and victims will continue to be underserved by the criminal justice system.

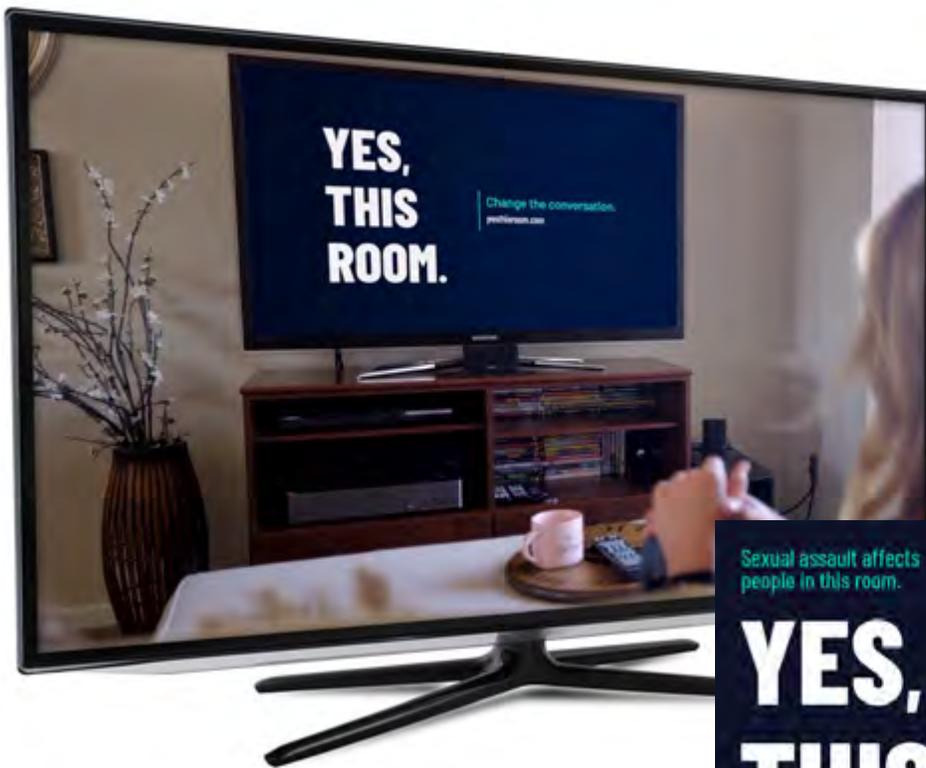
limitations had expired. To address this, the Kansas SAKI Multidisciplinary Working Group worked diligently to create and distribute model policies for conducting trauma-informed sexual assault investigations and to guide decisions regarding submission, retention, and destruction. They also made a formal recommendation that there be a comprehensive review of applicable Kansas State statutes.

In April 2018, the KBI made a formal recommendation that every sexual assault kit collected be submitted to a forensic laboratory and tested. This recommendation has not been codified, and while the overall number of sexual assault kits being submitted for laboratory analysis has significantly increased, it is possible there are kits still not being submitted for testing.

Lack of Societal Awareness

Individuals working within the criminal justice system, as well as jurors, victims, and members of the general public, are all influenced by misconceptions of what “real” rape looks like. The normalization of sexual violence in the media and entertainment industries has contributed to the development of social biases about sexual assault and sexual assault victims. These misconceptions and biases contribute to a societal response that tends to rationalize the offender’s behavior and blame victims. They impact how we interpret behaviors that occur prior to, during, and after an assault. These biases also impact the progression of a case through the criminal justice system and, ultimately, contribute to a pronounced lack of offender accountability.

With input from the Kansas SAKI Multidisciplinary Working Group, the KBI commissioned the development of a unique statewide public awareness campaign called “Yes, This Room” (www.yesthisroom.com). The goal of the campaign is to educate Kansans on the prevalence of sexual assault, dispel myths and biases, and improve offender accountability. The campaign is a public call to action. By engaging all Kansans in conversations about acknowledging sexual assault, educating themselves on the facts, and engaging in healthy dialogues, rape culture can be overcome.



Sexual assault affects people in this room.

YES, THIS ROOM.

[LEARN MORE](#)

Support victims.
Hold offenders accountable.
Change the conversation.

Apoyo a víctimas.
Responsabilizar a los delincuentes sexuales.
Cambiar la conversación.

¡SÍ, ESTE CUARTO.

Responsabilizar a los delincuentes sexuales.

[APRENDER MAS](#)

BACKGROUND

National Attention Driving Action in Kansas

For the last several years, public attention has mounted across the country regarding the large numbers of unsubmitted,¹³ and therefore untested, sexual assault kits (SAKs) in law enforcement property rooms. Early evaluations from research projects that examined the issue of unsubmitted SAKs in New York City, Houston, and Detroit revealed systemic issues of increasing demands for laboratory services (particularly for DNA), a decrease in criminal justice resources, and a lack of coordinated, victim-centered¹⁴ and trauma-informed¹⁵ responses to sexual assault (New York County District Attorney, 2015; Wells et al., 2016; Campbell et al., 2015). The examination of unsubmitted SAKs has led to thousands of DNA profile matches in the Combined DNA Index System (CODIS), hundreds of rape indictments, and the identification of serial offenders.

The issue of unsubmitted SAKs impacts not only victims of these crimes, but also law enforcement, state and local forensic laboratories, and the criminal justice system as a whole. Some states have enacted legislative remedies to address unsubmitted SAK inventories, including annual audits, mandatory submission of SAKs to forensic laboratories for analysis, electronic SAK tracking systems, and required timeframes for testing completion. For example, Oregon enacted a law in 2016 to establish annual audits of law enforcement property rooms for untested SAKs and mandated SAK collection from medical facilities within seven days and submission to a forensic laboratory for analysis within 14 days (S.B. 157, 2016). In 2015, Pennsylvania enacted a law requiring law enforcement to retrieve SAKs from medical facilities within 72 hours and submit SAKs to a forensic laboratory within 15 days to be analyzed and tested within six months (H.B. 272, 2015). While the efforts behind these legislative actions are well intended, only a few states, such as Alaska and California, have appropriated funding to pay for these endeavors (S.B. 142, 2018; California Department of Justice, 2018). As a result, some jurisdictions are experiencing a strain on already limited resources.

Recognizing that Kansas is not exempt from these issues, the Kansas Bureau of Investigation (KBI) began a proactive evaluation of the number of unsubmitted SAKs statewide while, in turn, ensuring responsible management of criminal justice resources.

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13 Consistent with the National Sexual Assault Kit Initiative (SAKI) FY 2015 Competitive Grant Announcement, “unsubmitted” SAKs are those collected as part of a reported sexual assault to law enforcement that have never been submitted to a crime laboratory for testing and analysis. This does not include non-law enforcement reported collected SAKs.

14 Victim-centered means the victim is at the center of decisions regarding recovery and involvement with the criminal justice system; the victim’s choice, safety, and well-being is the focus; and the needs of the victim are everyone’s concern and a collective effort, not just the task of one discipline (Campbell et al., 2015).

15 Trauma-informed means attending to victims’ emotional and physical safety; strengthening victims’ capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services, and support; and educating victims, service providers, and the general community about the impact of trauma on survivors’ health and well-being (Campbell et al., 2015).

KBI Involvement

Kansas is comprised of 105 counties, is home to approximately 3 million citizens, and is served by 400 law enforcement agencies. The KBI is a state law enforcement agency with the mission to provide professional investigative, laboratory, and criminal justice information services to Kansas criminal justice agencies for the purposes of promoting public safety and preventing crime in Kansas. Addressing the issue of unsubmitted SAKs fits within the mission of the KBI to leverage available resources, initiate appropriate programs, collaborate with public and private entities, provide direct services to the criminal justice community, implement statewide strategies, advocate for statutory enhancements, and take direct enforcement action with the ultimate goals of preventing and controlling crime and protecting citizens.

“It is critically important to continuously emphasize that evaluating and addressing this issue is not about pointing fingers or assigning blame; it is about recognizing that we all want to do the right thing and doing so requires in-depth stakeholder collaboration.”

Katie Whisman,
Executive Officer, KBI

In 2014, the Director of the KBI attended the Association of State Criminal Investigative Agencies annual conference. At this event, the issue of unsubmitted SAKs became a topic of concern in light of media attention on cities like Los Angeles and Detroit where thousands of unsubmitted SAKs were being discovered in law enforcement storage facilities (Human Rights Watch, 2009). This prompted the KBI Director to request a preliminary analysis to determine the scope of this issue in Kansas. Through comparative analysis of statewide offense data and the submission of SAKs to the state forensic laboratories, the preliminary analysis revealed a potential accumulation of more than 2,500 unsubmitted SAKs across the state. Recognizing the challenges of potential unfunded mandates, the KBI decided to take a proactive approach to identify evidence-based recommendations and best-practice models to address unsubmitted SAKs in Kansas.

Forming a State-Level Multidisciplinary Working Group

To evaluate and address an issue that has compounded over time is complex and requires in-depth stakeholder collaboration. As recommended by other jurisdictions addressing the issue of unsubmitted SAKs, the KBI formed a state-level multidisciplinary working group in 2014 as a means to solicit input and perspective from each involved stakeholder of sexual assault cases. The Kansas SAKI Multidisciplinary Working Group is composed of 22 experienced professionals – some agency policy makers, others practitioners – from across the state. Together, they represent the disciplines of forensic nursing, law enforcement, forensic science, prosecution, and community- and system-based victim advocacy.

In addition to formally studying the number of unsubmitted SAKs statewide, the working group’s mission included evaluating financial, legal, and systematic barriers regarding SAK testing; developing a proactive plan to reduce the number of unsubmitted SAKs in the state; and developing policy recommendations and best practices to prevent future accumulations of unsubmitted SAKs.



Through the efforts of the project, the Kansas SAKI Multidisciplinary Working Group has received national recognition for its cross-disciplinary collaboration. The success of this partnership was accomplished by bringing the right people to the table; taking time to cross-educate one another; and setting clear, attainable goals while monitoring progress and providing regular updates.

Choosing the right collaborators required strategy to identify both practitioners and agency policy makers. This ensured representation from those who are actively working in the field to understand current processes and challenges, while also engaging those who had the ability to facilitate change when issues were identified. As such, the Kansas SAKI Multidisciplinary Working Group included representation from the following organizations:

- Kansas Bureau of Investigation
- Kansas Office of the Attorney General
- Kansas Coalition Against Sexual and Domestic Violence
- Kansas County and District Attorneys Association
- Kansas Sheriffs' Association
- Kansas Association of Chiefs of Police
- Kansas Chapter of International Association of Forensic Nurses
- Johnson County Sheriff's Office Criminalistics Laboratory
- Sedgwick County Regional Forensic Science Center



Kansas SAKI
Multidisciplinary Working
Group

During the first meetings of the Kansas SAKI Multidisciplinary Working Group, it became evident that there was a lack of awareness of each other's roles and responsibilities in sexual assault cases. While all members are experts in their own fields of practice, there was less cross-disciplinary knowledge between the members. This lack of understanding between stakeholders has historically led to frustration and tension between disciplines, which often contributes to disciplines operating in silos. For example, the working group discussed the misconception many law enforcement agencies had that by submitting a SAK to a forensic laboratory, a suspect's DNA would be automatically uploaded to CODIS and would result in a DNA match or hit.¹⁶ Many agencies did not understand the requirements and limitations of uploading a DNA profile into CODIS, and as a result would become frustrated when a SAK submission did not yield a CODIS hit. Likewise, forensic laboratory personnel reported that SAK narratives often lacked the detail necessary to meet the CODIS entry eligibility requirements.

Recognizing the frustrations between stakeholders, the working group members completed an exercise to define roles, responsibilities, and external expectations in the context of sexual assault cases, as well as the factors contributing to a compartmentalized response to sexual assault (Appendix A). The results from

¹⁶ When a DNA match is found in CODIS and the match is verified to originate from the same DNA source, it is called a "hit." When a CODIS hit occurs that provides information the case officer previously did not know, a CODIS hit report will be issued to the agency/ies involved. Two types of CODIS match reports are the Forensic hit report and the Offender hit report. A forensic hit report is issued when a DNA profile from a crime scene matches a DNA profile obtained from a separate crime scene. An Offender hit report is issued when a DNA profile from a crime scene matches a DNA profile obtained from a convicted offender.

this exercise were compiled and discussed as a large group. This exercise allowed for education between disciplines and provided an opportunity to address common misconceptions about the different stakeholder disciplines. For example, many working group members did not recognize the difference between community- and system-based advocates and the types of services offered by each. Other group members had little knowledge of the laboratory process for analyzing sexual assault kits, much of which had been influenced by pop culture and media (i.e., the “CSI effect”). This exercise identified the need for more collaboration and conversations between disciplines to understand each other’s roles and responsibilities. By taking the time to cross-educate, the working group was able to build meaningful professional relationships as well as set a foundation of trust and respect between members.

By taking the time to cross-educate, the working group was able to build meaningful professional relationships as well as setting a foundation of trust and respect between members.

As a statewide project, bringing together a variety of individuals separated geographically also created a challenge. As such, it was critical to ensure that each meeting of the working group was substantive and productive to maintain member engagement and be respectful of time commitments. This included setting clear meeting agendas, providing and reviewing appropriate materials in advance, summarizing and sharing project activities and progress, and clearly identifying and documenting group decisions and next steps.



Kansas SAKI Multidisciplinary Working Group meeting

Below is an article featured by END THE BACKLOG, a program of the Joyful Heart Foundation, which highlights the successful collaboration of the Kansas SAKI Multidisciplinary Working Group.



Kansas Working Group as a Model for Successful Collaboration

Katie Whisman (Executive Officer, Kansas Bureau of Investigation) leads the Kansas Sexual Assault Kit Initiative, a statewide multidisciplinary working group tasked with addressing the state's existing backlog and developing standardized practices to improve the handling of rape kits. Here, Katie shares her experiences with the group, whose successes include achieving 100 percent law enforcement agency participation in a voluntary statewide audit of unsubmitted rape kits.

In the fall of 2014, the Kansas Bureau of Investigation began proactively evaluating the issue of unsubmitted sexual assault kits (SAKs) in Kansas. As part of that effort, we formed a state-level multidisciplinary working group tasked with evaluating the systematic, financial, and legal barriers to SAK testing; identifying the underlying factors that have contributed to the accumulation of unsubmitted SAKs; and helping form recommendations to prevent future SAK accumulation.

A few of our successes include being the first state in the country to conduct a statewide inventory with 100 percent voluntary law enforcement participation, and being the first to develop a state-level protocol for conducting victim notification in delayed cases.

Positive, lasting change depends on a collaborative and high-functioning team. This is especially challenging to accomplish at the state level. To assist other states contemplating a statewide approach to addressing the accumulation of unsubmitted rape kits, I'd like to share our story.

Bring the right people to the table

Bringing the right people to the table is about more than identifying the various stakeholders that should be included; it involves strategy.

It is important to include both practitioners and policymakers within each group. The perspectives of people with "boots on the ground" are important to understanding current processes and challenges, while the policymakers have the ability to facilitate change when issues are identified. We formed our working group to reach as many stakeholders as possible by strategically involving leaders from state-level organizations affiliated with each of the disciplines involved in responding to and investigating sexual assault cases. Our team includes practitioners, policymakers, and, when applicable, representatives from state-level organizations in the following disciplines: law enforcement, forensic nursing, forensic science laboratory, prosecution, and both community- and system-based victim advocacy. This composition has been very effective in understanding the complexities of barriers to SAK testing while enabling vast networks within the state to be reached.

Take time to cross-educate

Taking the time to cross-educate within your working group will contribute to your overall success.

In order to effectively evaluate the systematic, financial, and legal barriers to SAK testing and identify the underlying factors that have contributed to the accumulation of unsubmitted kits, team members must understand each other's roles and responsibilities. One of the most beneficial things we did in our working

group was cross-educate. The lab taught us about uses and limitations of the Combined DNA Indexing System (CODIS); prosecutors about the evolution of sexual assault statutes and the statute of limitations; and advocacy representatives about the differences between community- and system-based advocates. After several meetings focused on cross-education, I organized an activity where each discipline identified their role and responsibilities in sexual assault response, what they believed others expected of them, and what they believed to be factors contributing to a lack of a coordinated response. When each sub-group briefed the full working group, the resulting conversation led to the identification of gaps where improvements can be made. It was through cross-education that we established a foundation upon which we have built meaningful professional relationships and created an essential environment of trust and respect.

Set attainable goals and monitor progress

Setting attainable goals and monitoring progress helps keep the group focused on the future.

While this may seem obvious, a unique challenge facing states is the necessity of bringing together a variety of individuals separated geographically. Because of the substantial time and travel commitments from all team members, it is critical that every meeting be substantive and productive. It is important to identify attainable goals, set recurring meetings, and build meeting agendas with specific goals in mind. One practice that has been helpful for our working group is providing an agenda and reading materials in advance of each day-long meeting. Even if done briefly, routinely summarizing progress provides members with a sense of accomplishment and helps to clearly identify next steps.

Use existing networks

Using existing networks to overcome stigma and talk about positive progress allows state sites to reach the broader stakeholder populations, making it easier to keep them informed and engaged.

It is important to use existing networks and talk frequently about these issues and the collaboration necessary to effect positive change. Be approachable and take every opportunity to speak at state conferences, association meetings, in-service gatherings, and have personal conversations with chiefs, sheriffs, and prosecutors whenever you have the opportunity. This not only keeps them informed; it creates the trust and engagement necessary for stakeholders to buy into better-informed policies and best practice recommendations.

More work ahead

No one is proud of the fact that unsubmitted sexual assault evidence accumulated for decades in law enforcement property rooms. As you embark on this journey, it is critically important to continuously emphasize that evaluating and addressing this issue is not about pointing fingers or assigning blame; it is about recognizing that we all want to do the right thing and doing so requires in-depth stakeholder collaboration. The issues underlying the accumulation of unsubmitted kits are multi-faceted, complex, and interrelated; they do not belong to any one stakeholder group. While our work is not finished, I believe our willingness to keep the conversation ongoing and relevant has contributed to the forward momentum and success of our project.

– By Katie Whisman, April 17, 2017

National Grant Funding

In September 2015, the KBI was one of 20 nationwide recipients to receive the National Sexual Assault Kit Initiative (SAKI) grant from the U.S. Department of Justice, Bureau of Justice Assistance. The KBI was awarded \$2,000,000 to further their efforts to proactively identify the underlying factors contributing to the accumulation of SAKs; evaluate strategies to address testing of the previously unsubmitted SAKs; and adequately develop and implement statewide evidence-based model policies, best practices, and protocol. Their long-term goal was to promote greater accountability and efficiency within the criminal justice system while ensuring victims had the support and resources they needed, from the time their evidence was collected, until their case was resolved.

To achieve these goals, the KBI distributed grant funding among the various stakeholder communities. This included budgeting for SAK testing, enhancing victim services, the investigation and prosecution of cases, and the development of training for each stakeholder community to encourage evidence-based best practices, protocols, and model policies.

Project Goals

The National SAKI grant was created to support a “coordinated community response that ensures just resolution to these cases whenever possible through a victim-centered approach, as well as to build jurisdictions’ capacities to prevent the development of conditions that lead to high numbers of unsubmitted SAKs in the future” (Bureau of Justice Assistance, 2015). The Kansas SAKI project required all unsubmitted SAKs be submitted and tested. Additionally, factors that contributed to the accumulation of SAKs were evaluated, and appropriate measures to ensure long-term success were implemented.

In order to gauge success and progress throughout the project, the Kansas SAKI working group identified the following long- and short-term goals to accomplish throughout the grant period:

1. Reduce victimization
2. Encourage reporting of sexual assault
3. Enhance victim services and support
4. Conduct a statewide census to quantify the number of previously unsubmitted SAKs in Kansas
5. Establish a statistically supported protocol for addressing the statewide accumulation of SAKs
6. Fully utilize available science and technology to prevent and prosecute sexual assault cases
7. Identify and prosecute serial offenders
8. Identify and, when possible, address underlying factors that have contributed to the accumulation of unsubmitted SAKs
9. Develop evidence-based best practice recommendations and model policy guidance to prevent future accumulations of untested SAKs
10. Improve quality and quantity of relevant trainings available throughout the state
11. Create SAK tracking mechanism and provide victims information about the status of their case

“Availability of these funds will assist our efforts to improve public safety and ensure that key evidence is available to help law enforcement solve and prevent violent crimes.”

Derek Schmidt,
Kansas Attorney General

“Testing these kits is an important step toward justice for survivors and toward accountability of offenders.”

Joyce Grover,
Executive Director
Kansas Coalition Against
Sexual and Domestic
Violence

Each of these project goals was expansive and required appropriate planning to complete within the grant period. It should be noted that not all goals were measurable or have a specific end date. While some of the efforts of the Kansas SAKI project were quantitative, the majority were qualitative activities that are difficult to measure for purposes of reporting. Figure 3 provides an overview of the action steps identified by the Kansas SAKI project team to deliver the specified goals.

FIGURE 3. Kansas SAKI Action Steps to Accomplish Project Goals



CONDUCTING A STATEWIDE INVENTORY

Initial Efforts

In August 2014, the KBI completed a comparative analysis between offense data from the Kansas Incident Based Reporting System and submitted SAK evidence to the KBI Forensic Science Laboratory. This analysis identified the possible existence of over 2,500 previously unsubmitted SAKs since 2010 within the state of Kansas.

In order to understand the actual number of unsubmitted SAKs within Kansas, a formal evaluation was initiated in December 2014 through a voluntary, online survey of the 383¹⁷ local law enforcement agencies (Appendix B). In addition to questions about the total number of unsubmitted SAKs in the agency's possession, this survey gathered information regarding systematic and financial barriers impacting SAK submission.

In July 2015, the KBI determined that a programming error in the original online survey prevented several agencies from providing responses to a number of the survey questions. Additionally, the KBI discovered that not all Kansas law enforcement agencies had been included in the initial survey distribution. As a result, agencies that had not responded to all the survey questions and agencies that had not been included in the initial survey distribution were contacted for participation.

Grant Requirements for Inventory Certification

The National SAKI grant required grantees to complete a certified inventory of all unsubmitted SAKs within their jurisdiction. Because the Kansas SAKI project was a statewide project, this meant certifying an inventory of all jurisdictions within the State of Kansas. However, the exact requirements of the certification were not defined until April 2016, well after the deployment of the initial online survey. These requirements included the collection of case specific information for each SAK in the statewide inventory and are as follows:

- Birth date of victim
- Date of offense
- Date of SAK collection
- Local law enforcement incident number (case number)
- Identification of SAKs that may soon be affected by statute of limitations
- Date range of SAK inventory at site (oldest to most recent)
- Information regarding any judicial dispositions related to this offense (Not grant required, but was collected based on recommendation from Kansas SAKI Multidisciplinary Working Group)

In Kansas, the statute of limitations for sexual assault is dependent on the year in which the offense occurred, the ages of the victim and suspect, tolling exceptions, and case circumstances (see K.S.A. 21-5107). Kansas eliminated the statute of limitations for rape and aggravated criminal sodomy in 2013 and extended other sexually

¹⁷ All active, full-time police departments, sheriffs' offices, and university police agencies were surveyed. The part-time police agencies were not surveyed as their jurisdiction was covered by their county sheriff's office.

violent crimes to 10 years from the victim's 18th birthday for victims younger than 18-years-old at the time of offense, 10 years from the commission of the crime for victims over the age of 18, or one year from the date of DNA match, whichever is later. Prior to this, the statute of limitations for all sexually violent crimes was five years for offenses committed between 2001 and 2013, and between two and five years for offenses committed prior to 2001 (Appendix C). Because of the complexities associated with determining statute of limitations, the KBI identified SAKs with offense dates prior to July 1, 2001 as "potentially affected by statute of limitations." A final review of the statute of limitations, completed by the local prosecutor, was recommended to determine applicable tolling and exceptions.

Inventory Plan and Execution

The KBI contacted all local law enforcement agencies that indicated having unsubmitted SAKs in their possession in order to collect the inventory certification information for each SAK. Recognizing that local law enforcement agencies have varying degrees of personnel resources and evidence management capabilities, it was important that options to best suit their needs while providing the necessary information were offered.

Each agency received a letter of intent explaining the request for additional information and why it was necessary (Appendix D). This letter included an instruction sheet that identified the required data elements, provided guidance on collecting the necessary information, and identified the different options the agency had to comply with the request.

Local agencies were offered three different options intended to allow the agency to manually report as much or as little of the information as their resources allowed. The options were as follows:

1. Manually self-report the required information for each unsubmitted SAK using SAK Inventory Tags provided by the KBI SAKI project team (part of Appendix D).
2. Provide a copy of the corresponding Kansas Standard Offense Report (KSOR) for each unsubmitted SAK to the KBI SAKI project team. The SAKI project team used the KSORs to capture the necessary information and follow-up with the local prosecutor to determine any related judicial dispositions.
3. Provide a copy of the corresponding case file for each unsubmitted SAK to the KBI SAKI project team. The SAKI project team captured the necessary information from the case file and followed up with the local prosecutor to determine if there are any related judicial dispositions.

For agencies that were not responsive to the options above – due either to resources or because of unwillingness to participate – the KBI identified two other options that could be exercised on an as-needed basis. While neither of these options were necessary in order to complete the statewide inventory certification process, they were as follows:

4. The KBI would offer to send trained personnel to the agency to manually collect the necessary information for each SAK in the agency's possession.

5. Pursuant to K.S.A. 21-2504, the Attorney General could require law enforcement agencies to provide all information deemed necessary in ascertaining the “true condition of the crime situation.”

Each agency head was asked to sign a Sexual Assault Kit Inventory Certification Letter (part of Appendix D) and return it to the KBI SAKI team along with the required SAK information.

All information was sent to the KBI SAKI project team for manual data entry, through a single point of contact, into an electronic records system. This allowed the KBI SAKI project team to review and verify the information prior to entry and allow for electronic tracking of the statewide inventory of unsubmitted SAKs.

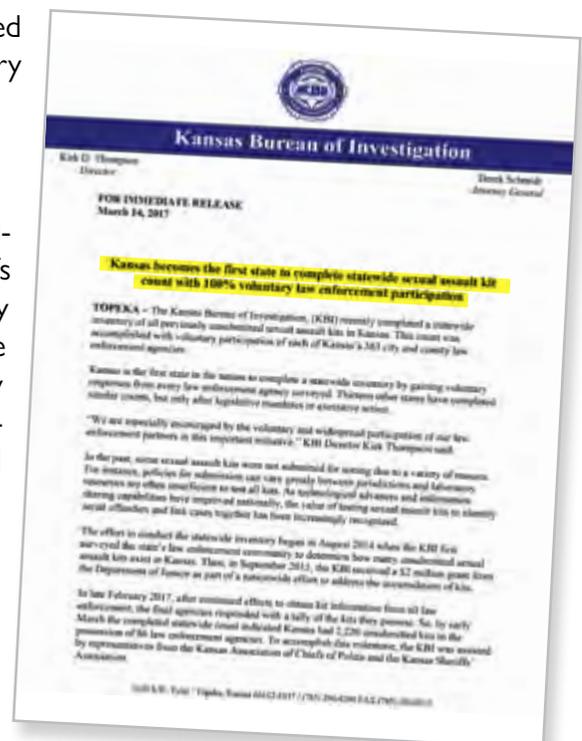
Defining “Unsubmitted”

The National SAKI grant solicitation defined unsubmitted SAKs as, “[SAKs] that have not been submitted to a forensic laboratory for testing and analysis,” (Bureau of Justice Assistance, 2015). Months prior to receiving their SAKI award, the KBI had begun surveying Kansas law enforcement agencies to quantify the number of unsubmitted SAKs across the state. To those who developed the survey, the focus on unsubmitted SAKs seemed clear and “unsubmitted kit” was not specifically defined. There was, however, confusion among the municipal and county agencies with regard to what SAKs qualified as unsubmitted. As a result, some local agencies included in their inventory SAKs which had previously been submitted to and tested by a forensic laboratory. Additionally, some local agencies believed that various case circumstances meant that a SAK did not need to be submitted as part of the SAKI project. These circumstances included cases coded as “unfounded;” cases in which the suspect confirmed sexual contact but claimed it was consensual; cases in which prosecution had been declined; cases with associated court dispositions; and SAKs routinely collected as part of a death investigation. Because of these circumstances, many follow-up discussions were conducted with various agencies to ensure an accurate statewide inventory was collected.

