

# Strategic Approaches to Sexual Assault Kit Evidence

An Action Research Project



# Introduction

- Purpose: To walk you through the solicitation and respond to your questions.
- This is not a seminar on sexual assault kit backlogs!

# National Institute of Justice

- Research, development, and evaluation arm of the U.S. Department of Justice
- Social science, technology, and forensic science
- Build knowledge on crime and justice
- Disseminate to the field

# What is the Purpose of this Solicitation?

To understand the underlying nature of the problem and identify effective and sustainable solutions.

# Introduction – The Problem

Lead to                      Lead to  
**Delays!!**                      **Delays!!**                      **Delays!!**

**Evidence Submission → Analysis → Justice**

- Delays in Justice can lead to:
  - Additional victimization by serial offenders
  - Incarceration of the innocent

## Backlog Confusion

- Many headlines refer to unsubmitted rape kits stored in law enforcement evidence rooms
  - Evidence is waiting for submission to a laboratory
  - Or, not being considered for admission
- But...these kits are not really in a crime laboratory backlog

# Backlog Confusion

- Untested evidence awaiting submission to laboratories is a separate and different problem
- Only when submitted does this evidence become part of a crime laboratory's backlog
- Until it's been forwarded to the crime lab, the evidence remains untested in police custody (or hospital, rape crisis center, etc.)





## Untested Evidence is a Problem

- RTI study of untested evidence in law enforcement custody published in 2009
- Surveyed 2,000 agencies in 2007 and determined that 18% of unsolved rape cases contained forensic evidence not submitted for analysis



# Untested Evidence is a Problem

- Reasons given by law enforcement agencies for not submitting evidence
  - Investigation shows evidence is not probative
  - Charges dropped
  - Guilty plea
  - Case determined to be unfounded
- Many beliefs on the subject of evidence submission:
  - All unsubmitted cases must be submitted
  - Triage before submission
  - Only submitted with victim consent

## Thinking About the Problem

- How do law enforcement agencies decide whether or not to submit evidence to the crime lab?
- What proportion of unsubmitted cases could benefit from testing?
- How should cases be prioritized for testing?
- It's important to understand that a "rape" or "sexual assault" kit is only *part* of the evidence that may need to be examined
  - Clothing, objects, trace evidence
  - Latent prints, fibers, hair, etc.

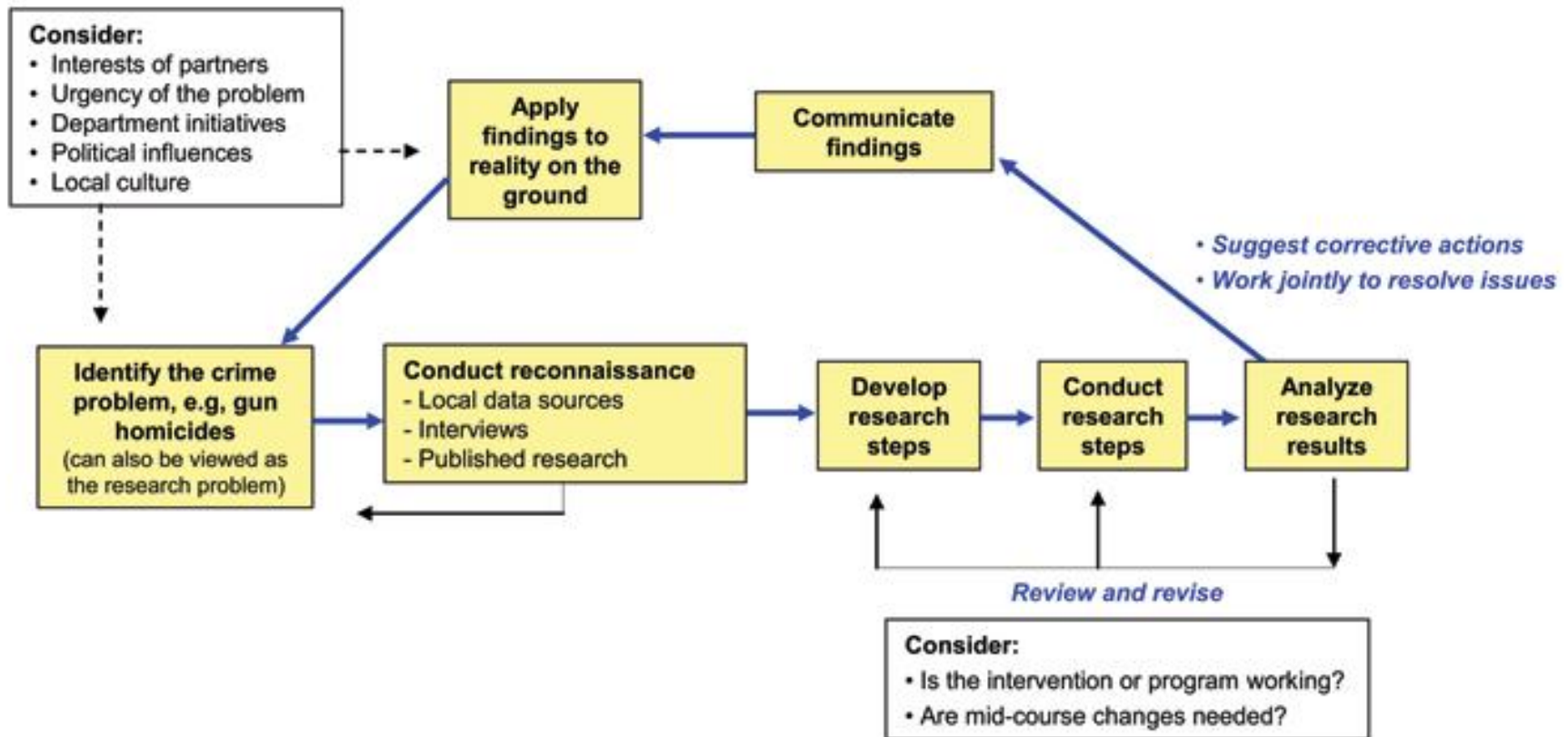
# Considerations for the Survivor

- Imperative that the survivor is given consideration throughout these processes
- When and how communication with the survivor occurs is paramount
- Timing of notification needs to be examined:
  - When case is reopened?
  - When a foreign DNA profile is found and uploaded to CODIS?
  - When no foreign DNA profile is found?
  - When John Doe DNA warrant is issued?
  - When a CODIS hit occurs?

# Action Research Overview

Collaboration between criminal justice researchers and criminal justice practitioner agencies using a data-driven, strategic problem solving process to solve crime and disorder in communities.

## The Action Research Model



# Action Research Steps

- Identify the problem.
- Develop the strategies to address the problem.
- Implement the strategies.
- Monitor the progress of the implementation.
- Provide feedback to better refine the strategies targeting the problem.
- Assess and evaluate the implementation and the impact of the strategies.

# Who's Eligible to Apply?

States or units of local government  
(including territories and tribes)



# Two Phases

Phase I: Six-month planning grant

Phase II: Implementation and evaluation

This solicitation is for PHASE I