Results of the Statewide Inventory

Over the course of nearly three years, the KBI completed a certified initial inventory, following in-person contacts with local chiefs and sheriffs made by the KBI and the Kansas SAKI Multidisciplinary Working Group. In March 2017, Kansas became the first state in the country to complete a statewide inventory of previously unsubmitted SAKs with 100% voluntary law enforcement participation. The result was the identification of 2,220 unsubmitted SAKs. These were possessed by 86 law enforcement agencies in 41 counties.

Based on an early analysis of the online survey responses, the Kansas SAKI Multidisciplinary Working Group identified significant findings regarding insufficient policies and a need for more efficient evidence tracking at local agencies. Approximately 32% of responding agencies identified a specific agency policy for



the submission of SAKs to a forensic laboratory for analysis (Figure 4), and only 89% of agencies encouraged a SAK collection for victims reporting rape (Figure 5). Additionally, the majority of agencies (73%) did not have an electronic evidence management system, relying instead on manual record-keeping (Figure 6). The Kansas SAKI Multidisciplinary Working Group recognized these issues as contributing factors to the accumulation of unsubmitted SAKs in Kansas.

FIGURE 4. Local Agencies' SAK Inventory Survey Responses for SAK Evidence Submission Policy

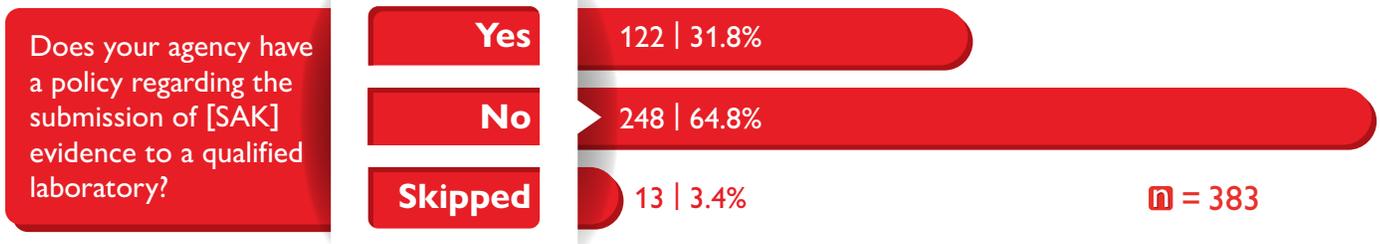


FIGURE 5. Local Agencies' SAK Inventory Survey Responses for Offenses for which SAK Collection is Encouraged

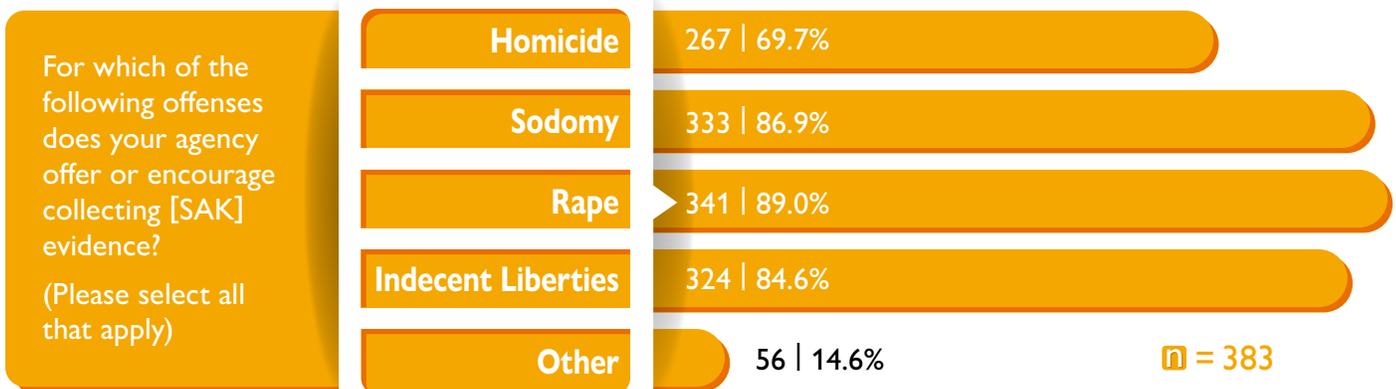
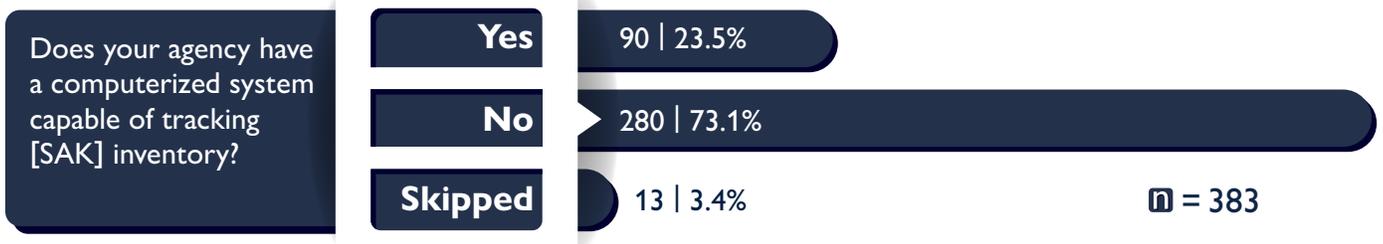


FIGURE 6. Local Agencies' SAK Inventory Survey Responses for Electronic Evidence Tracking System



While the statewide inventory survey identified 2,220 unsubmitted SAKs in Kansas, local agencies officially certified 2,061 SAKs (approximately 93% of anticipated inventory), and statewide forensic laboratories received 2,086 SAKI-related cases (Figure 7).

It is believed this change in count was attributed to the following challenges:

- *Estimated versus actual counts of SAKs:*

Personnel resources were limited at the local level, and the majority of agencies lacked an electronic evidence management system. Therefore, many agencies provided an estimated count in lieu of a hand count. As a result, 57 agencies submitted the same number of SAKs as originally reported as part of the statewide inventory. Comparatively, 26 agencies submitted either more or less SAKs than they originally reported as part of the statewide inventory.

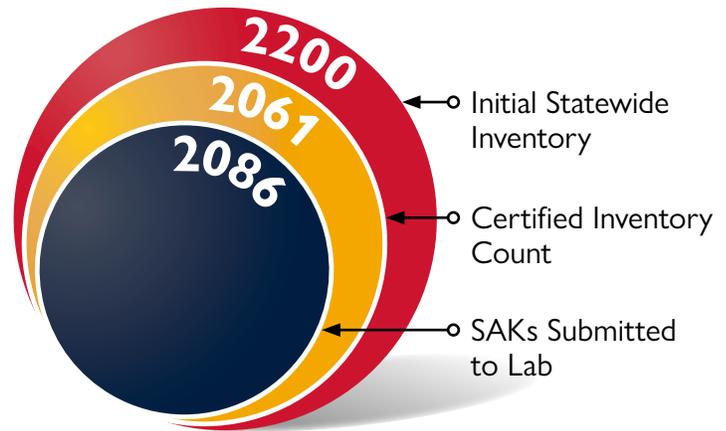
- *Defining “unsubmitted” SAKs:*

Grant requirements for inventory certification were not clearly defined until after initial efforts to conduct the statewide survey were completed. As a result, several agencies were contacted multiple times in order to ensure complete and accurate information was collected. This left agencies confused, and to ensure they complied with the KBI’s request, many submitted every kit in their property room, even if it had previously been tested. Kansas forensic laboratories identified a number of SAKs which had been tested and were not within the scope of the SAKI project.

- *SAK destruction prior to submitting to a forensic laboratory:*

Because of the length of time that lapsed between initial inventory efforts and the subsequent submission of SAKs, some of the SAKs originally reported as part of the statewide inventory were destroyed prior to submission and in accordance with local agencies’ policies.

FIGURE 7. Number of Previously Unsubmitted SAKs Identified in Kansas



Inventory Demographics

The Kansas SAKI Multidisciplinary Working Group identified unsubmitted SAKs that had been collected from one to 22 years prior. The average age of SAKI-related cases was 5.5 years (Figure 8). The average age of victims at the time of the sexual assault was 21-years-old, and the majority (91%) of victims were female (Figure 9). Comparatively, the average age of suspects identified at the time of reporting was 29-years-old, and the majority (93%) were male (Figure 10). The race and ethnicity of victims and suspects for SAKI-related cases could not be accurately reported due to a lack of information contained in medical examination documents and local agency records.

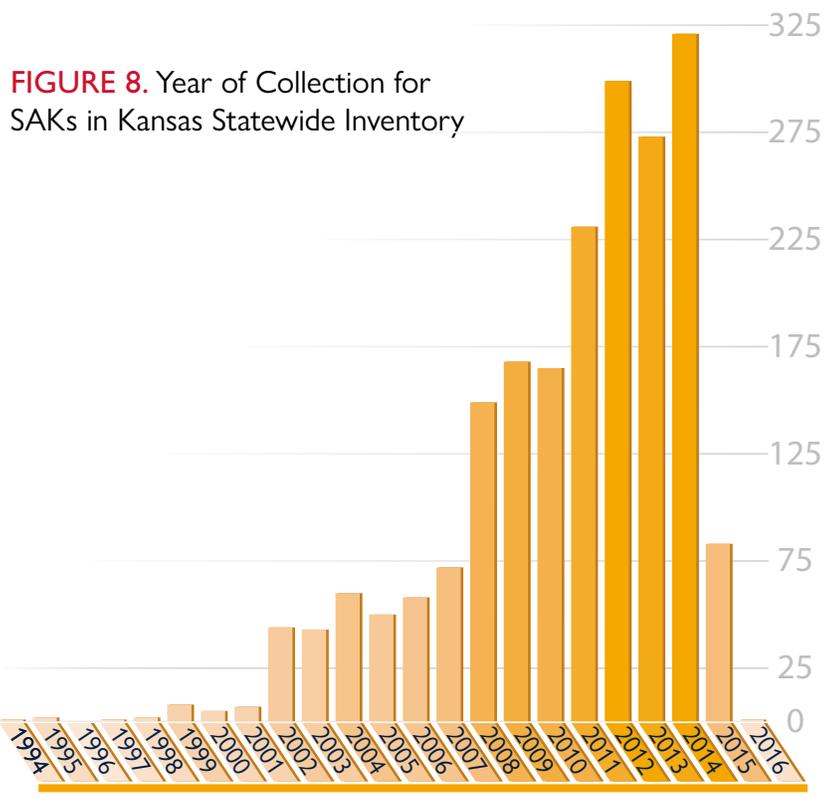


FIGURE 9. Victim Age Range and Gender for SAKs in Kansas Statewide Inventory

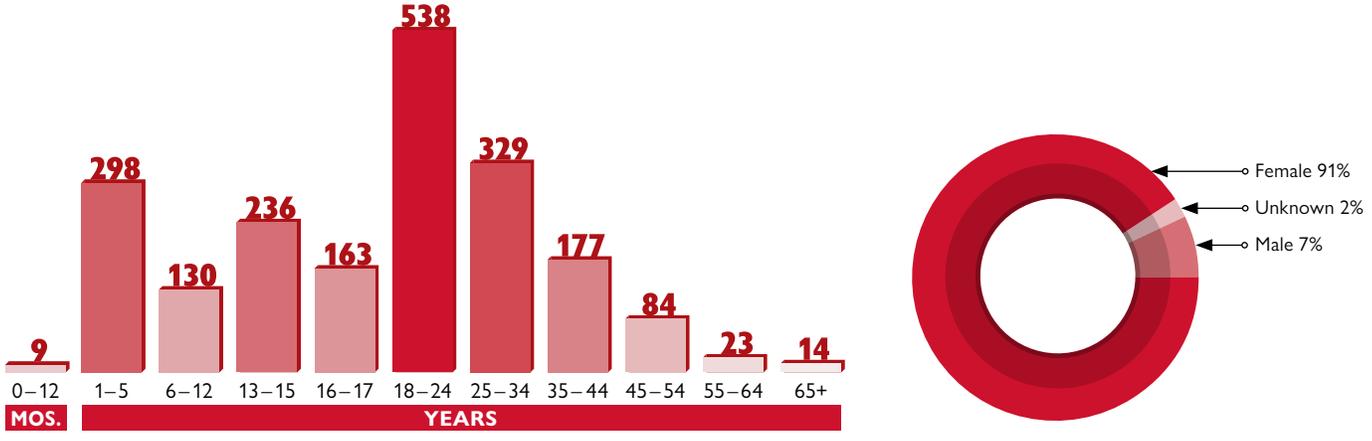
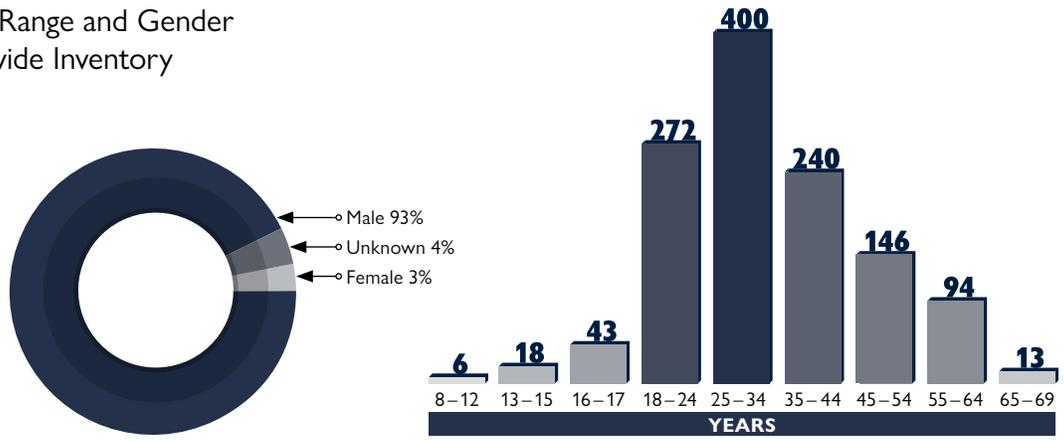


FIGURE 10. Suspect Age Range and Gender for SAKs in Kansas Statewide Inventory



Challenges of Conducting a Statewide Inventory

Conducting a statewide inventory of previously unsubmitted kits proved to be an arduous task. Because the KBI proactively initiated efforts to conduct a statewide inventory, local agency participation was voluntary. The inventory was done without legislative action, and Kansas ultimately became the first state in the country to conduct a statewide inventory with 100% voluntary participation from law enforcement. However, several challenges were encountered along the way.

One of the first obstacles encountered was that there was no comprehensive and current list of all law enforcement agencies in Kansas. In order to initiate a survey to quantify the number of unsubmitted kits in Kansas, the first thing that needed to be done was to determine how many active law enforcement agencies existed in Kansas. To do this, the KBI obtained agency lists from the Kansas Incident Based Reporting System, the Kansas Commission for Police Officer Standards and Training, and the Kansas Criminal Justice Information System. Research was conducted to determine which agencies were still operational and active. Because Kansas is largely a rural state, several small police departments had closed their doors or operated only part-time;¹⁸ in these instances, the Sheriff's Office assumed jurisdiction. These agencies were removed from the list. In total, 383 active, full-time law enforcement agencies were identified. This included 254 police departments, 105 sheriff's offices, and 12 university campus police agencies.

Because agency participation was voluntary and not mandated, response rates were initially low. One factor believed to influence the low response rate was that more than 75% of the agencies that responded to the online survey indicated they lacked electronic evidence tracking capability. This suggested that much of the reporting from local agencies was dependent on the completion of a manual audit, which is a time consuming and resource intensive endeavor. The KBI enlisted the assistance of the Multidisciplinary Working Group's representatives from the Kansas Sheriffs' Association and Kansas Association of Chiefs of Police, and asked them to directly contact their Chief and Sheriff peers to encourage their participation.

Other challenges were related to the process of obtaining certification of the statewide inventory as required pursuant to the grant funding. When an agency response to the survey indicated they possessed unsubmitted kits, KBI staff members had to re-contact the agencies to obtain the case-specific information for each kit as required by the grant. Agencies were often confused by the multiple requests for information related to the statewide inventory. Obtaining the case-specific information on each previously unsubmitted kit in their possession sometimes required multiple direct phone calls, emails, and site visits with local agency leaders by KBI staff and/or working group members.



Kansas Sexual Assault Kit Initiative inventory at the KBI Laboratory.

¹⁸ The part-time police agencies were not surveyed because their jurisdiction was covered by their county sheriff's office.

Due to these challenges, and despite the diligent and ongoing efforts to obtain responses and required information from all agencies, completion of the statewide inventory and achieving inventory certification under the Bureau of Justice Assistance took over three years.¹⁹ Consequently, delays between the law enforcement responses and submission of previously unsubmitted kits to a forensic laboratory for analysis contributed to fewer kit submissions than anticipated.

¹⁹ The law enforcement survey was first launched in November 2014 and the statewide inventory was certified by the Bureau of Justice Assistance in February 2018.

PILOT STUDY

Starting Small

Prior to the Kansas SAKI Project, the KBI forensic laboratory was testing approximately 450 SAKs annually. The statewide inventory was roughly five times that size, with over 2,200 unsubmitted SAKs from approximately 80 local agencies. Developing a strategy was necessary in order to minimize the impact on current case work.

Based on recommendations from prior research efforts to address unsubmitted SAKs, the Kansas SAKI Multidisciplinary Working Group decided to “start small.” (Campbell et al., 2015; Wells et al., 2016) The process involved identifying a sample group to collect and analyze data related to unsubmitted SAKs in order to inform how to address the remaining statewide inventory. Data collection included surveys completed by law enforcement and prosecutors, analyzing medical examination data, and evaluating suspect criminal histories for each SAK in the sample. By gathering information from various collection points and analyzing a sample of the statewide inventory, the Kansas SAKI Multidisciplinary Working Group utilized the results to develop an evidence-informed plan to address the full inventory.

By gathering information from various collection points and analyzing a sample of the statewide inventory, the Kansas SAKI Multidisciplinary Working Group utilized the results to develop an evidence-informed plan to address the full inventory.

Identifying Pilot Sites

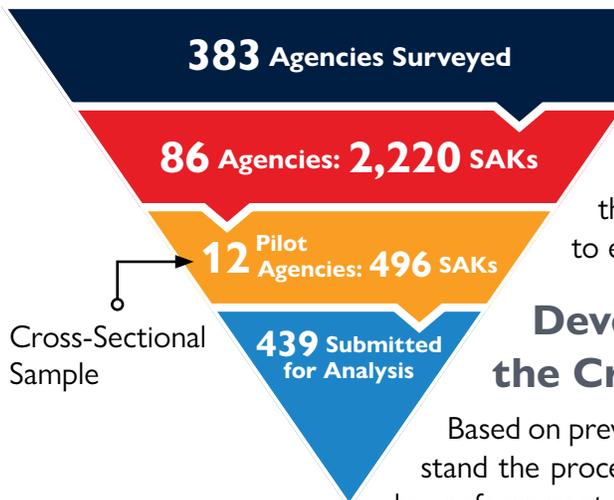
In order to establish a large enough sample size for analysis, the Kansas SAKI Multidisciplinary Working Group identified 12 local law enforcement agencies that reported possessing unsubmitted kits. These 12 agencies became known as the “pilot agencies.” By virtue of identifying the 12 law enforcement pilot agencies, the Kansas SAKI Multidisciplinary Working Group engaged with the other stakeholders from these local jurisdictions for comprehensive data collection in order to develop holistic recommendations.

As with any evaluation of systemic issues affecting the criminal justice system, there was initial hesitation from the local sites regarding the SAKI project. There were concerns that the project was functioning as a statewide audit of policies and practice; therefore it was important for the Kansas SAKI Multidisciplinary Working Group to establish trust and buy-in from local leaders to ensure project success.

In order to create “buy-in” from the pilot sites, members of the KBI SAKI project team met with each of the leaders from the local law enforcement agencies and prosecutors’ offices. These meetings were an invitation to discuss the expectations of the agency as a pilot site, address concerns regarding participation, and address the impact on agency resources. The Kansas SAKI Multidisciplinary Working Group found these face-to-face interactions to be incredibly beneficial, and as a result, each of the 12 agencies agreed to participate in full.

Defining the Cross-Sectional Sample

Of the 12 pilot agencies, six reported having 50 or fewer SAKs in their possession; these six were asked to submit each of those SAKs to the forensic laboratory. The other six agencies reported having more than 50 unsubmitted SAKs in their possession; they were each asked to randomly select and submit a total of 50 SAKs to the forensic laboratory. In total, the pilot agencies were expected to submit a total of 496²⁰ SAKs to the forensic laboratory for analysis; this group of kits became known as the “cross-sectional sample.”



When determining a testing plan for the cross-sectional sample, the Kansas SAKI Multidisciplinary Working Group contemplated several factors, including case adjudication, statute of limitations, and SAKs collected as part of a death investigation. Ultimately, a “test-all” approach to the sample was determined to be the best approach in order to ensure objective data collection and analysis.

Developing a Testing Plan for the Cross-Sectional Sample

Based on previous studies of unsubmitted SAKs, it was important to understand the process from the medical forensic exam at the medical facility, to law enforcement collection, to submission for analysis at the forensic laboratory (Campbell et al. 2015; Lovell et al., 2016). The SAKI project goals included far more than just testing SAKs to clear the statewide inventory; they included a true solution to identifying best practices and model policy recommendations in order to prevent a future accumulation of untested SAKs. In addition to the forensic analysis that was conducted for each SAK, the SAKI project staff collected data for each SAK in the cross-sectional sample from law enforcement, prosecution, the sexual assault medical examination, and criminal history data on suspects. In total, the KBI collected approximately 150 data points for each SAK (Figure 11).

²⁰ Of the 496 in the cross-sectional sample, only 439 were ultimately submitted to the forensic laboratory for analysis.

FIGURE 11. Data Collection from Each SAK in the Cross-Sectional Sample



For each SAK, data was collected from a number of sources. A law enforcement survey was created to solicit information regarding the factors which contributed to the original decisions that each of the kits not be submitted for testing. A survey was created and sent to prosecutors to solicit information regarding the reasons cases were not charged or to identify related court dispositions for cases that were charged. Other sources of information included the medical examination documents obtained from the sealed kits, and an extensive evaluation of criminal history records of those suspects which had been identified at the time the assault was reported to law enforcement.

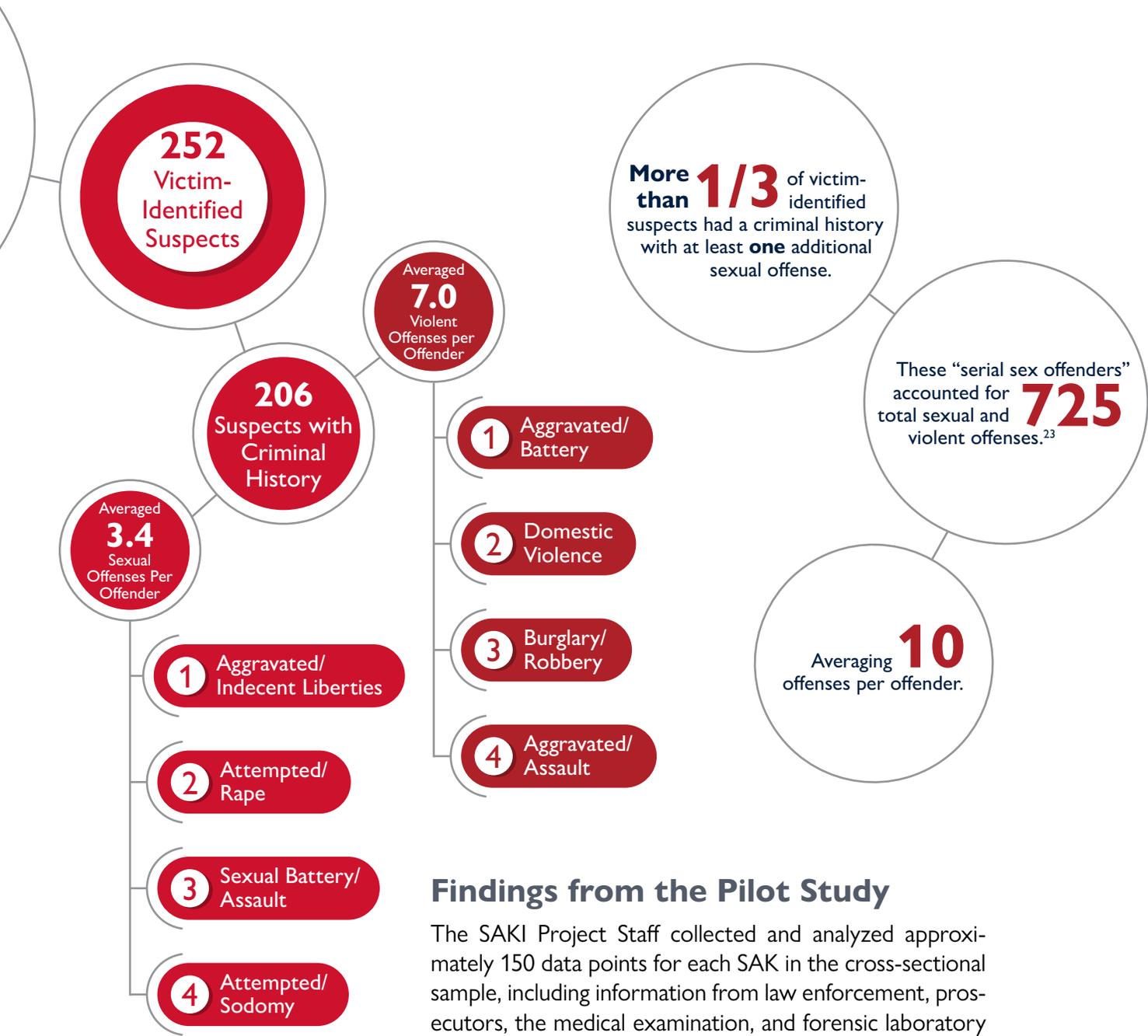
While the collection and examination of this data was time consuming and labor intensive, it was a necessary and meaningful endeavor that revealed common themes which impacted decisions regarding evidence submission and the progression of a case through the criminal justice system.

Pilot Study Analysis & Underlying Factors

The top four reasons for not submitting are shown. For additional details, see the Executive Summary.



²¹ Because of the low response rate to the surveys, analysis and conclusions from the prosecutor survey are limited.



Findings from the Pilot Study

The SAKI Project Staff collected and analyzed approximately 150 data points for each SAK in the cross-sectional sample, including information from law enforcement, prosecutors, the medical examination, and forensic laboratory analysis. Analysis of each data set identified the need for the following:

- Trauma-informed training for all stakeholders involved in sexual assault cases
- Formal prosecutorial review of all sexual assault investigations
- Appropriate collection and preservation of sexual assault evidence
- Submission and testing of all SAKs
- Access to support services provided by each stakeholder involved in sexual assault cases
- Evaluation of suspect criminal history to hold offenders accountable and reduce future victimization

22 The Kansas SAKI Multidisciplinary Working Group identified these suspects as “Serial Sexual Offenders” based on their propensity for committing multiple sexual offenses.

■ Law Enforcement Survey

The Kansas SAKI Multidisciplinary Working Group assisted in the development of a one-page survey to solicit case specific information from law enforcement for each of the SAKs in the cross-sectional sample (Appendix E). This included information regarding the reason the kit had not been submitted for testing, and who was responsible for making that decision. Each pilot law enforcement agency was asked to complete one survey for each of the SAKs they possessed that was included in the cross-sectional sample.

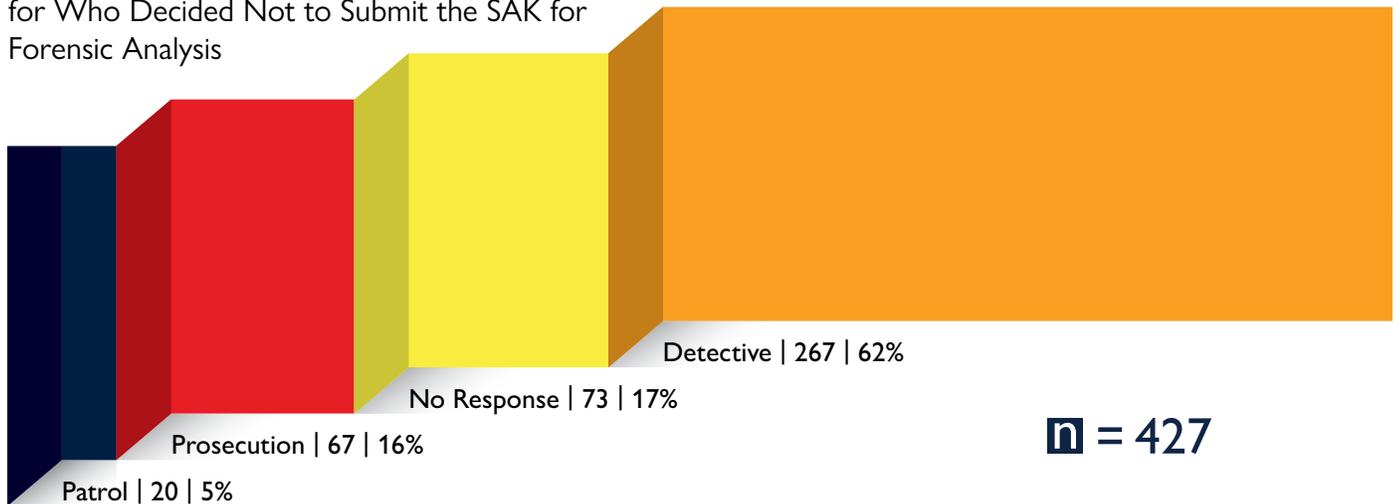
The results of the law enforcement survey underscore the importance of law enforcement officers being adequately trained to recognize the signs of victim trauma and conduct offender-focused investigations.

To avoid influencing the responses, the survey was created with an open-ended design. This allowed the law enforcement agency to disclose, in their own words, the reasons the kit had not been submitted. The responses were compiled and aggregate data was evaluated to identify commonalities and opportunities for future recommendations.

The KBI received law enforcement survey responses for 427 SAKs in the cross-sectional sample.²³ The results indicated that detectives were the individuals most commonly responsible for having made the decision to not submit the SAK for forensic analysis (Figure 12).

Once the data was aggregated, 19 factors which commonly impacted submission of the sexual assault evidence emerged. The factors most commonly attributed to the decision to not have the evidence tested were cases in which victims had been deemed “uncooperative”, prosecution of the case had been declined, the suspect claimed “consent”, the case was deemed “unfounded”, and victim intoxication. Notably, more than one factor reportedly influenced the evidence submission decision in a significant number of these cases.

FIGURE 12. Law Enforcement Survey Responses for Who Decided Not to Submit the SAK for Forensic Analysis



²³ The cross-sectional sample consisted of 439 SAKs submitted to the forensic laboratory for analysis. There were 12 SAKs which were submitted as part of the cross-sectional sample that did not have a completed law enforcement survey. As a result, analysis could only focus on received responses to the survey (n=427).

■ Prosecutor Survey

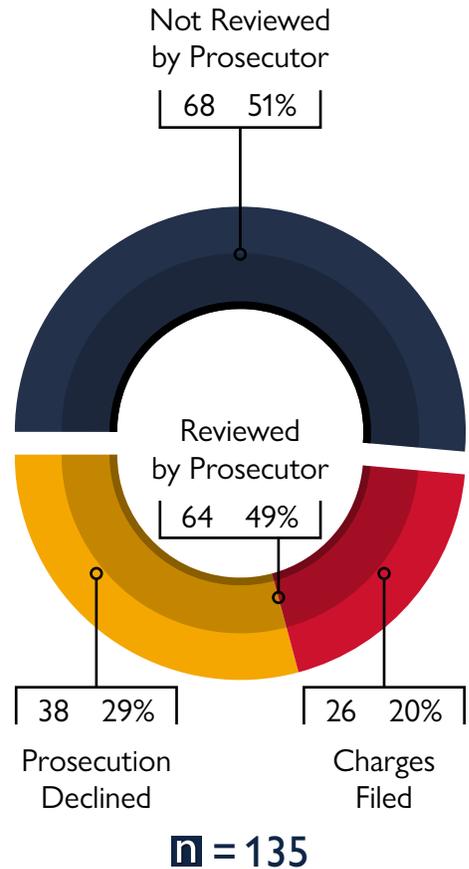
From the law enforcement surveys, it was learned that the decision to not submit a number of the kits had been attributed to the prosecutor. In the brief narratives of the surveys, it was noted that some kits were not submitted because prosecution had been declined. Others reportedly had associated convictions, even in the absence of having the evidence tested. For these reasons, a similar survey was created to solicit case specific information from prosecutors (Appendix F). For each of the SAKs included in the cross-sectional sample, the county or district attorney with respective jurisdiction was asked to complete one survey.

To help identify common themes while soliciting information specific to prosecutorial charging decisions, the survey was structured with a more closed-ended design. This allowed the prosecutor to choose from the factors commonly found to impact evidence submission decisions, identify investigative deficiencies, explain why the cases were not charged, or identify related convictions. The responses were compiled and aggregate data was evaluated to identify commonalities and opportunities for future recommendations.

The KBI received prosecutor survey responses for 135 cases in the cross-sectional sample. The results indicated that approximately half of the cases were reviewed by the prosecutor. It is unknown if cases were not presented to the prosecutor, if the prosecutor did not review the cases for a formal decision once presented, or if any other factors contributed to the absence of a review. Of the cases which were reviewed by the prosecutor, the majority were declined for prosecution (Figure 13).

The factors most commonly attributed to charges being declined were cases where the suspect claimed “consent”, there was insufficient evidence to prosecute, cases in which victims had been deemed “uncooperative”, and cases in which victims had been deemed “not credible”.

FIGURE 13. Prosecutor Survey Responses for SAKI Cross-Sectional Cases



The results of the prosecutor survey suggest there should be consideration of enacting policies which require referral of cases from law enforcement to a prosecutor for review. Additionally, the survey results underscore the importance of prosecutors being adequately trained to understand the impact of trauma on a victim’s memory, behavior, and how it may impact the perception of their credibility.

Outcomes of Forensic Testing

Law enforcement agencies submitted 439 SAKs from the cross-sectional sample to the forensic laboratory for analysis. From these cases, 113 foreign DNA profiles were uploaded to CODIS and 53 hits occurred. Table 1 shows the CODIS Upload and Hit Rate of the cases, according to the priority they had been assigned.

Notable were the percentages of Serial Sexual Offender, High Frequency Offender, and cases with a Prior Court Disposition that resulted in a CODIS upload, and the percentage of those that resulted in a CODIS hit. These results validated the use of a prioritization model, based largely on criminal history records, to address the remaining statewide inventory. More importantly, they highlighted the importance of the SAKI project’s most important goals: holding offenders accountable and preventing future victimization.

The forensic laboratory results emphasize the importance of submitting and testing all sexual assault kits.

The law enforcement surveys corresponding to the 113 cases from which a foreign DNA profile was obtained revealed that the most commonly attributed factors for the lack of evidence submission were cases in which victims had been deemed “uncooperative”, suspects who claimed “consent”, prosecution of the case had been declined, and intoxication of the victims. Factors most commonly attributed to the 53 cases that resulted in a CODIS hit included victims deemed as “uncooperative”, suspect claimed “consent”, prosecution was declined, and the suspect had been charged and/ or confessed.

TABLE 1. CODIS Upload and Hit Rate of the Cross-Sectional Sample Cases by Testing Priority

	Category	CODIS Uploads n=113		CODIS Uploads Resulting in a Hit n=53	
PRIORITY 1	Serial Sexual Offender (n=41)	15	36%	13	86%
	Unnamed Suspect (n=107)	19	23%	6	28%
	High Frequency Offender (n=23)	9	29%	6	83%
PRIORITY 2	Suspect With a Tracked Criminal History (n=67)	19	28%	11	56%
	Suspect Without a Tracked Criminal History (n=130)	36	26%	8	19%
PRIORITY 3	Death Investigation (n=19)	3	16%	0	0%
	Prior Court Disposition (n=30)	12	37%	9	82%

Pilot Study Findings

From the pilot study, the Kansas SAKI Multidisciplinary Working Group concluded that using criminal history records was a reasonable and sustainable method to prioritize testing of the kits.

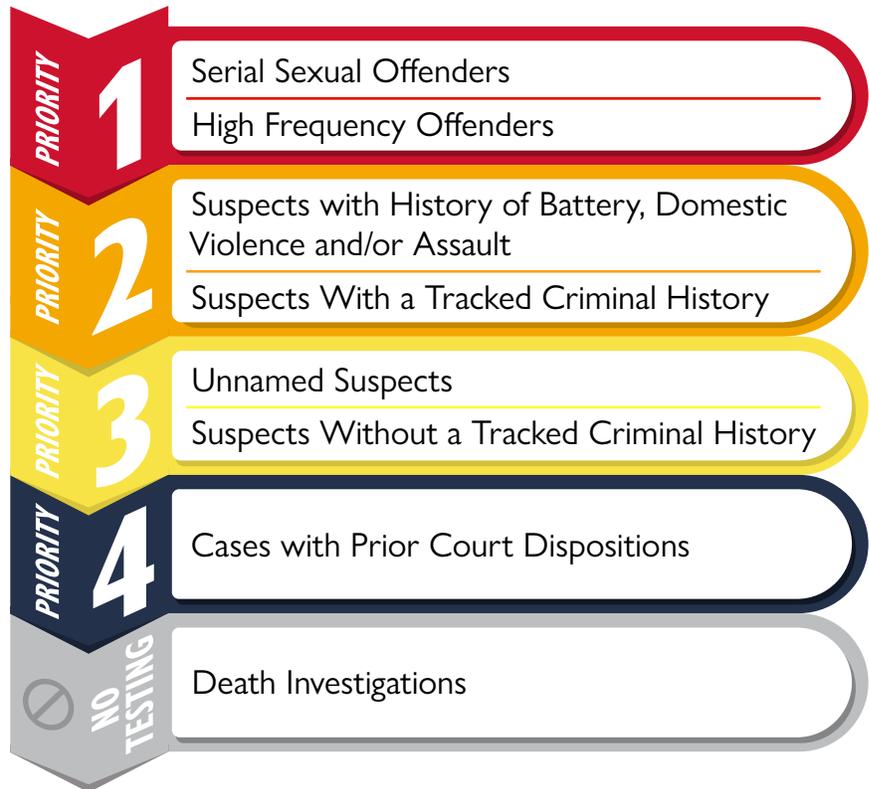
Because usable DNA profiles are more likely to generate new investigative leads that can be used to initiate criminal charges, our evaluation was based primarily on the percentage of CODIS uploads and hits associated with each of the previously described categories. Among those, cases associated with Serial Sexual Offenders produced the greatest percentage of both CODIS uploads and hits. Cases associated with High Frequency Offenders produced the second greatest percentage of new investigative leads; the category including these two groups was elevated to Priority 1.

The criminal history analysis revealed a third distinct category of offender. These were offenders whose criminal histories included domestic violence, battery/aggravated battery, and/or assault/aggravated assault. As was seen with the Serial Sexual Offender and High

Frequency Offender categories, this category of offender similarly displayed a higher propensity for committing additional sexual or other violent crimes. Approximately one third of the victim-identified suspects fell within this category; collectively, these offenders committed 772 other sexual and violent crimes and averaged 17 crimes per offender. Among these cases, CODIS hits resulted from 71% of those cases in which a DNA profile was uploaded to CODIS. Consequently, this category of offenders was included in Priority 2.

The analysis of criminal history and the associated testing outcomes resulted in moving unnamed suspects and those without a tracked criminal history to Priority 3. While cases with prior court dispositions resulted in high percentages of CODIS uploads and hits, they each validated the conviction and were not shown to produce new investigative leads; as such, these were moved to Priority 4. The only cases not designated for testing were those collected as a matter of protocol in unattended deaths that lacked any suspicious circumstance.²⁴

FIGURE 14. Testing Prioritization for the Kansas Statewide Inventory of Unsubmitted SAKs



²⁴ None of these cases were linked with a reported crime.

Medical Exam Documents

Each SAK contains documents that are completed by the medical professional conducting the sexual assault medical forensic examination. These documents contain victim information and specific details regarding the sexual assault. In all cases in the cross-sectional sample, these documents were collected at the time of SAK submission to the forensic laboratory.

The KBI received medical exam documentation for 413 cases from the cross-sectional sample.²⁵ These documents included the following data points for each SAK:

- Date and time of sexual assault
- Anal, genital and oral ejaculation
- Date and time of exam
- Use of a condom by suspect
- Victim information, including race, gender and age
- Collection of clothing and if clothing was worn during or after the assault
- Victim actions post-assault:
 - ▶ Bathed/showered
 - ▶ Brushed teeth
 - ▶ Urinated
 - ▶ Vomited
 - ▶ Changed clothes
 - ▶ Douched
 - ▶ Anal, genital and oral penetration
 - ▶ Samples collected
 - ▶ Digital and object penetration
 - ▶ Bleeding injuries on the victim
 - ▶ Consensual sex within the last 72 hours and name of partner(s)
 - ▶ Name of assailant, if known, and relationship to victim
 - ▶ Used mouthwash
 - ▶ Defecated
 - ▶ Consumed liquids

The analysis of the paperwork completed by the medical professional conducting the sexual assault examination demonstrated that DNA profiles can come from a variety of sources and circumstances, and therefore it is important for all collected sexual assault exam evidence to be submitted for forensic analysis.

The analysis of the documents completed by the medical professional conducting the sexual assault examination demonstrated that DNA profiles can come from a variety of cases and circumstances, and therefore it is important for all collected sexual assault exam evidence to be submitted for forensic analysis. From the 413 cases involving medical documentation, the majority of victims reported a known suspect²⁶ and genital penetration by the suspect (Table 2). Suspect ejaculation was reported by the victim as either unknown, or did not occur in 80% of cases. Only 4% of victims reported knowing if the suspect wore a condom, and 21% of victims reported engaging in consensual sex within 72 hours prior to the exam. The time lapse between when the sexual assault occurred and when the medical exam was conducted ranged from 1 hour, up to 792 hours (33 days), with victims waiting an average of approximately 33 hours after the sexual assault to receive the exam.

²⁵ While the cross-sectional sample consisted of 439 SAKs, there were several cases which did not include medical paperwork within the SAK. As a result, only those cases with medical paperwork (n=413) could be analyzed.

²⁶ It should be noted that the remaining 31% that did not report a known suspect included cases in which suspect information was not recorded in the received documentation; victims were unable to provide suspect information due to factors such as age or consciousness at the time of assault; and assaults committed by strangers.

TABLE 2. Documents Completed by Medical Professional Conducting the Sexual Assault Examination

		Overall Sample n=413	
Average Age (Years Old)		20	
Suspect	Known Assailant	287	69%
	Unknown Assailant	106	26%
	No Response	20	5%
Average Elapsed Time Between Assault and Exam (Hour)		32.96	
Penetration	Genital	237	57%
	Anal	49	12%
	Oral	69	17%
	Digital	98	24%
	Object	31	8%
Ejaculation (Known)	Genital	72	17%
	Anal	6	1%
	Oral	8	2%
Victim Has Bleeding Injuries		61	15%
Victim Actions Post Assault	Bathed/Showered	151	37%
	Brushed Teeth	120	29%
	Urinated	317	77%
	Vomited	49	12%
	Changed Clothes	227	55%
	Douched	0	0%
	Used Mouthwash	27	7%
	Defecated	117	28%
	Consumed Liquids	283	69%
	Consensual Sex Within 72 Hours Prior	87	21%
Suspect Wore a Condom	Yes	18	4%
	No	148	36%
	Unknown	123	30%

Of the collected medical documents, 95% of victims were female, and 5% were male. Examination of the differences within the data based on victim gender showed the only significant difference to be the age of the victim at the time of reporting. While the average victim age of the samples in the cross-sectional study group was 20-years-old, the collected documentation indicated that the average age of female victims was 21-years-old, and the average age of male victims was 11-years-old (Figure 15).

FIGURE 15. Average Victim Age as Reported in Paperwork Completed by Medical Professional Conducting the Sexual Assault Examination



The difference in victim age could be due to a number of factors that influence underreporting by adult male victims, including societal biases about sexual assault and victims. Because of these misconceptions and stereotypes, adult male victims may be less inclined to report a sexual assault, which may account for the age difference as shown in the data. Historical social hierarchies and underlying beliefs about masculinity create an expectation that adult men should be “strong enough” to fight off their

attackers, based solely on the biological fact that they are male (Garland, 2009). This notion not only undermines the existence of male victims, but also feeds into a narrow definition of masculinity that men should be physically dominant or powerful, and therefore are only victims because of a “failure to assert their dominance” (Kimmel, 2004). In considering female victims, there is a social misconception that victims should fight back if they are being attacked, and that any lack of physical resistance equates to consent or even a desire by the victim to be raped. For male victims in particular, societal attitudes may question their sexual orientation as a way to further undermine the assault and blame the victim (Garland, 2009).

Forensic analysis of the cross-sectional sample resulted in 230 items progressing to DNA analysis. Of those, 113 yielded profiles were entered into CODIS.²⁷ Table 3 provides a comparison of the medical documentation for cases that stopped at serology (body fluid screening) and cases that resulted in a DNA profile uploaded to CODIS.

²⁷ Cases that stopped at serology testing are those that screened negative for male DNA or the presence of seminal fluid and did not progress to DNA testing.

TABLE 3. Documents Completed by Medical Professional Conducting the Sexual Assault Examination of Cross-Sectional Sample Cases Stopping at Serology Compared to CODIS Uploads

		Stopped at Serology n=183	CODIS Upload n=113
Longest Elapsed Time Between Assault and Exam (Hours)		504	108.5
Average Elapsed Time Between Assault and Exam (Hours)		42.6	17
Penetration	Genital	42%	77%
	Anal	13%	12%
	Oral	14%	19%
	Digital	14%	35%
	Object	5%	11%
Ejaculation	Genital	9%	28%
	Anal	2%	0%
	Oral	3%	1%
Victim Has Bleeding Injuries		13%	19%
Victim Actions Post Assault	Bathed/Showered	40%	30%
	Brushed Teeth	32%	20%
	Urinated	75%	80%
	Vomited	13%	13%
	Changed Clothes	58%	48%
	Used Mouthwash	5%	5%
	Defecated	33%	15%
	Consumed Liquids	73%	64%
	Consensual Sex Within 72 Hours Prior	14%	30%
Suspect Wore a Condom	Yes	6%	4%
	No	20%	53%
	Unknown	74%	43%

Highlighted cells = significant difference

The average elapsed time between the sexual assault and the collection of a SAK was 42.6 hours for cases that stopped at serology. This is more than double the elapsed time seen in cases that resulted in a CODIS upload, which averaged 17 hours. While collecting evidence as soon as possible after a sexual assault likely increases the viability of a DNA profile, it should be noted that the longest amount of time between the assault and the exam for a case that resulted in a CODIS upload was 108.5 hours (4.5 days).²⁸ Therefore, the collection of sexual assault evidence should not be dismissed due to time elapsed since an assault, a SAK should be completed for all victims consenting to the examination.

CODIS upload cases showed a higher rate of genital and digital penetration as well as genital ejaculation than cases that stopped at serology.

The collection of sexual assault evidence should not be dismissed due to time elapsed, since a SAK should be completed for all victims consenting to the examination.

²⁸ The DNA profile that was obtained in this case was from a swab on a condom used during the reported assault.

Additionally, 53% of CODIS upload cases reported that the suspect did not wear a condom, which likely improved the ability to retrieve a viable DNA profile. It should be noted that although 30% of victims from CODIS upload cases had reported having consensual sexual partners within 72 hours of the medical exam, a suspect DNA profile was still obtained. This again underscores the importance of not dismissing evidence due to time elapsed, and the necessity of forensic analysis of all SAKs submitted to law enforcement.

There were several data points that did not show significant differences between cases that stopped at serology and cases that resulted in a CODIS upload. Victim actions post-assault did not significantly differ between the two case types.

This suggests that a victim's post-assault behavior may not have had a negative impact on the ability to collect evidence and obtain a viable suspect DNA profile. This has been a common belief within the criminal justice system, and may have influenced the original decision not to submit SAKs for forensic analysis.

While step-by-step instructions within the SAK are available to provide guidance through this process, the need for trained and supported medical personnel is a key component in ensuring high quality samples are collected.

The data collected from the medical documentation during the Kansas SAKI project underscores the importance of collecting and preserving sexual assault evidence in the forensic analysis process. While step-by-step instructions within the SAK are available to provide guidance through this process, the need for trained and supported medical personnel is a key component in ensuring high quality samples are collected.

Currently, there are 21 active Sexual Assault Nurse Examiner (SANE) programs in 19 of the 105 counties in the state of Kansas. Despite having a state statute that identifies other personnel qualified to conduct sexual assault exams,²⁹ hospitals without a SANE program often refer victims to a facility with an active program. Unfortunately, some of these programs may be up to four hours away, which can delay the collection of evidence, and may deter victims from seeking an exam.

The importance of developing and sustaining SANE programs across the state is essential for the appropriate collection of sexual assault evidence and providing necessary services and care to victims.

Findings from Research and Analysis of Sexual Assault History Information

Each sexual assault evidence collection kit contains a Victim Information and Sexual Assault History Form that is used by the medical professional conducting the sexual assault medical forensic examination to document specific information and details regarding the sexual assault. At the conclusion of the examination, the form is placed inside the kit, which is then sealed and signed over to a law enforcement agency. In

²⁹ Kansas Statutes Annotated (K.S.A.) 65-448, Qualified persons at medical care facilities to examine victims of sexual offenses.

conjunction with the Pilot Study, the completed forms were removed from the kit at the time of submission to the forensic laboratory and provided to the KBI's SAKI project team.

The KBI received the Victim Information and Sexual Assault History Forms for 413 cases from the cross-sectional sample.³⁰ A thorough review and analysis from the aggregated information revealed the following, which can be seen in Table 2:

- The majority of victims reported being assaulted by a person known to them.³¹
- Genital penetration by the suspect was the most common form of assault.
- The time elapsed between the sexual assault and the SAK collection ranged from 1 hour to 792 hours (33 days). Victims waited an average of approximately 33 hours after the sexual assault to seek medical treatment and examination.
- In 80% of the cases, the victim reported suspect ejaculation was either unknown or did not occur.
- In only 4% of the cases, the victim reported the suspect wore a condom during the assault.
- In 21% of the cases, the victim reported engaging in consensual sex within 72 hours prior to the exam.

The information collected from the forms and the outcomes of forensic testing were reviewed in an attempt to identify what, if any, factors influenced the ability of the laboratory to obtain a foreign DNA profile. This was done by comparing cases which did not progress beyond serology and those which resulted in a foreign DNA profile being uploaded into CODIS. A thorough review and analysis of the aggregated information revealed the following, which can be seen in Table 2:

- The average time elapsed between assault and SAK collection was significantly different between cases which did not progress beyond serology and those which resulted in a foreign DNA profile being uploaded into CODIS.
- Between the two case types, there were no significant differences in the post-assault actions of victims. In other words, these actions did not seem to decrease the likelihood of finding foreign DNA.
- Cases where a foreign DNA profile was uploaded to CODIS had higher rates of genital penetration, digital penetration, and genital ejaculation.
- More than half of the CODIS upload cases involved suspects who reportedly did not wear a condom.
- A suspect DNA profile was still obtained in 30% of cases in which the victim reported having consensual sex within 72 hours of the SAK collection.
- There were several data points that did not show significant differences between cases that stopped at serology and cases that resulted in a CODIS upload.

³⁰ While the cross-sectional sample consisted of 439 SAKs that were received by the laboratory, there were several kits that did not contain the medical paperwork.

³¹ Cases with an unknown assailant or no response included cases where the victim was unable to provide suspect information due to factors such as age or consciousness at the time of assault, as well as assaults committed by strangers.

Suspect Criminal History

As part of the SAKI project, the KBI wanted to assess the extent to which offenders, when not held accountable for the crimes they committed, went on to commit additional crimes. The research sample was limited to cases where the victim had named a suspect when reporting the crime to law enforcement and/or a medical professional during the sexual assault evidence collection examination. Because so few sexual assault cases result in conviction, it was important to look not only at those crimes which resulted in arrest and/or conviction, but also at the cases reported to law enforcement which never resulted in arrest or conviction.

Because acts of sexual violence and other nonsexual violent offenses have been identified to be the most common among perpetrators of sexual assault, the KBI data collection and assessment sought to limit the focus of the criminal history analysis to these types of crimes (Lisak & Miller, 2002; Hanson & Morton-Bourgon, 2004). A matrix was developed to score sexual and nonsexual violent offenses as defined by Kansas statute listed in Table 4.

TABLE 4. Kansas SAKI Tracked Offenses and Corresponding State Statutes for Victim-Identified Suspect Criminal Histories

		Kansas Statute Annotated (K.S.A.) Reference
Sexual Offenses	Attempted/Rape	21-5503
	Attempted/Sodomy	21-5504
	Aggravated/Indecent Liberties	21-5506
	Aggravated/Incest	21-5604
	Sexual Battery/Assault	21-5505
	Unlawful Voluntary Sexual Relations	21-5507
	Sexual Exploitation	21-5510, 21-6422
	Sexual Solicitation	21-5508, 21-5509, 21-6421
	Obscene Materials	21-6401, 21-6402
	Sex Offense	21-5512
	Indecent Exposure	21-5513
Other Violent Offenses	Aggravated/Battery	21-5413
	Aggravated/Assault	21-5412
	Burglary/Robbery	21-5420, 21-5807
	Stalking	21-5427
	Criminal Threat	21-5415
	Criminal Restraint	21-5411
	Kidnapping	21-5408
	Battery/Assault on a Law Enforcement Officer	21-5412, 21-5413
	Attempted Murder	21-5401, 21-5402, 21-5404, 21-5405, 21-5406
	Aggravated Arson	21-5812
	Weapons	21-6301, 21-6302, 21-6304, 21-6308
	Violation of Protection Order	21-5924
	Harassment	21-6206
	Disorderly Conduct	21-6203
	Domestic Violence	21-5414

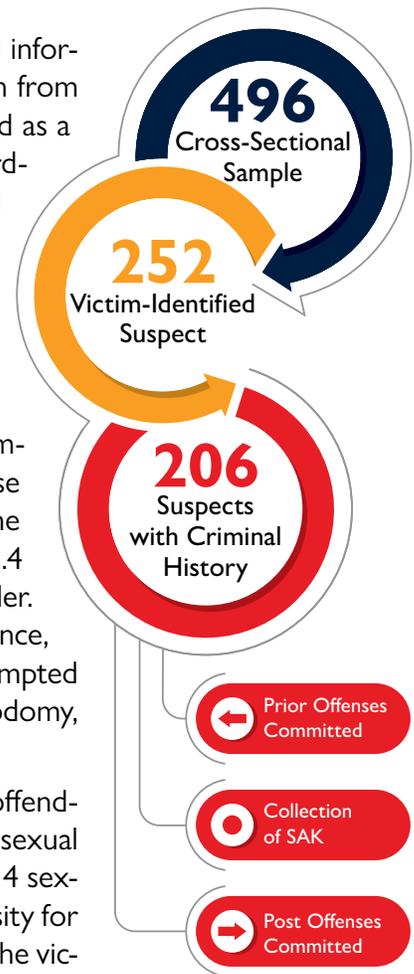
KBI staff comprehensively searched for and collected criminal history record information from the National Crime Information Center and offense information from the Kansas Incident Based Reporting System for each of the individuals named as a suspect on the SAKI cases. This information was scored in a database according to the matrix and was assessed to evaluate suspects' course of criminal conduct.

Of the 496 SAKs in the cross-sectional sample, 252 cases had suspects "known" to and/or identified by the victim. Of these, 206 suspects had a criminal history that met the KBI scoring criteria. One of the first observations made in analyzing the criminal history data for these suspects was that they were not committing only sexual crimes, but the majority were also committing other violent crimes. According to the KBI analysis, nearly 80% of these suspects had been named as a suspect, arrested and/or convicted of at least one other sexual or violent crime. On average, these suspects each committed 3.4 sexual crimes and 7.0 violent crimes, or approximately 10 crimes per offender. The most common violent crimes included aggravated battery, domestic violence, and burglary/robbery. The most common sexual crimes included rape/attempted rape, indecent liberties/aggravated indecent liberties, sodomy/attempted sodomy, and sexual battery/assault.

Further analysis of the offender crime data revealed two distinct categories of offenders. These were serial sexual offenders who had each committed multiple sexual offenses, and high frequency offenders who had each committed more than 14 sexual and/or violent crimes. Each category of offender displayed a higher propensity for committing additional sexual or other violent crimes. More than one-third of the victim-identified suspects met the criteria for being considered a serial sexual offender; collectively, these offenders committed 725 other sexual and violent crimes. The serial sexual offenders each averaged 10 crimes per offender. Approximately one-third of the victim-identified suspects met the criteria for being considered a high frequency offender; collectively, these offenders committed 1,075 other sexual and violent crimes. Notably, the high frequency offenders each committed an average of 17.6 crimes per offender.

To assess the extent to which offenders, when not held accountable for the crimes they committed, went on to commit additional crimes, the KBI SAKI team looked at crimes suspects had committed before and after the offense related to the SAKI kit. To do this, the date on which the SAKI related kit was collected was used as a baseline in each case. Offenses in each suspect's criminal history were scored as "Prior" (offenses that occurred before the collection of the SAK) and "Post" (offenses that occurred after the collection of the SAK).

This analysis revealed that 54% of the suspects committed additional sexual crimes and other violent crimes after commission of the SAKI related offense (baseline). Among those suspects which were considered serial sexual offenders, 74% of them committed at least one sexual crime prior to commission of the SAKI related offense and 43% of them went on to commit at least one sexual crime after commission of the SAKI related case. It is important to note that this research was limited to analyzing



Evaluation of the criminal history records of the named suspects underscored the importance of testing all sexual assault kits and the need for greater offender accountability.

only reported crime and the true number of crimes committed by these individuals is assumed to be greater.

In recognition of the propensity of these suspects to commit additional acts of violence, the Kansas SAKI Multidisciplinary Working Group developed a model by which to prioritize testing of the kits included in the cross-sectional sample. One of the factors utilized in development of the model was the criminal history assessment of the suspects; the intention of this was to improve public safety by prioritizing for testing evidence collected from crimes committed by suspects with a higher likelihood of ongoing criminal behavior.

Priority 1: Approximately 30% of the cross-sectional sample fell in this category. Cases in this priority were tested at a 1:1 ratio, alternating between Serial Sexual Offenders and cases involving an Unnamed Suspect.

Priority 2: Approximately 53% of the cross-sectional sample fell into this category. High Frequency Offender cases were tested first because these suspects had a higher likelihood of ongoing criminal behavior. Cases for which a named suspect had a criminal history, and cases with named suspects who did not have a criminal history were also included in this category.

Priority 3: Approximately 17% of the cross-sectional sample fell in this category. SAKs collected as a matter of protocol in a death investigation with no suspicious circumstances were believed to be the least likely to result in new investigative leads. SAKs with related court dispositions were typically cases that were successfully prosecuted without forensic analysis of the SAK.

TESTING THE STATEWIDE INVENTORY

Resource Management

The statewide accumulation of 2,220 unsubmitted sexual assault kits was approximately five times the number of SAKs tested annually by the KBI Forensic Science Laboratory when the SAKI project began. Developing a plan to forensically analyze that volume of evidence while continuing to meet the immediate and ongoing needs of the Kansas criminal justice community for laboratory services required careful thought and planning.

The SAKI working group committed to developing a strategy for the submission and forensic analysis of those kits without impacting the turnaround time on current cases. Because of the time associated with onboarding and training new scientists, hiring more staff was not a timely solution. Ultimately, it was decided that the best solution was to utilize existing staff to test the previously unsubmitted kits. In order to not impact current cases, unsubmitted SAK analysis was completed by scientists who volunteered to work overtime, that was paid under the federal grant award. Forensic scientists worked over 5,000 hours of overtime over the life of the SAKI grant.

SAKI project staff at the KBI worked with local law enforcement agencies to facilitate submission of the previously unsubmitted kits to a forensic laboratory for testing. Once received at the laboratory, the kits were assigned a unique case type that allowed for them to be tracked separately from routine incoming case work. The sexual assault examination paperwork was immediately removed from the kit and sent to SAKI project staff, who tracked the flow of kits through the laboratory and documented the testing outcomes before referring cases with new investigative leads back to the local law enforcement agency for follow-up.

The Johnson County Sheriff's Office Criminalistics Laboratory was sub-awarded federal grant funding to test SAKI-related kits from the law enforcement agencies in their county, as well as those possessed by law enforcement agencies in counties immediately surrounding theirs. While the Sedgwick County Regional Forensic Science Center typically receives evidence from the law enforcement agencies in their county and those surrounding, they were unable to participate in testing kits identified by the SAKI project. The KBI Forensic Science Laboratory – the state crime lab – assumed responsibility for testing approximately 95% of the statewide inventory. This included kits possessed by their normal law enforcement contributors, as well as those from the Sedgwick County area.

Outsourcing versus In-house Testing

One of the first major decisions made was whether the previously unsubmitted sexual assault kits would be tested by the in-state forensic science laboratories or outsourced to a private laboratory for testing. Outsourcing has been shown to minimize impact to local resources and shorten turn-around time for results, (DePasquale, 2016). Because federal SAKI funding allowed and would pay for outsourcing, this was an option leveraged by a majority of the other SAKI grant recipients.

While outsourcing has its benefits, it also presents unique challenges that must be carefully considered. The logistics and amount of time required for the laboratory to establish a process to receive cases from law enforcement agencies and send them to an outsourcing laboratory was one concern. Accreditation requirements dictate that all private laboratory partnerships be documented, reviewed, and accepted prior to commencing casework. Additionally, private laboratory DNA results must be peer-reviewed prior to uploading foreign DNA profiles into CODIS.

In addition to these challenges, quality control and quality assurance practices must be above reproach when processing forensic evidence collected in criminal cases. For example, one of the private laboratories utilized for processing SAKI-related cases outside of Kansas was subsequently found to have a laboratory contamination issue (Augenstein, 2018).

For all of these reasons, there did not appear to be significant cost or time efficiency to be gained by outsourcing. Therefore, all of the unsubmitted kits identified by the Kansas SAKI project were tested in-house by both the KBI Forensic Science Laboratory and the Johnson County Sheriff's Office Criminalistics Laboratory.

Laboratory Testing Methodology

Another method to expedite testing of large quantities of SAKs is the utilization of selective sampling processes, where only the “most probative” samples are selected and taken straight to DNA,³² bypassing traditional screening methods. This, too, may have its benefits, but absent sufficient details of the crime, it carries with it the opportunity to miss valuable evidence.

Unfortunately, as a state-level project, there was no direct access to local agency reports. In each case, information regarding details of the crime was derived from the medical examination paperwork completed by the forensic nurse and retrieved from the sealed kit by the forensic scientist. Due to a variety of factors – which included the impact of trauma on the victim, being under the influence of drugs and/or alcohol, and victim cooperation – documentation in many cases lacked details of the crime. Absent such details, it makes identifying and selecting the “most probative” samples challenging.

From the experiences of KBI scientists, it is often the body surface swabs – typically breast or neck swabs – that yield a foreign DNA profile. Absent case-specific information, provided by the victim at the time of the sexual assault exam and relayed to the laboratory, these samples could possibly be bypassed in a selective sampling process. This could lead to a missed opportunity to identify an offender or find exculpatory information. Sexual assault is a violent offense; missing any opportunity to identify an offender creates risk to public safety.

For these reasons, all of the unsubmitted sexual assault kits identified by the Kansas SAKI project were screened using the same methods used for current cases – traditional serological screening,³³ followed by DNA analysis. All foreign DNA profiles

32 Straight-to-DNA, or Rapid DNA, approaches take 1-3 of the most probative samples from a sexual assault kit and bypass serological screening, taking them straight to DNA analysis. If no DNA is found, additional samples may be selected and analyzed to obtain a suspect DNA profile (Steinberger et al., 2013).

33 Serological screening includes forensic tests to identify seminal fluid from the samples within a SAK. Samples that screened positive (i.e. seminal fluid is present) continued on for DNA analysis. In cases where samples screened negative for seminal fluid but case information suggested offender DNA may be present from another source the samples continued on for DNA analysis. Those other sources may have included, but were not limited to, saliva and blood.

that qualified³⁴ were uploaded to CODIS. This approach was consistent with the Kansas SAKI project’s goal of fully utilizing science and technology.

Prioritization Model

The prioritization model developed through the pilot study was used to address the remaining statewide inventory (Figure 16).

Challenges with “Unfounded” Cases

National CODIS guidelines require that only profiles attributable to a perpetrator of a crime may be entered into or retained in CODIS. Laboratory staff were confronted with the challenge of the submitting law enforcement agency labeling the case as “unfounded” prior to the evidence being tested. “Unfounded” implies that no crime was committed. Unfortunately, this created a barrier to forensic analysis.

While all of the previously unsubmitted sexual assault kits were screened, the laboratory was prohibited from uploading to CODIS any foreign DNA profiles associated with cases labeled as “unfounded”. Because of this limitation, these cases were deprioritized for testing in favor of focusing resources toward cases deemed more viable by law enforcement and prosecutors.

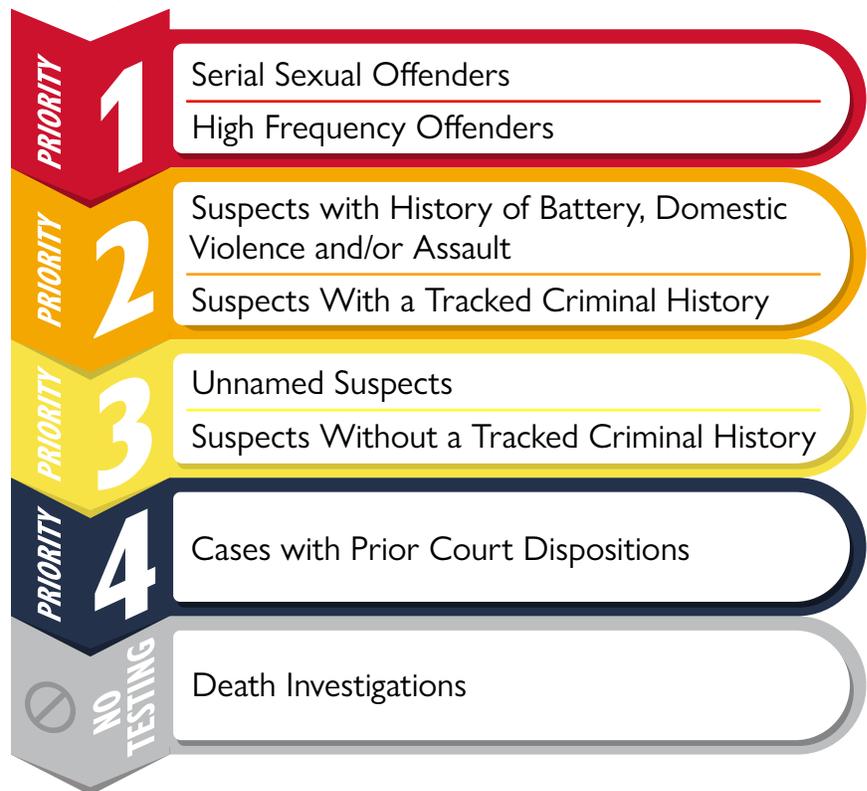
Because the challenges of “unfounded” cases were in direct conflict with the “submit all, test all” recommendation that was formally made, a concerted effort was made to provide clear guidance to law enforcement. References in the Kansas Incident Based Reporting System manual were updated to better define when a reported offense would be considered unfounded, and a guidance document was created and distributed to law enforcement (Appendix M).

Testing Results

Ultimately, 2,086 of the previously unsubmitted sexual assault kits were submitted to the forensic laboratory and tested. All forensic laboratory reports were disseminated to the submitting law enforcement agency according to current standard protocols of the testing laboratories.

As a result of inventorying and testing all of the previously unsubmitted sexual assault kits, 560 foreign DNA profiles were uploaded to CODIS and 371 CODIS

FIGURE 16. Testing Prioritization for the Kansas Statewide Inventory of Unsubmitted SAKs



³⁴ CODIS uploads are based on eligibility as defined by national guidelines. Only samples believed to belong to a perpetrator of a crime may be entered into CODIS.

hits resulted, linking Kansas cases to cases and/or offenders in 20 other states. The number of CODIS hits will continue to rise as new offender DNA profiles are collected and entered into CODIS.

The overwhelming majority of CODIS hits linked cases to offenders whose DNA profiles had been mandatorily collected upon commission of a qualifying crime and entered into the CODIS offender database. In 32 cases, DNA from the sexual assault kit was linked to another criminal case.

A review of the CODIS hit data through October 1, 2019, identified eight cases in which the foreign DNA was found to be from the individual named by the victim as a consensual partner. As a result, the DNA profiles from these eight cases were removed from CODIS as per FBI requirements. The remaining CODIS hits were of forensic value to the case and were considered to have produced a new investigative lead. These included 32 cases where the named offender was an intimate partner of the victim (i.e. domestic violence).

The national SAKI grant has defined a serial sex offender as any individual with two or more associated sex crimes. Kansas SAKI cases hit to 96 offenders previously collected for a sexual offense, thereby identifying nearly 100 serial sex offenders.

CODIS HIT DISSEMINATION TO LOCAL AGENCIES

All CODIS hit reports were disseminated by KBI SAKI project staff to both the submitting law enforcement agency and their respective county or district attorney. This was done primarily for two reasons. Because these were considered new investigative leads, the dual dissemination was an attempt to increase the chances of renewed investigations and new criminal cases being filed. It was found that 36 cases had resulted in a conviction prior to the sexual assault evidence being tested. None of these 36 CODIS hits identified a suspect other than that which had been convicted; however, it was imperative that the prosecutors still receive the testing results.

As a consequence of this dissemination, all CODIS hit cases were considered “referred” for investigation. To assist local agencies with initiating case reviews and promote offender-focused investigations, the KBI SAKI project team compiled a packet of resources to send to local law enforcement agencies with each CODIS hit.

This packet, known as the CODIS Hit Packet (Appendix H), included the following:

- **CODIS Hit Packet Cover Letter**
The CODIS hit packet cover letter notified the designated law enforcement point of contact that a CODIS hit had occurred on a SAKI case. The letter identified the agency’s case number and outlined the contents of all documents included in the packet.
- **CODIS Hit Laboratory Report**
The CODIS hit laboratory report was generated by the laboratory and notified the contributing law enforcement agency of the CODIS hit. The report identified the offender and the laboratory specimen to which the offender’s DNA had matched. A copy of this report was also sent to the corresponding county or district attorney’s office for the reasons articulated above.
- **Quarterly Law Enforcement Report for CODIS Hit Cases**
To assist with tracking case progress and meet grant reporting requirements, the KBI developed a quarterly report for law enforcement agencies and requested that it be completed for all CODIS hit cases. The KBI SAKI project team conducted quarterly follow-up with each agency to collect information on the investigative and prosecutorial status of each case, as well as document victim notifications.
- **Victim Notification Packet**
Recognizing the unique challenges faced by victims re-contacted years after having reported a crime to law enforcement, the Kansas SAKI Multidisciplinary Working Group designed a packet of information specifically for victims affected by the SAKI project. This packet was provided to law enforcement in each CODIS hit case, so they would have it on-hand to provide to the victim at the point of contact. Details of the packet can be found on page 52.

Suspect Criminal Background Information

The suspect criminal background information served two purposes. First, it was intended to assist law enforcement in their efforts to locate the offender linked to the sexual assault case through the CODIS hit, as well as call their attention to other sexual or violent crimes committed by the offender. Secondly, it allowed the KBI SAKI project team to collect data for their criminal history research.

The KBI SAKI project team collected data from the Kansas Incident Based Reporting System (KIBRS), the National Crime Information Center (NCIC), and the Interstate Identification Index (III), and compiled it into a criminal background summary that was disseminated to the local law enforcement agency.³⁵ The following information included in the summary was as follows:

- Photo of suspect, including origin and date of photo taken
- Personally identifying information: suspect name, physical description, date of birth, social security number, and other associated names
- Driver's license information and history
- Registered vehicles
- Recent addresses
- Wants/warrants
- Kansas Adult Supervised Population Electronic Repository (KASPER) inmate search through the Kansas Department of Corrections for current status, location, and associated convictions of the offender
- Registered offender status, if applicable
- Criminal history as identified in NCIC, III, and KIBRS, which includes:
 - ▶ NCIC/III full reports
 - ▶ List of KIBRS offense reports, with all sexual, violent, or threatening offenses highlighted in red
 - ▶ Corresponding KIBRS offense report of all sexual, violent, or threatening offenses

Victim Background Information

The victim background information was intended to assist law enforcement in their efforts to locate and contact the victim in the case. Information was collected from KIBRS and the CLEAR software system to provide the following pieces of information:

- Photo of victim, including origin and date of photo taken
- Personally identifying information: victim name, physical description, DOB, SSN and other associated names
- Driver's licenses and status
- Possible contact information, including phone numbers and email addresses
- Registered vehicles
- Recent addresses

³⁵ A CODIS hit Dissemination Log was created and maintained by KBI SAKI project team in order to comply with state and federal requirements regarding dissemination of criminal history record information.

NOTIFYING VICTIMS

The oldest previously unsubmitted sexual assault kit identified by the Kansas SAKI project and received for laboratory testing dated back to 1994. The average age of unsubmitted kits was 5.5 years. While some victims may have healed or found coping mechanisms since having reported a crime to law enforcement, others may not have. Contacting a sexual assault victim years after their assault carried the possibility of causing additional trauma. One of the more significant decisions that had to be made was how victims, whose evidence had been located and tested as part of the Kansas SAKI project, would be notified in a way that minimized the potential for re-traumatizing the victim.

The core guiding principles for victim notification were that re-contacting victims should be victim-centered and trauma-informed.

As described previously, jurisdiction of the criminal investigations and prosecutions related to SAKI cases still resided at the municipal and county level. This meant that despite the results of forensic testing, decisions regarding victim notification were at the discretion of local law enforcement and their respective county or district attorney. Despite that, the Kansas SAKI team was committed to developing a victim notification protocol to guide law enforcement through the process of re-contacting victims in a trauma-informed way. In doing so, it was believed that not only could additional trauma be minimized, but that it could help the victim regain trust in law enforcement, and improve the outcome of the case.

The Kansas SAKI Multidisciplinary Working Group reviewed and discussed the Houston and Detroit Action Research Projects' findings from their evaluations of the victim experiences in delayed notifications. Their findings indicated that how victims were notified was critical to their long-term wellbeing and their willingness to participate in the criminal justice process. The Kansas SAKI team agreed that the core guiding principles of a victim notification protocol were that such notifications should be victim-centered and trauma-informed.

The Victim Notification Protocol for Delayed CODIS-Hit Cases with Suspect Identification is available for download at <http://www.kansas.gov/kbi/saki.shtml>.

When to Notify Victims

The Kansas SAKI Multidisciplinary Working Group recommended that victim contact be considered after a thorough investigative review of all CODIS hit cases. Ultimately, the decision of when and how to re-contact a victim was left to the local agency. These decisions must take into consideration not only the unique factors that may arise with each case, but also the availability of resources and willingness of the prosecutor to pursue criminal charges in a case.

Victim Notification Review Team

To facilitate the victim notification process, the protocol included a recommendation that a local Victim Notification Review Team be formed. The team would ideally include at least one representative from each of the following: the local law enforcement agency, respective county or district attorney's office, system-based advocate or victim/witness coordinator, and community-based advocate.

The purpose of this multidisciplinary team was to consider the unique circumstances for each CODIS hit case, including the safety of the victim and the current status of the identified suspect.

If the team decided notification was appropriate and in the best interests of the victim, they were tasked with making specific recommendations about how contact should occur in that case. The team also served to ensure the victim was connected with appropriate advocacy resources, which have been shown to increase the likelihood of continued victim participation and benefit case outcomes (Lonsway, 2008).

Ensuring Victim Safety

Ensuring victim safety was a principal goal within the victim notification process. The Victim Notification Review Team's approach needed to consider the victim's current life circumstances. For example, if the victim was living with the suspect, steps needed be taken to avoid any breaches of confidentiality or risk of retribution from the suspect. It was important for the Victim Notification Review Team to be aware that some victims could be at risk for serious, repeated, or lethal assault if notification were to occur.

In cases where it was determined that notification may pose an increased risk of danger or lethality for the victim, the Victim Notification Review Team should carefully consider whether notification is necessary or appropriate, given the circumstances. The Victim Notification Review Teams were strongly encouraged to consult with the subject matter experts on the Kansas SAKI Multidisciplinary Working Group in such cases to ensure safety of the victim.

“Behind every one of those kits is a victim, and in a lot of those cases, hopefully a survivor.”

KBI Executive Officer
Katie Whisman
Kansas SAKI
Multidisciplinary Working
Group

Protocol for Notifying Victims

The Kansas SAKI victim notification protocol consisted of five elements:

1. Initial Case Review

Once the CODIS hit Packet was received by the local law enforcement agency, they were encouraged to conduct a new, objective review of the case and determine if additional investigation was possible or warranted. Next, they were encouraged to convene the Victim Notification Review Team to discuss the status of the investigation, evaluate the viability of a prosecution, and determine whether victim notification was appropriate.

2. Develop a Notification Plan

If victim notification was deemed appropriate or necessary after the initial case review, the Victim Notification Review Team should meet to review and discuss the status of the case and details of the victim's current life circumstance. The team would then work together to formulate a plan for conducting a trauma-informed, victim-centered notification.

3. First Contact with the Victim

The goals of the first contact were to notify the victim of a development in their case while being brief and supportive. The first contact with a victim is the most crucial; it sets the tone for whether or not the victim chooses to participate in the investigation and/or prosecution. The first contact should ideally be conducted by telephone, jointly by a law enforcement officer and a system-based advocate.³⁶ It is important that it include an apology to the victim for the delay in the investigation, indicate new information has been developed, and ask the victim for a time to discuss the case in detail at an in-person meeting.

“The way we approach these cases can actually help people heal.”

Chief Tom Tremblay
(Ret.)

4. Second Contact with the Victim

The goals of the second contact were to provide the victims with more detailed information about the status of the investigation and connect the victim with local advocacy support services.

The second contact with the victim should be conducted in an in-person meeting and should also be conducted jointly by a law enforcement officer and a system-based advocate. Investigators were encouraged to offer an apology for the delay in the investigation and be prepared to answer questions the victim may have.

It was strongly encouraged that a community-based advocate also be on-site during the second contact. At the conclusion of the victim’s meeting with the law enforcement officer and system-based advocate, the victim should be introduced to the community-based advocate and connected with available services and support.

5. Continued Services

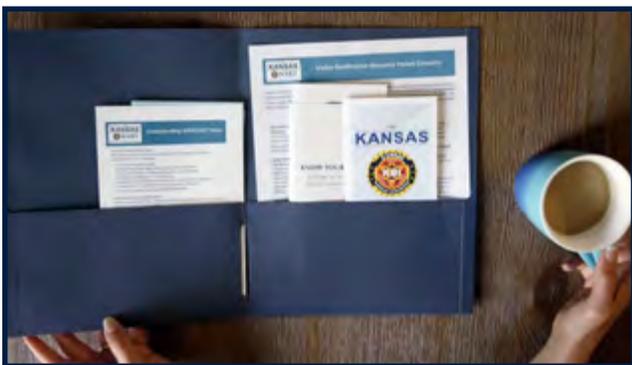
It is important that the victim is treated with respect and compassion during every contact. Regardless of their decision to participate in the criminal justice process, they should be assisted in getting long-term support systems in place. While the investigator and system-based advocate were encouraged to make routine follow-up contacts with the victim once the case was re-opened, it is primarily the community-based advocate that provides ongoing, confidential services and support. It is imperative that local Victim Notification Review Teams are aware of and have strong partnerships with the community-based advocacy programs.

³⁶ Having a system-based advocate present during the first contact facilitates a trauma-informed approach.

Victim Resource Packet

Re-contacting victims impacted by the Kansas SAKI project was going to present unique challenges and opportunities. In order to better assist with this process, the Kansas Multidisciplinary Working Group designed a packet of information specifically for victims to identify available community and state resources. The Victim Resource Packet provided specific information regarding the Kansas SAKI project and addressed frequently asked questions regarding delayed testing of SAKs. Documents in the Victim Resource Packet included:

- **Victim Resource Packet Contents*** (Appendix I)
This document provided an overview of all the materials contained in the Victim Resource Packet and provided victims with a reassuring message of support.
- **The Kansas SAKI Brochure*** (Appendix J)
This brochure provided information about the Kansas SAKI project and explained why unsubmitted SAKs were being tested now in Kansas.
- **Understanding Advocacy Roles*** (Appendix K)
This handout provided information about the differences between the system-based and community-based advocates as part of the criminal justice process, and the value and benefits of both.
- **Sexual Assault Community-Based Advocacy Program Brochure**
This brochure was of the local Kansas community-based advocacy program that provides confidential, free, and voluntary services 24 hours a day, 7 days a week.
- **Sexual Violence Brochure**
This brochure provided general information about sexual violence, its effects, statistics, and support available.
- **Community Resource Guide**
This guide provided information about community resources available to assist victims throughout the criminal justice process.
- **Know Your Rights: A Guide for Survivors of Sexual Assault in Kansas**
This booklet provided basic information about victim rights and remedies that may be available to survivors of sexual assault.



Kansas SAKI Victim Resource Packet

- **Kansas Victim Information and Notification Everyday (VINE) Brochure**
This brochure provided information about the VINE service in Kansas and how victims can access information about offender status.
- **If You Have Been Sexually Assaulted Brochure**
This brochure provided information about responses and resources for victims of sexual assault.
- **The Sexual Assault Medical Forensic Exam Brochure**
This brochure provided information about the sexual assault forensic exam process.

*Denotes materials that were developed as part of the Kansas SAKI project

- **How to Support a Victim of Sexual Assault Brochure**
This brochure provided information about how others can support a victim of sexual assault.
- **Your Criminal Justice System: Helpful Information for the Victims and Witnesses of Crime**
This brochure provided victims of crime information about how the criminal justice system works, what to expect, and resources available.

The Victim Resource Packet was included as part of the CODIS Hit Packet disseminated to law enforcement, and the SAKI-funded system-based advocate was also prepared to bring a Victim Resource Packet to all victim notifications to ensure the information was provided directly to the victim.

State-Level Team Partnership

Representatives from the Kansas SAKI Multidisciplinary Working Group served as a support system for local agencies implementing the victim notification protocol. The extent of involvement from the state-level team depended on the specific needs of the individual agencies. The primary resources utilized by the local Victim Notification Review Teams were the SAKI-funded system-based and community-based advocates. This included one system-based Sexual Assault Victim Advocate staffed by the Kansas Attorney General’s Office, Office of Victim Services, who assisted law enforcement officers in making notifications and providing support to victims throughout the investigation and prosecution of their case. It also included one community-based Sexual Assault Victim Advocacy Response Coordinator staffed by the Kansas Coalition Against Sexual and Domestic Violence, who helped connect the victims with local services and support.

Outcomes of CODIS Case Hits³⁷

All SAKI cases resulting in a CODIS hit (Table 5) were referred back to the local law enforcement agency for investigation and consideration of victim notification. Of the 243 cases with a CODIS hit, 17 cases were forwarded to a prosecutor for consideration of criminal charges. Victims were contacted in 10 cases, and new charges were filed in four cases. Of those, two resulted in convictions by plea bargain, one was acquitted, and one was dismissed.

TABLE 5. Outcome of Kansas SAKI CODIS Hit Cases

	Count	Percent of CODIS Hits
CODIS Hits sent to Law Enforcement	243	100%
Cases with Prior Dispositions	39	16%
Victims Located	22	9%
Victims Contacted	10	4%
Cases Forwarded to Prosecution for Charging	12	5%
Prosecution Declined	2	1%
New Charges Filed	6	2%
Plea Bargain	2	1%
Conviction Following Trial	3	1%
Acquittal	1	0.4%

³⁷ Data collected through the end of the SAKI grant, which expired 10/1/2019.

REVIEW AND UPDATE OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS

Collecting and testing sexual assault evidence has been nationally recognized as best practice, and one that is supported by research and case experience (National Institute of Justice, 2017; Campbell et al., 2015; Wells et al., 2016; Lovell et al., 2016). The collection of evidentiary samples is one component of the medical forensic examination and an important part of the investigative process. Biological samples that, when analyzed for DNA, provide investigative leads for law enforcement and aid in the identification of suspects for prosecution must be carefully and properly collected.

To allow for consistency in terminology, content, and structure, Kansas utilizes a standardized sexual assault evidence collection kit. The Kansas Bureau of Investigation purchases and distributes sexual assault evidence collection kits to hospitals, clinics, and law enforcement agencies across the state of Kansas to provide a clear and standardized process for the collection and preservation of critical evidence. The Kansas standardized sexual assault evidence collection kit was last updated in 2008.³⁸ As part of the Kansas SAKI project, there was a concerted effort to conduct research from the information gathered during the medical examination and determine if an update of the standardized evidence collection kit was warranted.

Collecting evidence as soon as possible after a sexual assault increases the likelihood of obtaining a useable DNA profile. While instructions within the sexual assault kit provide the collector step-by-step guidance through the evidence collection process, it does not eliminate the need for medical personnel to be trained in collecting high quality samples. Kansas law³⁹ defines which medical personnel are qualified to conduct sexual assault exams and prohibits qualified personnel from refusing to provide such treatment. Despite that, hospitals without a SANE program have been known to refuse to perform a sexual assault examination, instead referring victims to a facility with an active program. Unfortunately, such programs may be up to four hours away. This may deter victims from seeking a medical examination, can unduly delay the collection of critical forensic evidence, and have an adverse effect on the opportunity to link the offender to the crime through science.

³⁸ This update to the Kansas SAKs was in response to House Bill 2727 of the 2007 Kansas Legislative Session, which amended current law regarding sexual assault and specifically, sexual assault kits (H.B. 2727).

³⁹ Kansas Statutes Annotated (K.S.A.) 65-448 defines persons qualified to examine victims of sexual offenses at medical care facilities.

To help address this, it was determined that a review and update of the patient forms, instructional guides for medical providers, and the contents of the standardized evidence collection kit were warranted.

“Updates to the sexual assault examination kit have a direct impact on medical professionals and our ability to provide care to our patients that promotes their physical, psychological, and emotional health.”

Forensic Nurse
Jessica Albers
Kansas SAKI
Multidisciplinary Working
Group

The Kansas sexual assault evidence collection kit, or Kansas SAK, was last updated in 2008, with distribution beginning in 2010.⁴⁰ The KBI provides SAKs to all local medical facilities across the state as a means to standardize the collection and preservation of evidence from a sexual assault medical forensic examination.

The value of testing the SAKs has been nationally recognized as best practice (National Institute of Justice, 2017). Research and case experience support the value of collecting and testing this sexual assault evidence (Campbell et al., 2015; Wells et al., 2016; Lovell et al., 2016). To effectively utilize the advances in science and technology and benefit sexual assault investigations, the collection, storage, and preservation of the evidence contained in a SAK as the result of a forensic medical examination is critical.

To further evaluate the Kansas SAKI medical exam data as well as the current instructions, practices, and paperwork within the Kansas SAK, representatives from the forensic laboratory and forensic nursing stakeholder communities were tasked with forming a subcommittee.

Formation of a Subcommittee

A subcommittee of representatives⁴¹ from the Kansas Multidisciplinary Working Group convened to review current practices and develop evidence-based recommendations for updating the Kansas SAK. Incorporating feedback from each of the disciplines involved in sexual assault cases was important to ensure the changes and updates to the SAK met the needs of each stakeholder, including victim care, chain of custody, and evidence collection and integrity.

The goals of this subcommittee included:

- Review and update the sexual assault examination instructional guidelines based on best practice and technological advances
- Develop patient-friendly consent and information forms
- Enhance available tools to attain informed consent
- Ensure medical documentation requirements are completed as part of the sexual assault examination

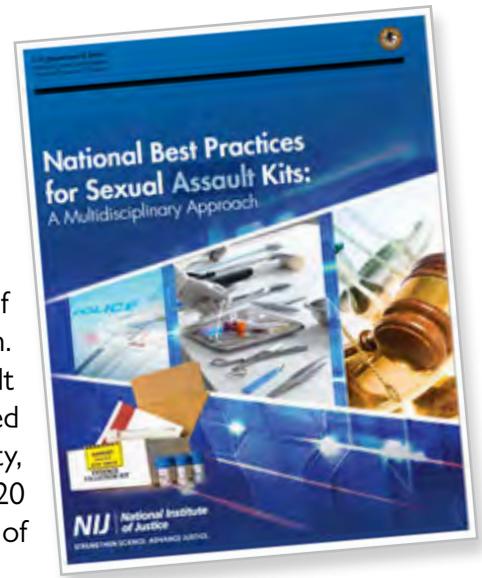
⁴⁰ This update to the Kansas SAKs was in response to House Bill 2727 of the 2007 Kansas Legislative Session, which amended current law regarding sexual assault and specifically, sexual assault kits (H.B. 2727).

⁴¹ The subcommittee to address updates for the Kansas SAK included representatives from forensic nursing, forensic laboratories, victim advocacy, law enforcement, and prosecution.

National Best Practices

The subcommittee evaluated victim-centered documents and resources that focused on accessibility for victims and medical professionals. Specifically, the two publications from the U.S. Department of Justice became the primary sources for considerations of best practice recommendations: National Protocol for Sexual Assault Medical Forensic Examinations and National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach. These documents provide a standardized approach to victim care and evidentiary collection. In particular, facilities are encouraged to conduct regular reviews of policies and practices to ensure changes in science and technology are being accounted for in the collection of evidence (U.S. Department of Justice, 2013).

One of the most significant recommendations from the evaluation of national best practices was a change in the timing of evidence collection. Historically, guidance for sample collections as part of a sexual assault examination was to be conducted within 72 hours, or three days. Based on current laboratory analysis capabilities and increased testing sensitivity, the time frame for evidence collection has now increased to at least 120 hours, or five days, depending on the type of assault (U.S. Department of Justice, 2017).



Recommendations from Subcommittee

Based on the findings from the subcommittee, the Kansas SAK contents and procedure for evidentiary collection were updated to meet national best practice standards (Appendix K). Most of the recommendations have been accepted and applied as updates for all Kansas SAKs ordered after March 2019. The Kansas SAK updates included:

- Language revisions to the instructions for evidence collection to clarify and incorporate new collection time frame standards.
- Format and language revisions to the victim consent forms to be more user and victim friendly, ensuring informed consent (available in English and Spanish).
- Simplification of victim information and sexual assault history forms for clarification and incorporation of new collection time frame standards.
- Updated handouts and resources for victims regarding information about the sexual assault exam, resources and compensation, and available support services with updated contact information.
- Creation of a frequently asked questions form to assist non-specially trained medical examiners in appropriate evidence collection and storage practices.
- Addition of extra swab boxes to facilitate appropriate sample collection.
- Replacement of old collection techniques with new standards to improve victim comfort throughout the exam process. This includes:
 - ▶ Fingernail scraper was replaced with a microtip swab to improve victim comfort

- ▶ Hair standards collection was revised from plucking to cutting if preferred by the victim
- Removal of items no longer considered best practice:
 - ▶ Vaginal slide no longer collected
 - ▶ Finger-stick lancet and betadine swab for Known DNA blood sample removed (buccal swabs recommended for collecting known standards)
- Clothing bag changed to a large brown paper evidence bag that is sturdier and able to hold larger items.
- SAK box size increased to accommodate contents and allow more exterior space for writing required information.

The subcommittee did identify one gap that was unable to be addressed. The laboratory is unable to access the medical forensic examination paperwork until the SAK is opened, which does not occur until a forensic analyst is assigned and begins processing the SAK. To facilitate testing prioritization decisions, laboratory personnel need to be able to readily access the forensic medical examination paperwork. The subcommittee recommended adding a secure envelope affixed to the outside of the Kansas SAK to store the medical paperwork for easier access when SAKs are submitted to a forensic laboratory for analysis. Due to timing and cost, this recommendation was unable to be implemented with the other updates to the Kansas SAK.

To facilitate the dissemination of the changes to the Kansas SAK, members from the subcommittee developed an online training for sexual assault medical examiners which outlined the updates to the SAK and provided an opportunity to address questions and concerns from practitioners. This webinar recording is available for attendees who were unable to log on to the live training session (Appendix K).

PROJECT OUTCOMES

Policy Development

When the KBI initiated the SAKI project, there were no model policies or best practice recommendations to guide consistent law enforcement decisions regarding the retention, submission, or destruction of sexual assault kits. Consequently, unsubmitted evidence accumulated in some jurisdictions while others destroyed evidence before the statute of limitations had expired. Similarly, there were no vetted or endorsed model policies available to help ensure sexual assault investigations were being conducted consistently across the state in a trauma-informed manner.

To address this, the Kansas SAKI Multidisciplinary Working Group worked diligently to create and distribute model policies for conducting trauma-informed sexual assault investigations and to guide decisions regarding SAK submission, retention, and destruction. The group also created a protocol to guide law enforcement's notification of victims in delayed investigations. These resources, which are briefly described below, are intended to assist local law enforcement agencies across the state in the adoption of policies and practices that reinforce trauma-informed victim interactions, thorough investigations, and prosecutorial review.

■ Model Policy for Investigating Sexual Assault

After a comprehensive review of national best practices and available model policies, the *Kansas Model Policy for Investigating Sexual Assault* was developed. The policy is intended to serve as a guide for local law enforcement agencies; it can be modified based on their organizational structure and available resources.

The purpose of this model policy is to provide dispatchers, police officers, and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local medical and service organizations, and conducting interviews with victims, witnesses, and suspects. It is comprehensive in that it covers everything from the first contact and response, through the preliminary inquiry and guides a thorough, offender-focused investigation.

Topics addressed in the model policy include the following:

- Training considerations for dispelling common misconceptions
- Call takers, first responding officers, and investigators' interactions with the victim
- Special considerations for unique challenges regarding children, special needs victims, domestic violence, military or college campus assaults, and cases in which the suspect is a law enforcement officer
- Evidence collection considerations
- Importance of utilizing both types of victim advocates
- Drug and/or alcohol facilitated sexual assaults
- Understanding the sexual assault medical forensic exam
- Suspect interviewing techniques
- Protecting victims' rights
- Report writing
- Prosecutorial review
- Case coding/classification
- Self-care

To assist and facilitate agencies' implementation of the model policy, it was recommended that all law enforcement personnel involved in call-taking, initial response, and investigations of sexual assault receive specialized training. Recommended training topics and resources were provided in conjunction with the model policy.

■ **Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention & Disposal**

After a comprehensive review of applicable state and federal statutes and their associated statutes of limitation, as well as best practice recommendations for evidence retention and destruction, the *Kansas Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention & Disposal* was developed. The policy is intended to provide local law enforcement agencies with evidence handling guidelines specific to sexual assault kits.

Key components of this policy include the following:

- Collection of the kit by law enforcement from the medical facility within 30 days of a victim's exam;
- Law enforcement submission of all kits to a forensic laboratory within 14 days;
- Law enforcement's retention of all kits in accordance with case disposition and/or expiration of the statute of limitations, or up to 20 years;
- Disposal of kits by law enforcement only after the appropriate retention period has been reached.

■ **Victim Notification Protocol**

After a thorough review and discussion of the findings from both Houston's and Detroit's Action Research Projects' – with specific focus on their evaluations of victim experiences in delayed notification cases – the *Kansas Victim Notification Protocol for Delayed CODIS-Hit Cases with Suspect Identification* was developed (page 52). The protocol is intended to guide law enforcement agencies through re-contacting victims in delayed cases in a manner that is trauma-informed and increases the likelihood of the victim's participation in the criminal justice process.

A Victim Notification Resource Packet was developed and disseminated with the protocol.

Training

Through the Kansas SAKI project, it was determined that a lack of interdisciplinary training contributed to a historically compartmentalized response to sexual assault. A pronounced lack of trauma-informed training – particularly for law enforcement officers and prosecutors – was found to have impacted the way victims' statements and actions are perceived, decisions regarding evidence submission, and the progression of a case through the criminal justice system. Consequently, sexual assault kit evidence had gone unsubmitted for forensic analysis and accumulated across the state.

To address these training deficiencies, the KBI and the Kansas SAKI Multidisciplinary Working Group brought multidisciplinary and trauma-informed sexual assault investigation training to over 1,300 practitioners in Kansas.

■ Trauma-Informed Sexual Assault Investigation Training

Modern research tells us that people who are victims of rape and sexual assault experience trauma that causes physiological changes to the brain. These changes impact a victim's memories, behaviors, emotions, and ability to recall details of the assault. Consequently, sexual assault is one of the most complex crimes to investigate and prosecute. The complexities of these crimes and the impacts of trauma on a victim require responders to be better informed and think broadly and comprehensively about the dynamics of sexual assault.

The Trauma-Informed Sexual Assault Investigation Training was a 16-hour training course taught by Chief Tom Tremblay (Ret.) and intended for multidisciplinary audiences. Participants were guided through a review of rape myths and the potential for bias that can impact the investigation and prosecution of sexual assault crimes. They learned how the brain and the body react to a traumatic event, and the impact of such trauma on a victim's memory. Participants learned how trauma-informed and offender focused investigative strategies can overcome challenges associated with victim engagement and enable successful prosecutions.

Between 2016⁴² and 2018,⁴³ with logistical support provided by the Kansas Law Enforcement Training Center, the KBI hosted this two-day training in ten different locations throughout the state of Kansas. Of the ten training locations, eight were strategically selected and held in close proximity to locations or regions where unsubmitted sexual assault kits had accumulated (Figure 17).

Collectively, these trainings were attended by over 600 professionals. Attendees included law enforcement officers, forensic laboratory personnel, victim advocates, prosecutors, forensic nurses, and sexual assault response coordinators from colleges, universities, and military installations. Feedback from attendees indicated 97% of them acquired new information that would be helpful in their line of work and made them feel better prepared to address and respond to sexual assault (Figure 17).

The KBI also commissioned the development of a webinar-based training, featuring Chief Tom Tremblay (Ret.) and many subject matter experts from the Kansas SAKI Multidisciplinary Working Group. This online training is hosted by the Kansas Law Enforcement Training Center's Professional Development and Continuing Education Department. This course, which contains abbreviated content from the regional trainings, provides participants with continuing education credit and consists of the following four training modules:

- Understanding Rape Culture, Myths, and Biases
- How the Brain and the Body React to Trauma
- A Trauma-Informed Approach to Interviewing
- Understanding Offender Behavior and Investigative Strategies

“Taking the trauma-informed training allows us to better understand victims and use that knowledge to make better decisions for submission of kits, investigations, and prosecutions.”

Laboratory Supervisor
Lisa Burdett
Kansas SAKI
Multidisciplinary Working
Group

⁴² This was a course initially offered by the International Association of Chiefs of Police (IACP) and hosted by the KBI two times in 2016.

⁴³ The trainings provided in 2018 were funded by the KBI, through their National SAKI grant award from the Bureau of Justice Assistance (BJA).

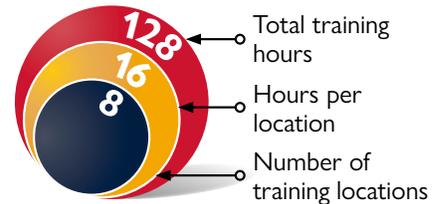
FIGURE 17. Summary of 2018 Trauma-Informed Sexual Assault Investigations Trainings and Attendance Feedback



Trauma-Informed Sexual Assault Investigations

TRAINING SUMMARY

This training was presented by the Kansas Sexual Assault Kit Initiative from June to September 2018. The guest speaker was Chief (Ret.) Tom Tremblay, a thirty-year policing veteran and a passionate leader for the prevention of domestic and sexual violence. He currently serves as a national and international advisor and trainer for police, prosecutors, advocates, higher education, the military, and the private sector.



LAW ENFORCEMENT	340
ADVOCACY PROFESSIONALS	122
OTHER	34
MEDICAL PROFESSIONALS	32
LEGAL PROFESSIONALS	28
MILITARY	24
COLLEGE	20



97%

of participants believe they have a better understanding of the impacts of trauma on victims and how to avoid victim-blaming language and tone

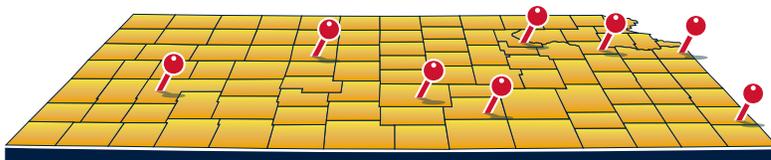
96%

of participants strengthened their understanding of sexual offender behaviors and common course of conduct

97%

of participants feel better prepared to address and respond to sexual assault

TRAINING LOCATIONS:



GARDEN CITY • HAYS • HUTCHINSON • WICHITA • MANHATTAN
TOPEKA • OVERLAND PARK • PITTSBURG

“Thanks for making this training and I can’t express my excitement for others to be trained in this. This training really makes people “get it” and train their brains to be in the right space to investigate it.”

“Wonderful presentation – very very easy to understand – ties it all together to make the information user friendly and concepts easy to understand and grasp. Gives you the format to go forward and use in a day to day situations.”

■ Enhancing Coordinated Responses to Sexual Assault Cases within Multidisciplinary Teams

In the past, responses to sexual assault have been uncoordinated, which created a disjointed and chaotic system for victims to navigate, often on their own and without support. Over the years, this has contributed to a lack of engagement by victims in the criminal justice system, lessening the opportunity to hold offenders accountable for the crimes they have committed.

Recognizing the importance of a multidisciplinary response to sexual assault, the Kansas SAKI Multidisciplinary Working Group created a 14-hour training course entitled *Safety, Accountability, and Justice: Enhancing Coordinated Responses to Sexual Assault Cases within Multidisciplinary Teams*. It was coordinated by the Kansas Coalition Against Sexual and Domestic Violence (KCSADV⁴⁴) and taught by subject matter experts from the Kansas SAKI Multidisciplinary Working Group.

This training continued to build on many of the concepts included in the *Trauma-Informed Sexual Assault Investigation Training*, and provided an opportunity for participants to connect and become familiar with other professionals and services within their local communities. Participants worked together to define common goals, and gained an increased understanding of the different roles and responsibilities of those involved in sexual assault cases. They also discussed effective strategies to encourage victim engagement throughout the criminal justice process. Attendees were encouraged to take the information they learned back to their local communities and either create new multidisciplinary teams, or strengthen existing relationships.

This training was hosted in seven cities across the state and, collectively, was attended by 186 professionals (Figure 18). Attendees included law enforcement officers, forensic laboratory personnel, victim advocates, prosecutors, forensic nurses, and sexual assault response coordinators from colleges, universities, and military installations (Figure 18).

■ Self-Care for Criminal Justice Professionals

Throughout the numerous trainings delivered, members of the Kansas SAKI Multidisciplinary Working Group began to notice a culture of silence around the impact this work can have on professionals as responders. One of the lead facilitators made it a point to close each training session with a discussion about the importance of acknowledging the impacts of vicarious trauma and encourage the practice of self-care.

When the facilitator discussed the impacts of this work and vicarious trauma as normal experiences, it helped to validate and de-stigmatize participants' feelings and experiences. In a guided discussion about self-care, participants began to disclose the impact this work has had on them, their relationships, and their lives. Some of these disclosures occurred publicly, while others occurred privately.

“As a professional with multidisciplinary experience, and as a survivor of trauma, I strongly felt this training was a powerful reminder of the importance of collaboration in order to strengthen statewide responses to survivors of violence.”

Training Attendee

“Sometime[s] we forget how seeing what we see takes a toll on our human side, and [we] mask it by being numb, and it affects how we respond to actual victims of these crimes.”

Law Enforcement Officer
Training Attendee

⁴⁴ KCSADV is a state-level, non-profit organization with 26 community-based member programs that provide direct advocacy services to victims and survivors of sexual assault, domestic violence, and stalking.

FIGURE 18. Summary of the Multidisciplinary Response to Sexual Assault Cases Training and Attendance Feedback



“ Because of this training, I have an increased knowledge on how to effectively collaborate with other stakeholders on sexual assault cases. I have a better understanding of the role and function of other disciplines in my community. ”

– Training Attendee

Safety, Accountability, Justice: Enhancing Coordinated Response to Sexual Assault Cases within Multidisciplinary Teams

TRAINING SUMMARY

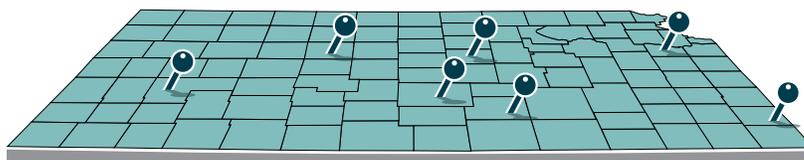
This training was presented by the Kansas Coalition Against Sexual and Domestic Violence and the Kansas Sexual Assault Kit Initiative and Multidisciplinary Working Group from June to September 2018.

97% Percentage of participants who believe they have increased knowledge on the topics covered.

Percentage of participants who believe they have at least one new skill to implement in their work. **92%**

92% Percentage of participants who believe their response to victims will improve.

TRAINING LOCATIONS:



Garden City • Hays • Hutchinson • Salina • Wichita • Lawrence • Pittsburg

186
people trained

56

Law Enforcement

50

Advocacy Professionals

41

Other (Educators, Child Welfare, BIP, Faith)

26

Medical Professionals

13

Legal Professionals



Resources

■ Victim Advocacy

SAKI grant funding allowed for the creation of one full-time statewide system-based Sexual Assault Victim Advocate position and one statewide community-based Sexual Assault Victim Advocate position. Having both the system-based and community-based victim advocates available was critical to the success of the Kansas SAKI project, recognizing that both serve unique purposes and goals (Figure 19).

The system-based Sexual Assault Victim Advocate was staffed through the Office of the Kansas Attorney General, Victim Services Division. This position was created to provide direct support services to victims specifically impacted by the SAKI project and, as time allowed, victims whose cases were more recent. This advocate was instrumental in assisting law enforcement investigators across the state in the victim notification process and providing support to the crime victim throughout the criminal justice process. Over the course of the SAKI grant, the Sexual Assault Victim Advocate made over 2,000 victim contacts and provided direct support to 126 victims.

SAKI grant funding also allowed for the creation of one full-time Sexual Assault Victim Advocacy Response Coordinator position, which was staffed through the KCSDV. This position was responsible for coordinating with the system-based Sexual Assault Victim Advocate to ensure victims were connected with free, voluntary, and confidential victim advocacy services and support in the community in which they lived. The Sexual Assault Victim Advocacy Response Coordinator facilitated roundtable discussions with community-based sexual assault advocacy programs in four locations across the state to share information about the SAKI project and worked closely with the community-based advocacy programs serving SAKI pilot communities. By working with local advocacy programs and law enforcement agencies, the Sexual Assault Victim Advocacy Response Coordinator position was instrumental in helping to improve local partnerships. Consequently, victims could expect consistent messages of support and were more likely to become and remain engaged in the criminal justice process. In addition to coordinating dozens of meetings and providing hours of training, over the course of the SAKI grant, the Sexual Assault Advocacy Response Coordinator conducted over 400 technical assistance contacts with community-based advocacy programs, law enforcement officers, medical professionals, prosecutors, and forensic laboratory staff.

“Understanding victim trauma and allocating resources to test all SAKs are important steps in permanently improving our response across Kansas.”

Chief Dennis Butler
Kansas SAKI
Multidisciplinary Working
Group

FIGURE 19. Understanding Advocacy Roles



Understanding ADVOCACY Roles

System-Based Advocates

Provide support for the victim initially, and throughout the criminal justice process. This includes:

- Assist with initial contact
- Provide ongoing supportive services and information
- Assist the victim in understanding the court processes
- Provide notification of court hearings
- Serve as a liaison between victim and criminal justice personnel
- Explore victim needs and makes appropriate referrals
- Connect victim to community-based resources

Community-Based Advocates

Provide confidential, free, voluntary advocacy and safety services to victims of sexual violence. This includes:

- 24-Hour Crisis Hotline
- Crisis Intervention
- Personal Advocacy
- Medical Advocacy
- Court Advocacy
- Law Enforcement Advocacy
- Emergency Accommodations
- Shelter
- Supportive Counseling
- Support Groups
- Child/Youth Advocacy
- Community Awareness and Education

What are the differences between advocacy roles?

System-based advocates (SBA) provide victim notification, support, information, and connection to community-based resources. They are a critical conduit between the victim and the criminal justice system, and share necessary information.

Community-based advocates (CBA) provide the victim with a variety of advocacy services they often need to process their experience effectively. Information the victim shares with a CBA cannot be disclosed to anyone outside the organization unless the CBA is required to disclose the information by law, or the victim signs a release allowing them to disclose the information. The CBA can provide the victim with more information about confidentiality.

To connect with the sexual assault or domestic violence community-based advocacy organization nearest you, contact the Kansas Crisis Hotline at:
1-888-END-ABUSE (1-888-363-2287)

■ Crime Victims' Compensation and Update to Kansas Statute

When the Kansas SAKI project was initiated, it was understood that conducting a statewide inventory of unsubmitted sexual assault kits and having them submitted to a forensic laboratory for testing would result in the identification of suspects and generate new investigative leads. It was anticipated that this would cause victims to be re-contacted by law enforcement, potentially years after they first reported their crime. For this reason, grant funding was allocated for providing crime victims' compensation to affected victims. These funds were intended to assist with providing for the physical, emotional, psychological needs of affected victims, thereby increasing their stability, engagement, and cooperation throughout the criminal justice process.

With the initiation of the Kansas SAKI project and a review of current law, it was determined that Kansas law didn't allow for a good cause exception to the requirement that application for victim compensation be made within two years from the commission of the crime. In consideration of the unique circumstances presented by the SAKI project, ways to improve resources available to crime victims were contemplated. During the 2017 Session of the Kansas Legislature, Kansas Attorney General Derek Schmidt introduced House Bill 2033, which allowed the state's Crime Victims Compensation Board to consider requests from sexual assault victims within two years of the date on which the victim was notified that testing had identified a DNA profile of the suspect, or that the suspect's actual identity has been discovered, whichever is later. The legislation was signed into law⁴⁵ and became effective on July 1, 2017.

■ Lab Capacity

Before a "submit all / test all" policy for sexual assault kits could be formally recommended to Kansas law enforcement agencies, laboratory capacity needed to be substantially increased. To make such a recommendation and increase the number of evidence submissions without increasing staff would cause a significant laboratory backlog to occur and negatively affect the entire criminal justice system.

In 2017, the KBI requested additional state general fund (SGF) dollars to hire additional forensic scientists and increase their capacity to test sexual assault evidence. This request was approved by the Kansas Legislature⁴⁶ and new funding was appropriated to the KBI beginning in fiscal year 2018. In the Biology section, six additional full-time personnel were hired and trained. This enhancement greatly increased the number of SAKs the state forensic laboratory is able to process each year.

In April 2018, following this capacity enhancement and the hiring of additional personnel, the KBI made a formal recommendation to law enforcement agencies that all sexual assault kits collected be submitted to a laboratory for testing within 14 days of collection.

⁴⁵ House Substitute for Senate Bill 101, which included the contents of House Bill 2033, was signed by Governor Sam Brownback on May 11, 2017 and became effective on July 1, 2017.

⁴⁶ Senate Substitute for House Bill 2002, the omnibus appropriations act, included a KBI enhancement request of \$802,569 SGF in Fiscal Year 2018 and \$664,737 SGF in Fiscal Year 2019 to increase the laboratory's capacity to test sexual assault kits.

Increasing Awareness

A significant challenge in successfully prosecuting sexual assault offenders is the difficulty in obtaining convictions from juries. While expert witnesses and offender-focused investigations may assist with jury education, broader societal beliefs about sexual assault are extraordinary barriers in the promotion of justice. After significant effort to better educate and train those involved in the criminal justice response, it became clear that improving offender accountability also required better education of the general public.

The normalization of sexual violence in the media and entertainment industries has contributed to the development of social biases about sexual assault and sexual assault victims. These misconceptions and biases impact how we all interpret behaviors that occur prior to, during, and after an assault, and contribute to a societal response that tends to blame victims of sexual assault while rationalizing the offender's behavior.

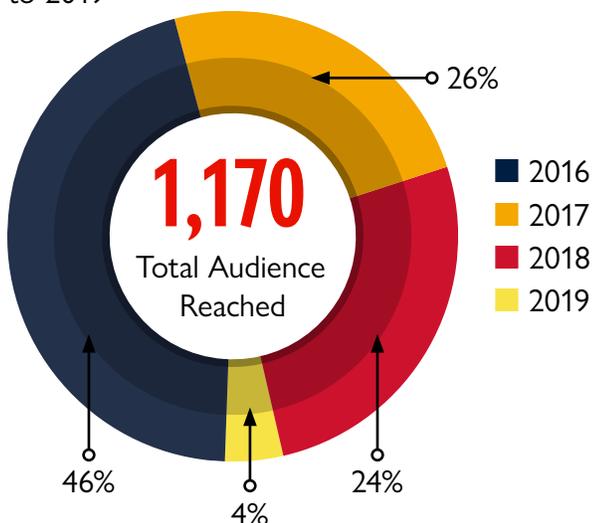
Members of the general public, including potential jurors and individuals working within the criminal justice system are all influenced by misconceptions of what "real" rape looks like.

Consequently, these biases impact all aspects of a case, including victims' willingness to report to law enforcement, completion of a thorough investigation, the progression of a case through the criminal justice system, and the willingness of juries to convict. Ultimately, the effect is a pronounced lack of offender accountability.

Overcoming societal biases and misconceptions surrounding sexual violence is a critical aspect to improving how cases are handled, within our communities and in the criminal justice system. For that reason, the Kansas SAKI Project dedicated a significant amount of time and resources to increasing awareness through training, public sharing events, and the creation and launch of a unique statewide public awareness campaign.

Public Sharing Events

FIGURE 20. Total Audience Reached through Kansas SAKI Public Sharing Events from 2016 to 2019



Members of the Kansas SAKI Multidisciplinary Working Group engaged in multiple public sharing opportunities to provide an overview and updates on the Kansas SAKI project, raise awareness of support services and resources available to victims and local partners, and address common misconceptions about victims and offenders of sexual violence based on the findings of project data. In addition to the trainings detailed in Figure 17 and Figure 18, members of the Kansas SAKI Multidisciplinary Working Group presented at more than 25 state and national events reaching an audience of approximately 1,170 over the life of the SAKI grant (Figure 20).

In 2017, the KBI had the privilege of hosting a preview of the HBO documentary “I Am Evidence”. Attendance was by invitation only. In addition to previewing the documentary, attendees heard a keynote presentation from Kym Worthy.⁴⁷ This event emphasized the reality that each unsubmitted sexual assault kit represents a victim of sexual violence and personalized the failures of the criminal justice system in holding offenders accountable.

■ Creation and Launch of the “Yes, This Room” Statewide Public Awareness Campaign

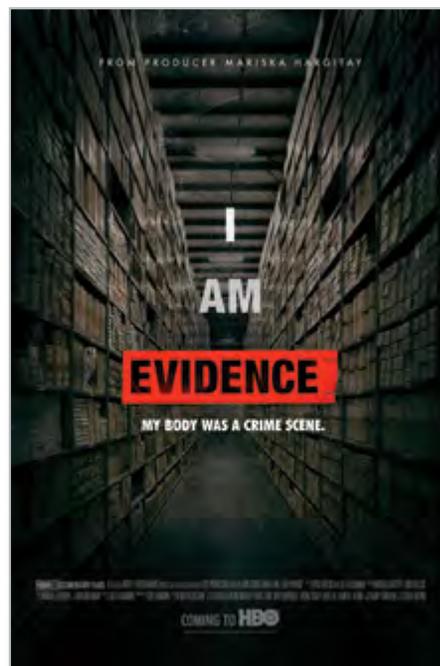
After much discussion on the need to increase society’s awareness of sexual assault, the behaviors of offenders, and the impact on victims, the Kansas SAKI Project committed to developing a statewide public awareness campaign. In discussions among the Kansas SAKI Multidisciplinary Working Group, it became clear that there was a great deal of reluctance in developing material that could be perceived as teaching victims how not to become victims. To the contrary, there was a great deal of interest in creating a campaign that raised awareness by focusing on the statistical and anecdotal realities of sexual assault while staying true to the group’s commitment to be offender focused.

To do this, the KBI commissioned the development of a unique statewide public awareness campaign called “Yes, This Room,” that was launched in October 2019. Statistics suggest that one in five people will be a victim of sexual assault sometime in their life. Sexual assault affects all of us... our children... our families... our friends... our citizens... our communities. The campaign slogan reinforces the unfortunate reality that sexual assault affects people you know... people you love... people in every room.

To dispel myths and biases and make our communities safer places to learn, work, and live requires action from everyone. The “Yes, This Room” campaign includes tools and resources to help individuals and organizations engage in the conversation and create a lasting impact.

Media kits containing campaign material – posters, informational cards, and lapel pins – were distributed to approximately 1,100 entities throughout the state. Every law enforcement agency, prosecutor’s office, hospital, community-based advocacy organization, child advocacy center, public library, and college or university with campus housing, received a campaign kit and an invitation to pledge support of the campaign. The materials included encouragement to hang posters in public spaces, make information cards available within the organization, download resources from the website, and direct spheres of influence to visit the website.

A dedicated campaign website helps individuals explore facts about how often sexual assault happens and how infrequently offenders are held accountable while providing specific actions that can be taken to positively influence individual, relational, community, and societal responses to sexual violence. The website hosts a variety of resources, including conversation guides developed specifically for use by parents, medical providers, the general public, and on university campuses.



⁴⁷ Kym Worthy has been the prosecutor for Wayne County, Michigan since 2009 and is featured in the HBO documentary I Am Evidence for her efforts to raise awareness of the issue of unsubmitted sexual assault kits after discovering more than 11,000 kits in a Detroit Police Department storage facility.

Two 30-second television commercials were developed and broadcast through the end of January 2020 via traditional broadcast media markets; digital media placement on Netflix and Hulu; and social media platforms, including Facebook, Instagram, and Snapchat.

All campaign materials were made available and disseminated in both English and Spanish languages.

The goal of the campaign is to place greater focus on offender accountability, encourage sexual assault victims to report, and aid in reducing victimization in Kansas. It is a call to action that brings attention to sexual assault with immediacy. By encouraging everyone to educate themselves on the facts, challenges their thoughts and beliefs, and engage in courageous conversations and healthy dialogues about sexual assault, we can help change the culture and prevent sexual assault before it happens.



Image and graphic from the “Yes, This Room” campaign.

PROJECT GOALS & OUTCOMES

Goal 1: Reduce Victimization

The policies, trainings, and recommendations created as a result of the Kansas SAKI project have positively impacted the criminal justice system as a whole. These improvements will improve the likelihood of obtaining convictions and holding offenders accountable, thereby reducing future victimization.

Goal 2: Encourage Reporting of Sexual Assault

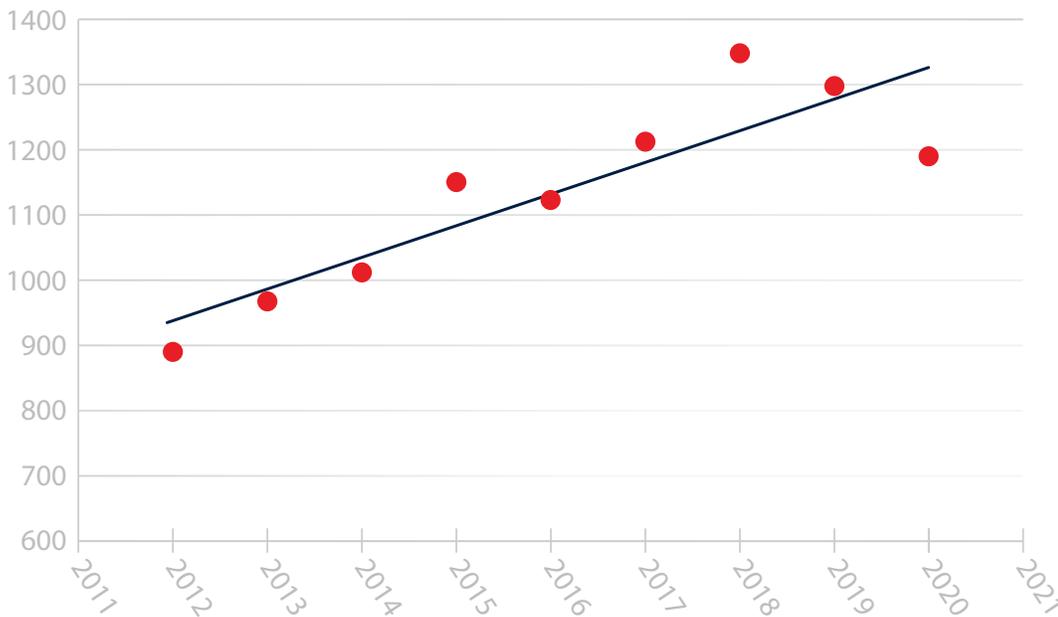
The Kansas SAKI project made a concerted effort to improve the criminal justice system's response to sexual assault – thereby increasing crime victims' confidence in the system. As such, an increase in the number of reported rapes was anticipated.

Between 2012 and 2019, the number of rapes reported to Kansas law enforcement steadily increased. The extent to which this increase can be attributed to more victims reporting to law enforcement versus more sexual assaults being committed is unknown.

“Ensuring every kit collected gets tested by a forensic laboratory not only sends an important message to victims of sexual assault, it improves our ability to identify perpetrators of sexual violence and prevent additional victimization.”

Katie Whisman,
Executive Officer, KBI

FIGURE 21. Number of Reported Rapes in Kansas from 2012 – 2019*



*Crime statistics provided through the end of the SAKI grant period.

Goal 3: Enhance Victim Services and Support

“I believe this advocacy provided victims the confidence who might not have otherwise participated in the criminal justice system.”

Chief Dennis Butler
Kansas SAKI
Multidisciplinary Working Group

The Kansas SAKI project enhanced victim services by adding one full-time system-based advocate and one full-time community-based victim advocacy coordinator that existed to provide support to victims throughout the duration of the SAKI project.

The Kansas SAKI project was a catalyst to statutory changes that now allow good cause exceptions to delays in victims applying for crime victim compensation.

The Kansas SAKI Multidisciplinary Working Group undertook a comprehensive review of the Kansas Sexual Assault Evidence Collection Kit and, with assistance from forensic scientists assigned to the Biology Section in the KBI's Forensic Science Laboratory, updated the printed materials and the evidence collection materials in the kit.

These activities, combined with the creation and launch of the “Yes, This Room.” statewide public awareness campaign, have significantly enhanced services and support available to sexual assault victims in Kansas.

Goal 4: Conduct a Statewide Census to Quantify the Number of Unsubmitted Sexual Assault Kits in Kansas

The KBI and Kansas SAKI Multidisciplinary Working Group were deliberate and proactive in their efforts to quantify the number of previously unsubmitted sexual assault kits in Kansas. In March 2017, Kansas became the first state in the country to complete a statewide inventory in the absence of legislative or executive action, receiving 100% voluntary participation of law enforcement agencies. A total of 2,220 previously unsubmitted sexual assault kits were identified and submitted to the forensic laboratory for analysis.

Goal 5: Establish a Statistically Supported Protocol for Addressing the Statewide Accumulation of Unsubmitted Sexual Assault Kits

The Kansas SAKI project was committed to developing an evidence-based recommendation to address the decades'-long accumulation of previously unsubmitted sexual assault kits. Once it was determined that there were in excess of 2,000 such kits, the Kansas SAKI Multidisciplinary Working Group assisted the KBI in developing a pilot study, wherein a representative sample of approximately 25% of the statewide inventory was identified, specific case related information collected, and subjected to a “submit all” testing strategy. No kit was excluded from testing.

This evaluation included extensive examination of the criminal histories of the named suspects.

“The value of testing sexual assault kit evidence and uploading qualifying profiles into the CODIS databank should not be underestimated.”

Kirk Thompson,
Director, KBI

Collectively, this information was used to create a statistically supported protocol by which the remaining sexual assault kits were prioritized for testing. The only kits excluded from testing were those collected by a pathologist as a matter of protocol in death investigations with no suspicious circumstances.

Goal 6: Fully Utilize Available Science and Technology to Prevent and Prosecute Sexual Assault Cases

Research and case experience supports the value of collecting and testing sexual assault evidence. Advances in science and technology can be leveraged to the benefit of these investigations more today than ever before. Cases may be linked and serial offenders identified. Subsequent assaults can be prevented.

For these reasons, the Kansas SAKI project committed to testing all of the previously unsubmitted sexual assault kits. Additionally, the KBI made a “submit all/test all” recommendation after the Kansas SAKI Multidisciplinary Working Group’s evidence-based evaluation supported such a recommendation.

Since the initiation of the Kansas SAKI project, the number of sexual assault kits submitted to forensic laboratories has significantly increased. By increasing awareness of the issues underlying the accumulation, educating across disciplines, and formalizing the submit all / test all recommendation, the Kansas SAKI project has underscored the importance of fully utilizing available science and technology to prevent and prosecute sexual offenders.

Goal 7: Identify and Prosecute Serial Offenders

The Kansas SAKI project was research based in every way possible. By analyzing the criminal histories of the suspects named in the over 2,000 SAKI related cases, it was determined they had collectively committed more than 7,000 other acts of sexual and nonsexual violence. In total, 330 serial sexual offenders were identified (Table 6).

This approach enabled the KBI and members of the Kansas SAKI Multidisciplinary Working Group to reinforce the significance in evaluating suspect criminal history as both a strategy to conducting a thorough investigation and a strategy to reduce crime.

As a result of the SAKI project, new charges were filed against six offenders; of those, five were convicted.

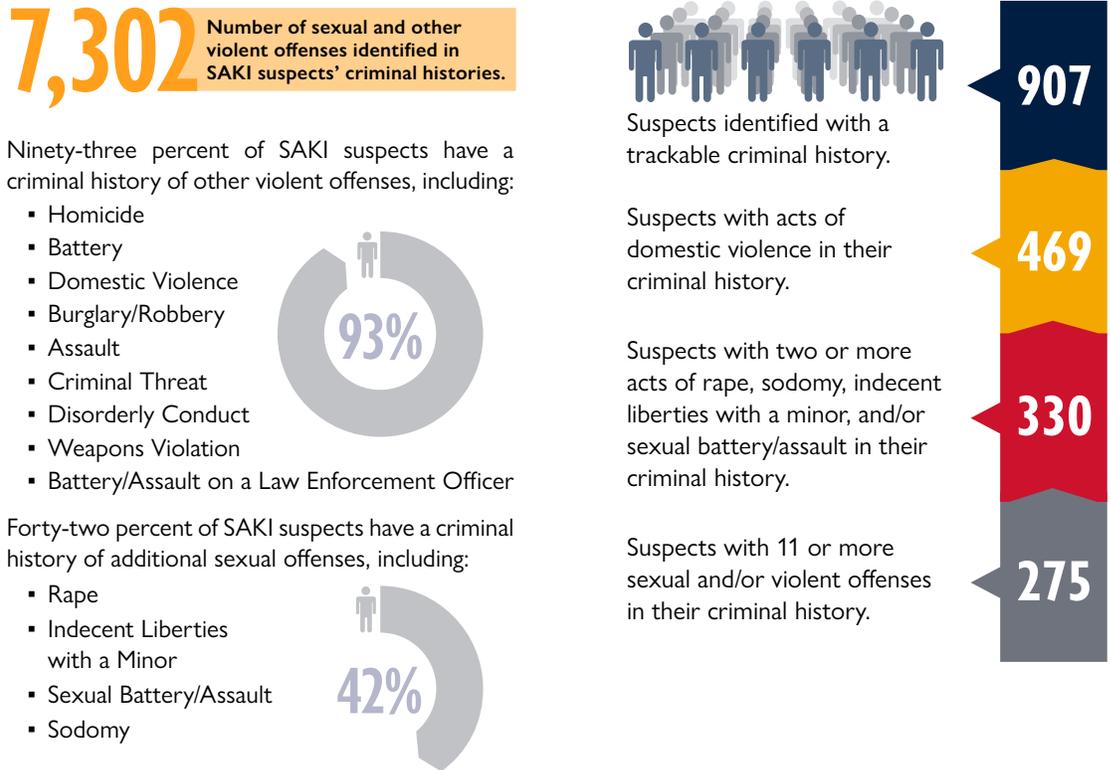
“One of our main goals is to identify perpetrators of sexual assault, including serial offenders, and bring justice to more victims.”

Kirk Thompson,
Director, KBI

TABLE 6. Kansas SAKI Victim-Identified Suspects’ Criminal Histories

	Offenders		Offenses		Offenses/ Offender
Total	907		7,314		8.1
Sexual Offenses	384	(42%)	887	(12%)	2.3
Other Violent Offenses	848	(93%)	6,428	(88%)	7.6
Serial Sex Offenders	330	(36%)	3,486	(48%)	10.6
High Frequency Offenders	275	(30%)	4,986	(68%)	18
Domestic Violence Offenders	469	(52%)	5,206	(71%)	11

FIGURE 22. Summary of Victim-identified offender criminal history



Goal 8: Identify and Address Underlying Factors that have Contributed to the Accumulation of Unsubmitted Sexual Assault Kits

“Continue to seek knowledge regarding best practice recommendations and share this information with your communities. Have honest conversations about the challenges, policies, and practices to ensure that every victim is offered the same services and opportunities of assistance.”

Forensic Nurse
 Jessica Albers
 Kansas SAKI
 Multidisciplinary Working
 Group

One of the first contributing factors identified in Kansas was laboratory procedures that discouraged law enforcement from submitting sexual assault kits in cases of “consent”. Because oftentimes the forensic analysis of evidence in these cases is not helpful to the investigation or prosecution, these practices were put in place with the intent of helping manage laboratory backlogs. These practices were rescinded with the initiation of the Kansas SAKI project. The fact that forensic analysis can assist in linking cases was reinforced to law enforcement, and they were discouraged from deferring submission of evidence in “consent” cases.

The Kansas SAKI project was committed to thoroughly evaluating the financial, legal, and systematic barriers related to submitting and testing sexual assault kit evidence. The Kansas SAKI Multidisciplinary Working Group identified four core interrelated factors that contributed to the accumulation of unsubmitted sexual assault kits in Kansas and the findings were published by the KBI in July 2017.

As detailed in this report, there was significant effort to address the underlying factors, which included broad lack of training, lack of resources, lack of policy, and lack of societal awareness.

Goal 9: Develop Evidence-Based Best Practice Recommendations and Model Policy Guidance to Prevent Future Accumulations of Unsubmitted Sexual Assault Kits

In April 2018, the KBI made a formal recommendation to all law enforcement agencies, prosecutors, and forensic laboratories that every sexual assault kit collected be submitted to a forensic laboratory for analysis. Ensuring every sexual assault kit collected is submitted for forensic analysis is the only guaranteed method of preventing a future accumulation of this valuable evidence.

To reinforce this practice, in July 2018, the Kansas SAKI Multidisciplinary Working Group published the *Kansas Model Policy for Investigating Sexual Assault* and the *Kansas Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention & Disposal*. These two documents are designed to assist local law enforcement agencies in the adoption of policies which help create and reinforce trauma-informed approaches to sexual assault response and investigation, as well as provide training resources to effectively implement these strategies and techniques.

“Understanding victim trauma and allocating resources to test all SAKs are important steps in permanently improving our response across Kansas.”

Chief Dennis Butler
Kansas SAKI
Multidisciplinary Working
Group

Goal 10: Improve Quality and Quantity of Relevant Trainings Throughout the State

Perhaps one of the most profound and systemically impactful efforts of the Kansas SAKI project was the development and deployment of trauma-informed sexual assault investigation across the state. In just three years, the KBI and the Kansas SAKI Multidisciplinary Working Group have provided or facilitated delivery of over 300 hours of training to more than 1,300 criminal justice professionals. These trainings included a statewide series on trauma-informed sexual assault investigation, a statewide series on a multidisciplinary sexual assault response. In addition, the SAKI project sponsored nationally recognized trainers to provide training at state-level association conferences.

Goal 11: Create a SAK Tracking Mechanism and Provide Victims Information about the Status of Their Case

At several times throughout the Kansas SAKI project, development and deployment of a statewide tracking system by which victims could access information about the status of their case was discussed and evaluated. Unfortunately, the complexities of security, accessibility, and implementation of such a system became a project beyond the scope and resources of the Kansas SAKI project. It has been recommended for future reconsideration, when time and resources better allow for its successful development and deployment.

RECOMMENDATIONS FOR CONTINUED IMPROVEMENT

Through the efforts of the KBI and the Kansas SAKI Multidisciplinary Working Group, previously unsubmitted sexual assault kits were identified and forensically tested, factors contributing to the accumulation were identified, and great strides were made in creating sustainable change. However, sustainable cultural and systematic change will require ongoing effort and commitment.

There is still work to be done, including legislative reform, revision of the basic training curriculum for law enforcement, increasing utilization of system and community-based advocacy programs, and emphasizing ongoing collaboration among stakeholders.

Legislative Reform

Since making a formal recommendation that every sexual assault kit collected be submitted to a forensic laboratory and tested, the overall number of kits being submitted and tested has increased significantly. Notwithstanding that recommendation, there are still sexual assault kits that are not being submitted for testing. A legislative mandate requiring submission of every sexual assault kit to a forensic laboratory for analysis would be the best way to ensure it happens. Such a mandate should carefully consider the impact of increased submissions to forensic laboratories and appropriate funding accordingly. Failure to do so would effectively shift the burden and create backlogs detrimental to the criminal justice process and negatively impact the ability to hold offenders accountable for the crimes they commit.

The importance of trauma-informed training for all stakeholders involved in a sexual assault response cannot be emphasized enough. Consideration should be given to making annual training a policy requirement. Ultimately, better training results in better response, improves victim engagement in the criminal justice process, and improves case outcomes.

Revision of Basic Training Curriculum

The current Kansas law enforcement sexual assault training curriculum does not incorporate the fundamental elements of a trauma-informed response and investigation. Unfortunately, the lack of trauma-informed training can impact the way a victim's statements and actions are perceived. This, in turn, can hinder victim cooperation and the ability to effectively investigate and prosecute cases.

Because the initial interaction each victim has with law enforcement can set the tone for their participation in the criminal justice process, it is imperative that all law enforcement officers are trained on how to appropriately recognize and respond to trauma. As such, a comprehensive review and revision of the basic law enforcement training curriculum is strongly recommended. At a minimum, the curriculum should include an overview of how the brain and body react to trauma, trauma-informed interviewing techniques, and offender focused investigative strategies.

“This project has made huge strides towards improving sexual assault response in Kansas. But even after five years, there is still work to be done. There will always be work to do. And even though it’s tough and sometimes frustrating, we should be willing to do it.”

SAKI Site Coordinator
Megan Roberts
Kansas SAKI
Multidisciplinary Working
Group

“We may not fix or change the situation, but we can change the way we approach it by providing the victim physical, psychological, and emotional safety.”

Training Attendee

Increase Utilization of System- and Community-Based Advocacy

Historically, responses to sexual assault have been uncoordinated. This created a disjointed and chaotic system for victims to navigate, often on their own and without support. Over the years, this has resulted in a lack of engagement by victims in the criminal justice process, lessening the opportunity to hold offenders accountable for the crimes they have committed.

Conversely, when the physical, emotional, and psychological safety needs of victims are tended to, it strengthens their capacity to recover from the traumatic effects of rape and sexual assault, and increases their participation throughout the investigative process. Ultimately, this improves criminal justice case outcomes, meaning more offenders are held accountable and additional victimization is prevented.

The Kansas SAKI project has centered the value of involving advocacy and coordinating a trauma-informed response to victims of sexual assault. By leveraging both community and system-based advocacy services, victims receive immediate and ongoing support, resources, and referrals they need. Understanding the differences between these types of advocacy is critical to ensuring victims have access to all available resources.

“The biggest successes of the SAKI project were the creation of the working group with stakeholders representing all parts of the community, the discussions to identify the factors which have contributed to the accumulation of these items, and recognizing the need for significant change.”

Laboratory Director
TL Price
Kansas SAKI
Multidisciplinary Working
Group

Community-based advocates are able to provide services to victims regardless of when the assault occurred and whether or not a victim chooses to report to law enforcement. These local programs are typically private agencies that provide confidential services in compliance with the Violence Against Women Act. This promotes trust and victim safety. Community-based advocates are able to provide their services to victims indefinitely for as long as the victim requests.

System-based advocates are employed through a public agency, such as law enforcement or prosecutor’s office. These advocates serve as a bridge between the victim and the criminal justice system. Information disclosed by the victim to the advocate may be shared with law enforcement or the prosecuting attorney. System-based advocates typically assist victims through the criminal justice process and transition long-term support services to a local community-based program.

When a sexual assault victim makes a report to law enforcement, it is recommended that, whenever practical, law enforcement contact both types of advocates and facilitate the opportunity for the advocates to provide immediate and ongoing support to the victim.

Ongoing Collaboration Among Stakeholders

Uncoordinated responses to sexual assault have contributed to a lack of understanding among involved stakeholders and practitioners with regard to each other's roles and responsibilities. This not only creates tension among stakeholders, but negatively impacts the victim's involvement and the progression of the case through the criminal justice system.

Conversely, strong multidisciplinary partnerships improve victim engagement and the ability to identify and hold offenders accountable for the crimes they commit. Such partnerships should focus on defining common goals, ensuring victim safety, holding offenders accountable, preventing future victimization, and promoting the safety and security of our communities. Understanding how each discipline uniquely contributes to accomplishing these common goals while recognizing the specific limitations of each discipline are vital components of being able to effectively work together.

The ongoing development of local and regional multidisciplinary, public/private partnerships focused on improving sexual assault responses is strongly encouraged.

“Having the right people involved in this effort; ones who are committed, passionate, and have the time to devote to the project are critical to success, or for achieving any measurable progress. Patience and persistence are just two of the guiding principles to success.”

Chief Dennis Butler
Kansas SAKI
Multidisciplinary Working
Group

“This work cannot be done alone, and cannot be done by one stakeholder community alone. Meaningful and lasting partnerships are critical ... While some victims choose not to report to law enforcement, many of them do and this is an opportunity for justice. Victims interact with the criminal justice system and we must be at the table to do our part to make it the best experience it can be for victims, to improve safety and accountability, and to help ensure victims receive a trauma-informed and victim-centered response.”

Kathy Ray, Kansas Coalition Against
Sexual & Domestic Violence
Kansas SAKI Multidisciplinary Working
Group

DEVELOPED RESOURCES

The following documents and resources were developed by the Kansas SAKI project and have been published to the KBI SAKI website: <http://www.kansas.gov/kbi/saki.shtml>

- Underlying Factors Contributing to the Accumulation of Unsubmitted Sexual Assault Kits in Kansas
- Kansas Model Policy Investigating Sexual Assault
- Kansas Model Policy Sexual Assault Evidence Collection Kit Submission, Retention & Disposal
- Kansas Victim Notification Protocol for Delayed CODIS Hits
- Kansas Guidance for Unfounded Case Coding
- Executive Summaries regarding progress and updates of the Kansas SAKI project:
 1. Project Overview
 2. Cross Sectional Sample Data
 3. Criminal history Prioritization
 4. Forensic Results of Cross Sectional Sample
 5. Law Enforcement Survey for Not Submitting Kits
 6. Analysis of Medical Exam Paperwork
 7. Future SAK Submission and Processing
- Summary of updates to the Kansas Sexual Assault Evidence Collection Kit
- Kansas SAKI Brochure
- Kansas SAKI Sex Offender Behavior Brochure

Additionally, the following resources were developed as part of the Kansas SAKI project:

- Trauma-Informed Sexual Assault Investigation Webinar Series: KLETC
- “Yes, This Room” public awareness campaign: PAC

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APPENDIX

APPENDIX A: Identifying Our Roles in Sexual Assault Response Worksheet

September 10, 2015
Kansas Sexual Assault Kit Initiative
Individual/Small Group Exercise

Identifying Our Roles in Sexual Assault Response

Name

Stakeholder Community

Please be specific in answering the following questions as they pertain to your stakeholder community's involvement in the various stages of a Sexual Assault Response.

How would you generally describe your overarching role in Sexual Assault Response?

What do you perceive to be your unique responsibilities and/or specific duties in a Sexual Assault Response?

Generally and specifically, what expectations do you think other stakeholder communities have of yours?

How do each of the stakeholder communities specifically contribute to the lack of a holistic, multidisciplinary approach to sexual assault response?

STAKEHOLDER COMMUNITY: _____

ROLE IN SA RESPONSE	RESPONSIBILITIES
EXTERNAL EXPECTATIONS	FACTORS CONTRIBUTING TO COMPARTMENTALIZED SA RESPONSE

APPENDIX B: Kansas SAKI Online Law Enforcement Survey to Identify Unsubmitted SAKs

The Kansas Sexual Assault Kit Initiative – Law Enforcement Survey

Thank you for your interest in completing a short survey to assist us in quantifying the number of previously unsubmitted sexual assault kits (SAKs) in Kansas.

In order to complete this survey, you will need the following information:

- General knowledge of your agency’s policies on SAK collection and submission;
- General knowledge of the evidence tracking mechanism utilized by your agency;
- How many previously unsubmitted SAKs are currently held in your property room;
- The age of the oldest unsubmitted SAK currently in your property room.

*** Required (Even if question two is answered “No.”)**

1. This survey was completed by:

Name:

*Agency:

ORI:

Email Address:

Phone Number:

*2. Does your agency presently maintain any Sexual Assault Examination Collection Kits (SAECKs) for more than a few days before submitting them to a forensic laboratory?

Yes No

*3. If your agency does maintain SAECKs that have not yet been submitted to a forensic laboratory, which of the following factors were relevant to circumstances wherein SAECKs were not sent to a laboratory for testing? (Please select all that apply)

- Suspect has not been identified
- Doubt truthfulness of accusation(s)
- Case has been dismissed
- Uncertain of usefulness of forensic evidence
- Analysis not requested by prosecutors
- Suspect has been identified but not formally charged
- Inability of laboratory to produce timely results
- Insufficient funding for analysis of evidence
- Perceived lab guidelines (explain in Other below)
- Other (please specify)

*4. If your agency does maintain SAECKs that have not yet been submitted to a forensic laboratory, where are unanalyzed SAECKs stored? (Please select all that apply)

- On-site storage area
- Off-site storage area
- Crime laboratory facility
- Other (please specify)

*5. If your agency does maintain SAECKs that have not yet been submitted to a forensic laboratory, how many such kits does your agency currently have in inventory?

*6. If your agency does maintain SAECKs that have not yet been submitted to a forensic laboratory, what is the date of collection of the oldest unanalyzed SAECK in your inventory? Please use MM/DD/YYYY entry format. If your response to Question 5 is "0" please enter 01/01/1900 as the date.

*7. Does your agency have a policy regarding the submission of SAECK evidence to a qualified laboratory?

- Yes No

*8. For which of the following offenses does your agency offer or encourage collecting SAECK evidence? (Please select all that apply)

- Homicide
- Sodomy
- Rape
- Indecent Liberties
- Other (please specify)

*9. Which of the following laboratories do you use when submitting SAECKs for analysis? (Please select all that apply)

- KBI Forensic Science Laboratory
- Private laboratory
- Other law enforcement laboratory
- Other (please specify)

*10. Does your agency have a computerized system capable of tracking SAECK inventory?

- Yes No

APPENDIX C: Summary of Kansas Statute of Limitations for Sexually Violent Crime (K.S.A. 21-6626)

**Statute of Limitations
for Sexually Violent Crimes**

(as defined by K.S.A. 22-3717)

	Victim is < 18*	Victim is 18 or >
July 1, 1990	5 years if victim is less than *16 years of age for the following crimes: Indecent liberties with a child; aggravated indecent liberties with a child; enticement of a child; indecent solicitation of a child; aggravated indecent solicitation of a child; sexual exploitation of a child; or aggravated incest.	2 years from the commission of the crime; Time starts to run on the day after the offense committed.
July 1, 1994	5 years if victim is less than *16 years of age for the following crimes: Indecent liberties with a child; aggravated indecent liberties with a child; enticement of a child; indecent solicitation of a child; aggravated indecent solicitation of a child; sexual exploitation of a child; or aggravated incest.	5 years for Rape or Aggravated Criminal Sodomy; Time starts to run on the day after the offense committed. 2 years for any other sex crime; Time starts to run on the day after the offense committed.
July 1, 2001	5 years from the commission of the crime or one year from the date of DNA match, whichever is later; Time starts to run on the day after the offense committed	5 years from the commission of the crime or one year from the date of DNA match, whichever is later; Time starts to run on the day after the offense committed
July 1, 2012	5 years from the commission of the crime or one year from the date of the DNA match, but time does not begin to run until the day after the victim's 18th birthday	5 years from the commission of the crime or one year from the date of DNA match, whichever is later; Time starts to run on the day after the offense committed
July 1, 2013	No S/L for Rape or Aggravated Criminal Sodomy; All other sexually violent crimes 10 years from the victim's 18 th birthday or one year from the date of DNA match, whichever is later	No S/L for Rape or Aggravated Criminal Sodomy; All other sexually violent crimes within 10 years from the commission of the crime or one year from the date of DNA match, whichever is later
July 1, 2014	No S/L for Rape or Aggravated Criminal Sodomy; All other sexually violent crimes 10 years from the victim's 18 th birthday or one year from the date of DNA match, whichever is later; Time starts to run on the day after the offense committed	No S/L for Rape or Aggravated Criminal Sodomy; All other sexually violent crimes within 10 years from the commission of the crime or one year from the date of DNA match, whichever is later; Time starts to run on the day after the offense committed

*Retroactive pursuant to *State v. Williams*, 291 Kan. 554, 244 P.3d 667 (2010) (Statutory changes not affecting the substantive rights is procedural and applies retroactively) and *Tonge v. Werholtz*, 279 Kan. 481, 109 P.3d 1140 (2005) (procedural law regulates the steps by which one who violates a criminal statute is punished).

* SOL listed does not include any period that may be tolled by statute. KSA 21-5107(e).

APPENDIX D: KBI Letter of Request to Law Enforcement Agencies Regarding Inventory Certification of Unsubmitted SAKs



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

January 10, 2022

[LEA Contact Information]

Dear [Contact],

I wanted to take a moment to briefly update you on the work of the Kansas Sexual Assault Kit Initiative (SAKI) and the multidisciplinary working group. While they continue working to identify the underlying factors that have contributed to an accumulation of unsubmitted sexual assault kits (SAKs) in Kansas, we have continued our efforts to conduct a statewide census to determine how many previously unsubmitted, and therefore untested, SAKs exist in our state.

Through the voluntary participation of roughly seventy percent of the Kansas law enforcement community, we have identified 2,145 previously unsubmitted SAKs in the State of Kansas. I want to personally thank you for your voluntary participation in this survey. Your agency was one of many who reported having unsubmitted SAKs in their possession. At the direction of the Bureau of Justice Assistance, we have developed and will initiate a plan to gather additional required information from each unsubmitted SAK in the state.

For every unsubmitted SAK that was collected prior to April 1, 2015, we are required to collect the following information:

- Your agency case number
- Birth date of the victim
- Date of the offense
- Date the SAK was collected
- Information regarding any judicial dispositions (conviction, acquittal, etc.) related to this offense

Collection of this information will assist the statewide multidisciplinary working group in developing a plan to address the statewide inventory of previously unsubmitted SAKs. Your participation is required and greatly appreciated.

1620 SW Tyler / Topeka, Kansas 66612-1837 / (785) 296-8200 FAX (785) 296-6781

We recognize Kansas law enforcement agencies have varying degrees of personnel resources and evidence management capabilities. We have tried to thoughtfully acknowledge the varying degrees of available resources and offer several options that are intended to allow agencies to manually report as much or as little of the information as their resources allow.

The options for providing the required information to the SAKI team are as follows:

1. Using SAK Inventory Tags provided by the SAKI project team, manually self-report the required information for each unsubmitted SAK in your agency's possession.
2. Provide a copy of the corresponding Kansas Standard Offense Report (KSOR) for each unsubmitted SAK in your agency's possession. The SAKI project team will capture the necessary information from the KSOR and follow-up with the local prosecutor to determine if there are any related judicial dispositions.
3. Provide a copy of the corresponding case file for each unsubmitted SAK in your agency's possession. The SAKI project team will capture the necessary information from the case file and follow-up with the local prosecutor to determine if there are any related judicial dispositions.

In addition to this letter, we have enclosed instructions for completing the SAK Inventory Certification; we hope this is helpful in your delegation of this task. Once the required information is gathered, the Sexual Assault Kit Inventory Certification should be signed by you, the agency head.

We are asking for your participation in completing this request no later than October 15, 2016. With your continued support and participation, I am confident we will proactively develop a comprehensive plan to address the accumulation of SAKs and, to the extent possible, prevent future accumulation.

If you have any questions or concerns, please do not hesitate to contact me or our SAKI Site Coordinator, Megan Roberts, at (785) 296-7135. Your cooperation and continued participation is greatly appreciated.

Sincerely,

Kirk Thompson
Director

Enclosures:



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

Kansas Sexual Assault Kit Initiative Sexual Assault Kit Inventory Certification -INSTRUCTIONS-

The <AGENCY NAME> previously reported having <KIT COUNT> unsubmitted, and therefore untested, sexual assault kits (SAKs) in their possession. Even if that number has since changed, for every unsubmitted SAK that was collected prior to April 1, 2015, the following information must be provided to the KBI:

- Your agency case number
- Birth date of the victim
- Date of the offense
- Date the SAK was collected
- Information regarding any judicial dispositions (conviction, acquittal, etc.) related to this offense

OPTIONS FOR REPORTING REQUIRED INFORMATION (Select One)

1. Using the attached SAK Inventory Tags provided by the SAKI project team, manually self-report the required information for each unsubmitted SAK in your agency's possession.
2. Provide a copy of the corresponding Kansas Standard Offense Report (KSOR) for each unsubmitted SAK in your agency's possession. The SAKI project team will capture the necessary information from the KSOR and follow-up with the local prosecutor to determine if there are any related judicial dispositions.
3. Provide a copy of the corresponding case file for each unsubmitted SAK in your agency's possession. The SAKI project team will capture the necessary information from the case file and follow-up with the local prosecutor to determine if there are any related judicial dispositions.

INSTRUCTIONS FOR GATHERING AND REPORTING REQUIRED INFORMATION

When collecting the required information from the SAKs, please follow these instructions:

- The required information must be provided for every previously unsubmitted, and therefore untested, SAK that was collected prior to April 1, 2015.
- DO NOT OPEN the SAK.
- Please DO NOT submit these SAKs to a laboratory at this time. (Submission will be coordinated by the KBI at a future date.)
- The Inventory Certification Letter should be printed on your agency's letterhead, signed by the agency head, and returned to the KBI with the required SAK information.
- A prepaid envelope is enclosed for your convenience.
- **Prior to October 15, 2016, the required information should be sent to:**

Megan Roberts
SAKI Site Coordinator
Kansas Bureau of Investigation
1620 SW Tyler
Topeka, KS 66612
megan.roberts@kbi.state.ks.us

As a reminder, agencies are strongly encouraged not to destroy, but continue maintaining the SAKs in their possession.

Questions about this request can be directed to the KBI's SAKI Site Coordinator, Megan Roberts, at (785) 296-7135.

Sexual Assault Kit Inventory Tags (Option 1)

Law Enforcement Agency: _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Case Number: _____
Victim Date of Birth: _____
Date of Offense: _____
Date of SAK Collection: _____
Case related court disposition (explain): _____

Sexual Assault Kit Inventory Certification Letter

At the request of the Kansas Bureau of Investigation, and in support of the Kansas Sexual

Assault Kit Initiative, I, _____, _____ of the
Name Title

_____ and chief custodian of records, do hereby certify
Agency Name

the following:

The required information has been provided for every previously unsubmitted, and therefore untested, Sexual Assault Kit collected prior to April 1, 2015 that is currently in the possession of my agency.

That the information provided is a true and accurate reflection of the information in each of the respective case files associated with the previously unsubmitted, and therefore untested, Sexual Assault Kits subject to this inquiry.

That the information provided is true and accurate as of the _____th day of _____, 2016.

Signed: _____
Name

Title

Agency



Kansas Bureau of Investigation

Follow-up Sexual Assault Examination Collection Kit (SAECK) Survey

Agency: _____

Kit 1 of 1

Case Number: _____ Date of Collection: _____

Suspect Name: _____

Victim Age: _____ Victim Sex: M F Unk

Based on case information, detail the specific reason(s) the SAECK was not submitted for testing:

Who determined the SAECK was not to be submitted for examination?

 Patrol Detective Prosecutor

Other (specify) _____

APPENDIX F: SAKI Prosecutor Survey to Identify Prior Case Dispositions and Factors Influencing Case Declination



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

Sexual Assault Kit (SAK) Prosecution Survey

Jurisdiction: «Agency»

Case Number: «Case_Number»

Date Case Received: _____

Top Charge Submitted by Law Enforcement: _____

Charging Decision:

Filed – Top Charge: _____

Requested Additional Investigative Information

Declined – Factors considered for decision (choose all that apply below):

<i>Case Specific Factors for Declining Prosecution:</i>		<i>Investigation Specific Factors for Declining Prosecution:</i>
<input type="checkbox"/> Victim was intoxicated at time of assault	<input type="checkbox"/> Case declined for plea in another case	<input type="checkbox"/> Did not receive the additional information as previously requested
<input type="checkbox"/> Victim was uncooperative	<input type="checkbox"/> Other (specify in Comments)	<input type="checkbox"/> Insufficient evidence to establish suspect
<input type="checkbox"/> Victim not credible		<input type="checkbox"/> Insufficient evidence to establish criminal offense
<input type="checkbox"/> Witness/evidence contradicted victim's statement		<input type="checkbox"/> Lack of forensic evidence
<input type="checkbox"/> Suspect claimed consent		<input type="checkbox"/> No victim interview
<input type="checkbox"/> Referred to another jurisdiction for prosecution		<input type="checkbox"/> No suspect interview
		<input type="checkbox"/> Other (specify in Comments)

Comments: _____

Final Disposition:

Dismissed Acquitted Unknown N/A

Convicted/Adjudicated – Top Charge: _____

APPENDIX G: Kansas CODIS Hit Packet Templates for Local Law Enforcement Case Evaluation



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

DATE

<Law Enforcement Contact>
<Law Enforcement Agency>
<Agency Address>
<City>, KS <Zip Code>

Dear <Law Enforcement Contact>,

RE: Kansas Sexual Assault Kit Initiative – <Law Enforcement Agency> Case No. XX-XX-XXXX

Enclosed you will find several documents intended to aid your agency in evaluating the above referenced case for further investigation and referral to your County Attorney. *This information is provided for use by your agency and should not be further disseminated.* Also enclosed are other additional pieces critical to tracking the outcome of SAKI related cases.

This packet includes the following items:

Approved Laboratory CODIS-Hit Report

- Please take appropriate action to follow-up and submit requested reference standards for confirmation or elimination as indicated by the KBI Forensic Science Laboratory.
- If this lead is of no investigative significance and the forensic link between the subject and the evidence can be otherwise explained, please contact the forensic examiner to briefly discuss whether or not the profile qualifies to remain in CODIS.
- A copy of this laboratory report has also been forwarded to your District Attorney.

Quarterly Law Enforcement Report for CODIS-Hit Cases

- Completion of the Quarterly Law Enforcement Report for CODIS-Hit Cases is **REQUIRED**. This is critical to tracking the outcome of SAKI related cases.
- This form is to be filled out according to the instructions on the back of the form.
- This form will be collected quarterly. You will receive an email reminder from KBI staff one week prior to the due date.

Suspect Criminal Background Information Packet

- This packet contains information about the suspect’s background, criminal history, and last known whereabouts.
- It is intended to aid your agency in conducting an offender focused investigation.
- It has been derived from information available from various public and law enforcement sources.
- This is **not** intended to be a comprehensive subject history and should not be used as primary source in prosecution of a crime.
- The information provided is for use by your agency and should be verified independently through primary sources.

Victim Information Packet

- This packet contains information about the victim’s last known whereabouts and contact information when available.
- It is intended to aid your agency in locating the victim.
- It has been derived from information available from various public and law enforcement sources.

If you need additional assistance in attempting to determine the current whereabouts of the suspect or victim, or have questions about the Quarterly Law Enforcement Report for CODIS-Hit Cases, please don’t hesitate to contact me at [REDACTED] or (785) [REDACTED]. Your continued cooperation and support is greatly appreciated.

Sincerely,

[REDACTED]
Research Analyst II

Kansas Sexual Assault Kit Initiative (SAKI) Quarterly Law Enforcement Report for CODIS-Hit Cases

Agency: _____

Law Enforcement Case Number: _____

For the *identified reporting period* and case, please answer each of the following questions:

<p>1. Was the victim located <u>subsequent</u> to your agency receiving notification of the CODIS hit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>----- If no, is the case still active?</p>	<p>If yes, date: ----- Yes No</p>
<p>2. Was the victim contacted about this case <u>subsequent</u> to your agency receiving notification of the CODIS hit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>----- If no, is the case still active?</p>	<p>If yes, date: ----- Yes No</p>
<p>3. Was the victim referred to a Community Based Advocate and/or System Based Advocate for services?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, date: -----</p>
<p>4. Did the victim agree to actively participate in the investigation <u>subsequent</u> to your agency receiving notification of the CODIS hit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>----- If no, is the case still active?</p>	<p>If yes, date: ----- Yes No</p>
<p>5. Was the case forwarded to the prosecutor for review <u>subsequent</u> to your agency receiving notification of the CODIS hit?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>----- If no, is the case still active?</p>	<p>If yes, date: ----- Yes No</p>
<p>6. During this reporting period, did the victim choose to no longer participate?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>----- If no, is the case still active?</p>	<p>If yes, date: ----- Yes No</p>

INSTRUCTIONS FOR GATHERING AND REPORTING REQUIRED INFORMATION

- **Send a copy of the form to the KBI Site Coordinator by the 7th of the month following the end of a calendar quarter. You will receive a reminder one week prior to the due date.**
- As an action occurs, mark the corresponding question with a “yes” or “no” answer.
- Provide a date for the action taken in the corresponding box.
- We understand an investigation may span multiple quarters.
 - This form will be returned to you for quarterly updates until the case “concludes.”
- A case will be considered concluded when it has either been forwarded to prosecution for review or considered closed by your agency.

<p>Question 1: “Was the victim located <u>subsequent</u> to your agency receiving notification of the CODIS hit?”</p>	<p>Question 4: “Did the victim agree to actively participate in the investigation <u>subsequent</u> to your agency receiving notification of the CODIS hit?”</p>
<ul style="list-style-type: none"> - “Located” is defined as having identified where the victim resides. 	<ul style="list-style-type: none"> - “Actively participate” is defined as the victim electing to engage in the criminal justice process.
<p>Question 2: “Was the victim contacted about this case <u>subsequent</u> to your agency receiving notification of the CODIS hit?”</p>	<p>Question 5: “Was the case forwarded to the prosecutor for review <u>subsequent</u> to your agency receiving notification of the CODIS hit?”</p>
<ul style="list-style-type: none"> - “Contacted” is defined as verbal, written, or in-person communication with the victim. - It is possible to locate a victim in one reporting period and contact them in a different reporting period. 	<ul style="list-style-type: none"> - This question pertains to CODIS-hit sexual assault cases that have been sent to the prosecution office for review <u>during</u> the reporting period.
<p>Question 3: “Was the victim referred to a Community Based Advocate and/or System Based Advocate for services?”</p>	<p>Question 6: “During this reporting period, did the victim choose to no longer participate?”</p>
<ul style="list-style-type: none"> - A Community Based Advocate is also referred to as a Domestic Violence Advocate and is usually employed through a human services agency. - A System Based Advocate is also referred to as a Justice Advocate and is usually embedded in a law enforcement or prosecutorial agency. 	<ul style="list-style-type: none"> - A victim that has been contacted regarding a CODIS-hit sexual assault case may initially agree to participate in the investigation/prosecution. The victim may later decide to stop participating for a variety of reasons. In these instances, please report if this victim, <u>during</u> the reporting period, has chosen to no longer participate in the case.

Kansas Bureau of Investigation
Suspect Criminal Background Information Packet
Related to the Kansas Sexual Assault Kit Initiative



Last Name, First Name

Local Agency Case #:

KBI Lab Case #:

KBI Hit Verification #:



Photo Origin/Date: KS DL/ 0

Identifying Information

NAME/

SEX/ EYE/ HAIR/

HGT/ WGT/

DOB/

SSN/

FBI UCN/

KS SID/

OLN/

DOC#/

ALIAS/

DL Information

NAME

DOB/

ROR IND/

Vehicles

Recent Addresses

Warrants

Kansas Bureau of Investigation
Suspect Criminal Background Information Packet
Related to the Kansas Sexual Assault Kit Initiative



KASPER

DOC#/
Current Status/
Current Location/
Convictions/
#of, Charge, Date, County/Location

Registered Offender Status

NCIC/III

Full report of criminal history record

KIBRS

Incident date:

Charge:

Suspect/Victim/Arrested:

List of all incidences

**Violent/Threatening offenses against females are flagged in red with full KIBRS reports attached*

**Kansas Bureau of Investigation
Victim Background Information Packet
Related to the Kansas Sexual Assault Kit Initiative**



Last Name, First Name

Local Agency Case #:
KBI Lab Case #:



Photo Origin/Date KS DL/

Vehicles

Vehicles registered to subject/

YEAR/
MAKE/
MODEL/
COLOR/
REG/
OWNRS/

Possible Phone Numbers

Identifying Information

NAME/
SEX/ EYE/ HAIR/
HGT/ WGT/
DOB/
SSN/
OLN/
ALIAS/

Recent Addresses



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

<Date>

<Prosecution Contact>
<Prosecution Office>
<Prosecution Address>
<City>, KS <Zip>

Dear <Prosecution Contact>,

RE: Kansas Sexual Assault Kit Initiative
CODIS-Hit Laboratory Report - <Agency> Police Department Case XX-XX-XXXX

Enclosed you will find the approved KBI Forensic Science Center laboratory report for the sexual assault kit associated with the case listed above that was submitted to the laboratory for analysis on MM/DD/YYYY. A copy of this report has also been sent to the local law enforcement agency for review.

As part of the Kansas SAKI, we are sending approved CODIS hit laboratory reports directly to you and your local law enforcement agency. This is done in addition to the standard dissemination by the laboratory to ensure prosecutors and investigators are aware of the testing results.

Let me again express my gratitude for your continued participation in the Kansas Sexual Assault Kit Initiative. It has been a huge endeavor for everyone and your support has been crucial.

Sincerely,


Research Analyst II



Victim Notification Resource Packet Contents

Sexual violence can affect your life in many different ways. There is no “right” way to act after experiencing sexual violence. Some people become very emotional and some are numb initially. This experience can be overwhelming, causing feelings of fear, anger, shame, or anxiety. Remember that your feelings and experiences are not unusual. You are not alone, and there is help available. Your advocate can help you through this process, and can help you find the resources you need.

REMEMBER YOU ARE NOT ALONE

- ▶ **The Kansas Sexual Assault Kit Initiative (SAKI) Brochure**
This brochure provides information about the Kansas SAKI project and explains why previously unsubmitted and untested sexual assault kits in Kansas are now being addressed.
- ▶ **Understanding Advocacy Roles: The Kansas Sexual Assault Kit Initiative**
This handout provides information about the differences between the advocates that you may have contact with as part of the Kansas SAKI project. The system-based advocate and community-based advocate have different roles and can help you with different things.
- ▶ **Sexual Assault Community-Based Advocacy Program Brochure**
This brochure is from your local sexual assault community-based advocacy program. These programs can provide you confidential, free, and voluntary advocacy and safety services that are available 24 hours a day, 7 days a week.
- ▶ **Sexual Violence Brochure**
This brochure provides general information about sexual violence, its effects, statistics, and support available.
- ▶ **Community Resource Guide**
This guide provides information about community resources that may be available to assist you with different things. If this guide is missing from your packet, then it is not available in your community.
- ▶ **Know Your Rights: A Guide for Survivors of Sexual Assault in Kansas**
This booklet provides basic information about your rights and remedies that may be available to you as a survivor of sexual assault.
- ▶ **Kansas VINE Brochure**
This brochure provides information about the Kansas Victim Information and Notification Everyday (VINE) service. The VINE system allows victims of crime to receive notice regarding the custody status of their offender and to register to receive notification when the offender’s custody status changes.
- ▶ **If You Have Been Sexually Assaulted Brochure**
This brochure provides information about some responses and resources for someone who has been sexually assaulted.
- ▶ **The Sexual Assault Forensic Exam Brochure**
This brochure provides information about the sexual assault forensic exam process, and what you can expect before, during, and after the exam.
- ▶ **How to Support a Victim of Sexual Assault Brochure**
This brochure provides information about support for a victim or survivor of sexual assault.
- ▶ **Your Criminal Justice System: Helpful Information for the Victims and Witnesses of Crime**
This brochure provides victims of crime information about how the criminal justice system works, what to expect, and what resources are available to you.

Important Definitions

Sexual Assault Kit

A package of items used by medical personnel to gather and preserve physical evidence from a person's body following a report of a sexual assault.

Unsubmitted Sexual Assault Kits

Sexual assault kits that are in police custody that have never been submitted to a crime laboratory for testing.

CODIS

The Combined DNA Index System (CODIS) is a system of federal, state and local databases that contain DNA profiles from both known offenders and crime scenes. CODIS is used to generate investigative leads.

CODIS-Hit

When a DNA profile is uploaded into CODIS and finds a matching DNA profile from a separate criminal offense or known offender, it is referred to as a "CODIS-Hit" and can be used as an investigative lead by law enforcement.

This project was supported by Grant No. 2015-AK-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Kansas Sexual Assault Kit Initiative Member Agencies

- ▶ Kansas Bureau of Investigation
- ▶ Kansas Office of the Attorney General
- ▶ Kansas County and District Attorneys Association
- ▶ Kansas Sheriffs' Association
- ▶ Kansas Association of Chiefs of Police
- ▶ Kansas Chapter of International Association of Forensic Nurses
- ▶ Kansas Coalition Against Sexual and Domestic Violence
- ▶ Johnson County Sheriff's Office Criminalistics Laboratory
- ▶ Sedgwick County Regional Forensic Science Center

"The KBI is committed to serving the Kansas criminal justice community and survivors of sexual assault. With the help of our partners involved in sexual assault response, our work will make a difference in the lives of victims and ultimately help remove dangerous predators from our streets. By critically evaluating how we have responded to sexual assault, we will identify and implement improvements."

- KBI Director Kirk Thompson

THE KANSAS



SAKI SEXUAL ASSAULT KIT INITIATIVE

Kansas SAKI Project

This project is a proactive, objective evaluation of the issue of previously unsubmitted sexual assault kits in the State of Kansas. The Kansas Bureau of Investigation (KBI) has surveyed the state's law enforcement community to determine how many of these kits exist in Kansas. Additionally, they have set in motion a plan to test them. It is important to all involved in the project that victims of sexual assault receive appropriate services. In September 2015, the KBI was selected as one of twenty recipients nationwide of the National Sexual Assault Kit Initiative (SAKI) Grant and received \$2,000,000 from the Bureau of Justice Assistance. This money will be used to analyze previously unsubmitted sexual assault kits, enhance victim services and support, and develop recommendations to help prevent future accumulation of this valuable forensic evidence.

Goals & Objectives

- ▶ Reduce victimization
- ▶ Encourage reporting of sexual assault
- ▶ Enhance victim services/support
- ▶ Fully utilize available science and technology to prevent crime and prosecute offenders
- ▶ Identify and prosecute serial offenders
- ▶ Eliminate factors contributing to the accumulation of sexual assault kits
- ▶ Develop evidence-based best practice recommendations and model policy guidance to address the statewide inventory and prevent future accumulation of unsubmitted sexual assault kits
- ▶ Improve the quality and quantity of relevant trainings available throughout the state for sexual assault cases to law enforcement and prosecution

Kansas Response

The KBI has initiated a voluntary survey of local law enforcement agencies to identify the number of unsubmitted sexual assault kits they possess. Testing of these kits is underway. With help of their partners, the KBI hopes to:

- ▶ Identify underlying factors that have contributed to the accumulation;
- ▶ Develop a plan to test the previously unsubmitted sexual assault kits throughout the state; and
- ▶ Develop recommendations to help prevent similar accumulation of unsubmitted sexual assault kits in the future.

As these cases are being tested, the DNA evidence within some sexual assault kits may result in a CODIS-Hit which helps to identify the suspect. In these instances, local law enforcement agencies and prosecutors will work together with victim advocacy services to develop a follow-up action plan. This may include contacting victims from assaults that occurred several years ago in order to conduct new investigations and/or file charges against a suspect. The Kansas SAKI project has developed a victim notification procedure to ensure this process is completed with focus on victims' needs and wishes while aiming to minimize potential re-traumatization.

This SAKI project has led to the testing of your sexual assault kit.

Frequently Asked Questions

Why haven't some sexual assault kits been submitted?

Sexual assault kits are not submitted for a variety of reasons, and policies regarding submission vary between jurisdictions. The accumulation of unsubmitted sexual assault kits may be a result of inadequate criminal justice resources, a lack of advanced training, or a need to understand the importance of testing sexual assault kits to identify serial offenders and link cases together.

Why is my sexual assault kit getting tested now?

The KBI recognized the importance of proactively and objectively evaluating the issue of previously unsubmitted sexual assault kits in our state. Research and case experience supports the value of collecting and testing sexual assault evidence. Advances in science and technology can be leveraged to the benefit of these investigations more today than ever before. Cases may be linked and serial offenders identified, which may prevent subsequent assaults. For further information regarding your case, we encourage you to talk with the investigator and/or attorney working your case.

What is being done to prevent accumulation of sexual assault kits in the future?

To evaluate and address an issue that has evolved over time is a very complex process and it continues to be a work in progress. The KBI will continue working with their partners to evaluate current practices, identify where change is needed, and develop a path forward. This is a systemic approach that will take time while they continue to be mindful of the immediate and ongoing needs the criminal justice community has for forensic laboratory services in the State of Kansas.



Understanding ADVOCACY Roles

System-Based Advocates

Provide support for the victim initially, and throughout the criminal justice process. This includes:

- Assist with initial contact
- Provide ongoing supportive services and information
- Assist the victim in understanding the court processes
- Provide notification of court hearings
- Serve as a liaison between victim and criminal justice personnel
- Explore victim needs and makes appropriate referrals
- Connect victim to community-based resources

Community-Based Advocates

Provide confidential, free, voluntary advocacy and safety services to victims of sexual violence. This includes:

- 24-Hour Crisis Hotline
- Crisis Intervention
- Personal Advocacy
- Medical Advocacy
- Court Advocacy
- Law Enforcement Advocacy
- Emergency Accommodations
- Shelter
- Supportive Counseling
- Support Groups
- Child/Youth Advocacy
- Community Awareness and Education

What are the differences between advocacy roles?

System-based advocates (SBA) provide victim notification, support, information, and connection to community-based resources. They are a critical conduit between the victim and the criminal justice system, and share necessary information.

Community-based advocates (CBA) provide the victim with a variety of advocacy services they often need to process their experience effectively. Information the victim shares with a CBA cannot be disclosed to anyone outside the organization unless the CBA is required to disclose the information by law, or the victim signs a release allowing them to disclose the information. The CBA can provide the victim with more information about confidentiality.

To connect with the sexual assault or domestic violence community-based advocacy organization nearest you, contact the Kansas Crisis Hotline at:
1-888-END-ABUSE (1-888-363-2287)

Kansas SEXUAL ASSAULT EVIDENCE COLLECTION KIT Summary of Revisions

Sexual Assault Evidence Collection Kit Updates KCSDV WEBINAR 3.12.2019 ARCHIVED

<http://ssciwebhost4.com/KCSDV/SAKI/2018-03-16-Sexual-Assault-Evidence-Collection-Kit-Updates-For-The-Forensic-Nurse.mp4>

USERNAME: health **PASSWORD:** hospital

The Kansas Bureau of Investigation and multidisciplinary representatives from the Kansas Forensic Laboratories, Kansas Coalition Against Sexual Domestic Violence, International Association of Forensic Nursing (IAFN) Kansas Chapter and the Kansas Attorney General's office, have partnered to update the Kansas Sexual Assault Evidence Collection (SAECK) using evidence-based research and national best practice recommendations. Goals of the updates are to incorporate trauma-informed language, to increase efficiency and ease of the use for the healthcare provider and laboratory, and to streamline evidence collection time frames and process across the states. This webinar provides an overview of the updates and changes to the kit. Information about the revision process, changes to the evidence collection steps, changes to forms, and new resources.

INSTRUCTIONS

▪ KBI SEXUAL ASSAULT EVIDENCE COLLECTION KIT INSTRUCTIONS

Summary of Primary Revisions: Language was reworded or added for clarification, or for new standards/ best practices in evidence collection and timeframes.

FORMS

STEP 1

▪ AUTHORIZATION AND CONSENT REPORT TO LEO

Summary of Primary Revisions: This form was revised to be more user-friendly and patient-friendly, ensuring informed consent from the patient. Changes to content include: adding authorization for photographs, adding authorization for evidence gathered to be released to the appropriate law enforcement officials, and informs the patient they may receive a copy of this form. Sections were added so that the Medical Care Facility and Medical Provider Name are included on the form, as well as the Law Enforcement Agency and Report information. A patient identification section was added (Medical Care Facilities require a patient identification label to be placed on each paper document that is part of the official medical record). Also, it was translated to Spanish; front is in English and the back is in Spanish.

See old and new forms for comparison of additional changes.

▪ AUTHORIZATION AND CONSENT NOT REPORTED TO LAW ENFORCEMENT

Summary of Primary Revisions: This form was revised to be more user-friendly and patient-friendly, ensuring informed consent from the patient. Changes to content include: adding authorization for photographs and informs the patient they may receive a copy of this form. Sections were added so that the Medical Care Facility and Medical Provider Name are included on the form, as well as the assigned KBI Identification Number. Consent signature lines were revised to be in compliance with applicable laws.

Also, it was translated to Spanish; front is in English and the back is in Spanish.

See old and new forms for comparison of additional changes.

- **DISCLOSURE OF PROTECTED HEALTH INFORMATION**

Summary of Primary Revisions: This form was revised to be more user-friendly and patient-friendly, ensuring informed consent from the patient. Changes to content include: removing date of expiration for cases reported to law enforcement, as the expiration date may be misleading to a victim because time does not bar the ability to obtain such records; and informing that the patient may receive a copy of this form. Consent signature lines were revised to be in compliance with applicable laws. The patient identification section was added. Also, it was translated to Spanish; front is in English and the back is in Spanish.

See old and new forms for comparison of additional changes.

STEP 2

- **VICTIM INFORMATION AND SEXUAL ASSAULT HISTORY FORM**

This form changed to the following: Question regarding consensual sexual intercourse within the previous 3 days was changed to 5 days, based on recommendation to collect evidence up to 120 hours or longer. Removed the “additional comments” so that all lines for the narrative are under Description of Assault. Added a signature, date, and time line at the bottom for the examiner. The patient identification section was added.

See old and new forms for comparison of additional changes.

HANDOUTS

- **INFORMATION FOR HEALTH CARE PROVIDERS**

This is a new form that was developed as a FAQ for non-SANE trained health care providers. This form provides best practice information and additional information health care providers must know when providing sexual assault exams.

- **FAQ FOR VICTIMS**

Summary of Primary Revisions: This form was revised to be more patient-friendly, using best practice 14 pt. font and plain language for understandability. Language was updated to reflect current practices and laws. Information was added throughout to address situations in which the patient is a minor. Formatting and information changes were made to make it clear that the patient has a right to support and information from a community-based sexual assault advocate. This form has been translated to Spanish; the front is in English and the back is in Spanish.

See old and new forms for comparison of additional changes.

- **NOTICE TO VICTIMS OF SEXUAL ASSAULT**

Summary of Primary Revisions: This form was revised to include current phone numbers, websites and agency names.

- **CRIME VICTIMS COMPENSATION BROCHURE**

The updated version is now included.

- **CRIME VICTIMS COMPENSATION APPLICATION**

The updated version is now included.

- **BROCHURES:**

Summary of Changes: The five Kansas Coalition Against Sexual and Domestic Violence brochures previously included in the kit (Sexual Violence, The Sexual Assault Forensic Exam, How to Support A Victim of Sexual Assault, If You Have Been Sexually Assaulted, and Taking Time Off From Work to Address Domestic and Sexual Violence Issues) were replaced with the booklet, “*Know Your Rights: A Guide for Survivors of Sexual Assault in Kansas.*” This resource is comprehensive and covers all information in the brochures, and additional information regarding victim rights.

OTHER

▪ CARBON FORMS

Summary of Changes: The new kit no longer contains carbon forms as the transfers were not legible. Instructions have been added to the forms that copies are to be made by the examiner and to whom/where copies need to go.

▪ SWAB BOXES

Summary of Changes: The new kit contains four swab boxes with check boxes; this allows for identifying the area of collection (Vaginal, Cervical, Anal, Oral, Other). The debris collection box is unchanged. Three unlabeled boxes were added for additional evidence collection, if needed (body swabs). The swabs are now DNA-free as opposed to sterile. A swab box for a known buccal standard collection from the victim was also added.

▪ MISC. COLLECTION

FINGERNAIL EVIDENCE: The scraper for fingernail evidence collection has been replaced by microtip swabs, to increase victim comfort.

HEAD HAIR AND PUBIC HAIR STANDARDS: These steps were revised to be more patient-centered and trauma-informed. They previously required pulling hairs. The new instructions offer the patient choices for plucking or cutting. Instructions were changed on the collection envelopes.

VAGINAL SLIDE: The vaginal slide was removed from the kit, based on best practice recommendations it is no longer advised for slides to be made by medical practitioners.

KNOWN DNA BLOOD SAMPLE: Removed the finger-stick lancet and betadine swab from the known DNA blood sample envelope. It is recommended to collect buccal swabs; blood can be collected if in conjunction with other medical procedures that require blood to be drawn.

MISC.: The collection of clothing bag was changed to a larger brown paper evidence bag that is sturdier for larger items. There is one underwear bag.

▪ BOX

Summary of Changes: The old box size was 5.5" W X 7.75" H X 3" D. The new box size is 10 ½ X 7 X 2 ½ to accommodate the contents and allow more space for writing the required information.

QUESTIONS

Contact Teresa Gallegos at tgalegos@kcsdv.org.



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

April 3, 2019

Dear Kansas Law Enforcement Administrators and Officers, Kansas County and District Attorneys, and Forensic Laboratory Directors and Staff:

As we recognize April as Sexual Assault Awareness Month, I thought it fitting to share with you some important recommendations stemming from the Kansas Sexual Assault Kit Initiative (SAKI) that will positively impact the way sexual assault evidence is handled.

Beginning in the fall of 2015, we engaged all Kansas law enforcement agencies in our effort to determine how many previously unsubmitted sexual assault kits (SAKs) existed in property rooms throughout the state. Since that time, the SAKI state level multidisciplinary working group has worked diligently to identify and evaluate the underlying factors that contributed to the accumulation of more than 2,200 unsubmitted SAKs across Kansas. I think our Executive Officer, Katie Whisman, summed it up nicely when quoted saying, "The issues underlying the accumulation of unsubmitted kits are multi-faceted, complex, and interrelated; they do not belong to any one stakeholder group."

Last July, the Kansas SAKI multidisciplinary working group published their findings and identified four core elements contributing to that accumulation. In no particular order, they are Lack of Training, Lack of Resources, Lack of Policy, and Lack of Societal Awareness. The group also made recommendations to address the underlying issues in a sustainable way. The full publication, entitled *Underlying Factors Contributing to the Accumulation of Unsubmitted Sexual Assault Kits in Kansas* can be found at <http://www.kansas.gov/kbi/saki.shtml>.

Taking into consideration the findings from the Kansas SAKI project and recently released national best practices, it is the recommendation of the multidisciplinary working group that all SAKs be submitted to a forensic laboratory for analysis. This is a recommendation fully endorsed by all members of the working group, as well as the KBI. It is the only way we can be certain to avoid a similar accumulation in the future.

The value of testing SAK evidence and uploading qualifying profiles into the CODIS databank should not be underestimated. While DNA evidence may not always contribute to resolving the immediate case, testing all SAKs ensures we are better able to link cases together and hold offenders accountable for their actions. The long-term result will be preventing additional victimization and improving public safety. **Therefore, it is the recommendation of the multidisciplinary working group that all SAKs submitted to a forensic laboratory for analysis be tested.**

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- **Any SAKs your agency possesses that have never been submitted to a forensic laboratory for analysis should be sent for testing by June 1, 2018.**
- **All SAKs your agency collects from this point forward should be sent to forensic laboratory for analysis as soon as practical, but no later than 14 days after collection from a medical facility**

It is recognized by all who have been engaged in the SAKI project that laboratory resources and capacity are limited. By recommending a “submit all/test all” policy, we are not shifting the burden from law enforcement to the laboratories but rather ensuring this evidence can be centrally managed and an assessment of additional resources needed be conducted.

The SAKI multidisciplinary working group conducted extensive research and attempted to develop a method by which incoming cases could be prioritized in an evidence-based way that focused on improving public safety while taking into consideration the uniqueness of each case. They determined the creation of additional checklists and rigidity of a complex prioritization scheme was unlikely to have the desired impact and be sustainable. **Therefore, it is the recommendation of the multidisciplinary working group that a strong focus be placed on case-specific communication among prosecutors, law enforcement, and laboratory professionals.**

While it is important that all SAKs be submitted and tested, it is recognized that each sexual assault case will have unique circumstances that may increase or decrease the urgency for testing. Therefore, it is vital that these circumstances are discussed with the laboratory to facilitate the timely processing of SAKs.

It is critically important to emphasize that sexual assault investigations and the priority of examining the related evidence should not be automatically deprioritized for any of the following reasons:

- Victim’s relationship with the assailant
- Victim’s use of drugs/alcohol
- Victim’s sexual history
- Victim’s uncertainty of events
- Victim’s recantation or failure to follow through
- Discrepancies in victim’s story
- Failure to identify an assailant
- Suspect’s claim of consent

The trauma experienced by a victim of sexual assault may impact their memory and behavior, and a failure to understand the trauma response not only creates barriers to building trust with victims but negatively impacts the viability and progression of a case within the criminal justice system. Consideration should be given to the impact of trauma on victims when discussing the testing prioritization of cases between law enforcement, prosecution and the forensic laboratory.

To assist with the recommended discussions regarding case prioritization, the SAKI multidisciplinary working group has provided contact information for the respective forensic laboratories. Your staff should communicate with the staff at the forensic laboratory to which they routinely submit evidence:

Great Bend/Kansas City

Lisa Burdett
(620) 603-7123 (desk)
Lisa.Burdett@kbi.state.ks.us

Topeka

Emily Draper
(785) 296-2150 (desk)
Emily.Draper@kbi.state.ks.us

Sedgwick County Regional Forensic Science Center

Shelly Steadman
(316) 660-4800
Shelly.steadman@sedgwick.gov

Johnson County Sheriff's Office Criminalistics Laboratory

Bethany Stone
(913) 826-3252
Bethany.stone@jocogov.org

In the near future, the SAKI multidisciplinary working group will be releasing statewide model policies for *Investigating Sexual Assault* and *Sexual Assault Kit Submission, Retention & Disposal*. We will make an announcement when those become available and would encourage you to visit our website for other resources and publications.

In closing, I'd like to sincerely thank you for your support of this important initiative. Together, we will continue to improve our collective response to sexual violence. By doing so, we will identify and hold offenders accountable, prevent additional victimization, and improve the safety of the citizens we serve.

If you have any questions or concerns, please do not hesitate to contact me, Executive Officer Katie Whisman, at (785) 296-8209, or our SAKI Site Coordinator, Megan Roberts, at (785) 296-7135.

Sincerely,

Kirk D. Thompson
Director

Cc: Kansas Association of Chiefs of Police
Kansas Sheriffs' Association
Kansas County and District Attorneys Association
Office of the Kansas Attorney General
Kansas Law Enforcement Training Center

KT/kmw

APPENDIX M: Kansas Multidisciplinary Working Group Guidance to Local Agencies for “Unfounded” Case Coding

KANSAS SEXUAL ASSAULT KIT INITIATIVE (SAKI)

“Unfounded” Case Coding



FEBRUARY 2019

There has been significant confusion regarding the use of “Unfounded” for sexual assault cases. While law enforcement agencies are expected to follow UCR guidelines for case clearance, there is a notable lack of clarity for when cases should be coded as “Unfounded” and as a result local standards and practices differ between agencies.

To prevent a future accumulation of sexual assault kits (SAKs) the Kansas Bureau of Investigation (KBI) and the Kansas Sexual Assault Kit Initiative (SAKI) working group have recommended a submit all/test all policy. However, current and older cases coded as “Unfounded” have created additional barriers to forensic analysis at the laboratory.

Due to limited financial and personnel resources at forensic laboratories, sexual assault kit (SAK) analysis is based on prioritization as determined through discussions between the laboratory, submitting law enforcement agency, and prosecutor’s office. **When a case is coded as “Unfounded” the laboratory is prohibited from uploading any results into the national DNA database.** As such, “Unfounded” cases become deprioritized for testing in favor of focusing resources towards cases that are deemed more viable by law enforcement and prosecution.

The use of “Unfounded” for sexual assault cases should be reserved for those cases in which investigation can clearly demonstrate that **no crime occurred**.

When to use “Unfounded”

Cases should only be coded as “Unfounded” after a thorough investigation has been completed and the collected evidence demonstrates that no crime occurred.

A thorough investigation considers all available evidence, including the forensic analysis of a SAK when available. Testing SAKs has been shown to identify offenders, link cases forensically, and connect suspects to additional sexual and other violent crimes. The analysis of a SAK should be included in the evaluation of all available evidence before a case is coded.

The *Kansas Model Policy for Investigating Sexual Assault* indicates that all sexual assault cases should be thoroughly investigated and formally reviewed with a prosecutor prior to case coding. This consultation provides an opportunity for law enforcement and prosecutors to explore any incomplete information and understand charging decisions.

Cases should only be coded as “Unfounded” after a thorough investigation has been completed and the collected evidence demonstrates that no crime occurred.

When NOT to use “Unfounded”

Sexual assault cases are complex and may not always have enough evidence to support a victim’s report. Because these crimes are often committed by someone known to the victim in a private or secluded location and typically do not result in extensive physical injuries, physical evidence may be limited.

Research has shown that trauma from a sexual assault can impact a victim’s memory, behavior, and emotions which may affect a victim’s ability to recall details of the assault. A victim’s trauma response may be considered evidence. Failure to understand and recognize the trauma response, as well as a lack of victim support throughout the investigative process, can result in a victim withdrawing participation or recanting in order to close the case.

A case should NOT be considered “Unfounded” based solely on the following:

- The victim is not cooperating with law enforcement or the judicial system;
- The victim cannot be located;
- The suspect states sex occurred but it was consensual;
- Prosecution of the case has been declined; or
- Statute of limitations has been met.

While these challenges are common in sexual assault investigations, they are not indicative of a case being “Unfounded.” Instead, these cases should be considered “Inactive” due to a lack of evidence.

Next Steps for Law Enforcement

All reports of sexual assault should be considered valid unless evidence collected as part of a thorough investigation proves otherwise. Cases should not be coded until all available evidence is evaluated and the case is formally reviewed with a prosecutor.

All SAKs associated with a report of sexual assault should continue to be submitted to a forensic laboratory for analysis within 14 days of collection from a medical facility. Case coding should not occur prior to the forensic analysis of the SAK. The prioritization of testing kits will continue to be based on case-specific communication among prosecutors, law enforcement, and laboratory professionals.

For SAKs associated with old cases coded as “Unfounded” and were submitted to a laboratory as a result of the Kansas SAKI submit all/test all recommendation, law enforcement agencies should review these cases to ensure appropriate case coding. If a case is determined to have inappropriately been coded as “Unfounded,” please notify your forensic laboratory as soon as possible.

Resources

Agencies are encouraged to review and adopt the Kansas Model Policy for Investigating Sexual Assault and the Kansas Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention, and Disposal. These documents, as well as all other publications from the Kansas SAKI project, are available through the KBI SAKI webpage: <http://www.kansas.gov/kbi/saki.shtml>.

Prior Studies of Sex Offenders

63% Percentage of sex offenders who are known to commit more than one rape (i.e. serial sex offender)

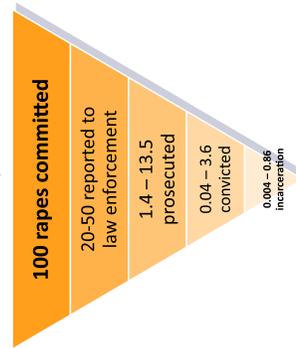
7 Average number of rapes committed each year by one serial sex offender, most of which will never be reported to law enforcement.

49 Average number of rapes committed by one serial sex offender before their first conviction.

196 Average number of rapes committed by one serial sex offender if never convicted.

58% Percentage of sex offenders who commit other acts of violence, including domestic battery, assault, harassment, and stalking.

Prior research has shown that sexual assault is one of the most underreported crimes.



Of 100 rapes that are committed: less than 50 are ever reported to law enforcement, fewer than 14 progress to prosecution, and less than 4 result in a conviction.

When offenders are not held accountable for their crimes, many will continue to victimize and re-offend.

Kansas SAKI Member Agencies

- ◆ Kansas Bureau of Investigation
- ◆ Kansas Office of the Attorney General
- ◆ Kansas Coalition Against Sexual and Domestic Violence
- ◆ Kansas County and District Attorneys Association
- ◆ Kansas Sheriffs' Association
- ◆ Kansas Association of Chiefs of Police
- ◆ Kansas Chapter of International Association of Forensic Nurses
- ◆ Johnson County Sheriff's Office Criminalistics Laboratory
- ◆ Sedgwick County Regional Forensic Science Center

Kansas Sexual Assault Kit Initiative (SAKI)



Sex Offender Behavior Research and Importance of Holding Offenders Accountable

This project was supported by Grant No. 2015-AK-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies the U.S. Department of Justice.

Kansas SAKI Research

The Kansas Sexual Assault Kit Initiative (SAKI), led by the Kansas Bureau of Investigation (KBI), is a proactive, objective evaluation of the issue of previously unsubmitted sexual assault kits (SAKs) in the State of Kansas. In March 2017, the KBI identified over 2,200 previously unsubmitted SAKs. In order to address an issue that has evolved over time, the project team evaluated data to help inform practice.

Offender Criminal History

Of the 2,200+ SAKs identified as part of the SAKI project, 907 suspects were identified with a trackable criminal history.

7,302 Number of sexual and other violent offenses identified in SAKI suspects' criminal histories.

Ninety-three percent of SAKI suspects have a criminal history of other violent offenses, including:

- Homicide
- Battery
- Domestic Violence
- Burglary/Robbery
- Assault
- Criminal Threat
- Disorderly Conduct
- Weapons Violation
- Battery/Assault on a Law Enforcement Officer



Forty-two percent of SAKI suspects have a criminal history of additional sexual offenses, including:

- Rape
- Indecent Liberties with a Minor
- Sexual Battery/Assault
- Sodomy



907 Suspects identified with a trackable criminal history.

469 Suspects with acts of domestic violence in their criminal history.

330 Suspects with two or more acts of rape, sodomy, indecent liberties with a minor, and/or sexual battery/assault in their criminal history.

275 Suspects with 11 or more sexual and/or violent offenses in their criminal history.

Resources

The Kansas SAKI project has developed several publications regarding project updates, best practices and model policies, including:

- Underlying Factors Contributing to the Accumulation of Unsubmitted Sexual Assault Kits in Kansas
- Kansas Model Policy for Investigating Sexual Assaults
- Kansas Model Policy for Sexual Assault Evidence Collection Kit Submission, Retention, and Disposal
- Kansas Victim Notification Protocol for Delayed CODIS Hits
- Kansas SAKI Executive Summaries

All Kansas SAKI publications can be found at www.kansas.gov/kbi/saki.shtml

Importance of Holding Offenders Accountable

Research demonstrates a clear impact sex offenders have on public safety. Holding offenders accountable is a violent crime reduction strategy and can prevent future victimization. **Offender accountability requires the collaboration of all stakeholders involved in sexual assault to provide a consistent message of support to victims from the initial report through final disposition.**

Reporting to Law Enforcement

A report to law enforcement presents an opportunity to hold offenders accountable. This will only occur when victims know they will be protected and believed. As part of the reporting process, the physical, emotional, and psychological safety of the victim must be the priority.

Trauma-Informed Investigation

Trauma-informed investigations help restore victims' dignity and sense of control while decreasing anxiety and increasing willingness to engage in the criminal justice system. Investigations that focus on offender behaviors build stronger cases for prosecution. This approach can improve case outcomes and assist victims in the healing process.

Offender-Focused Prosecution

Offender-focused prosecution addresses the purposeful, knowing, and intentional behaviors of the offender to target victims and deflect responsibility. The rights of crime victims are to be protected to the best of the prosecutor's ability at all times.

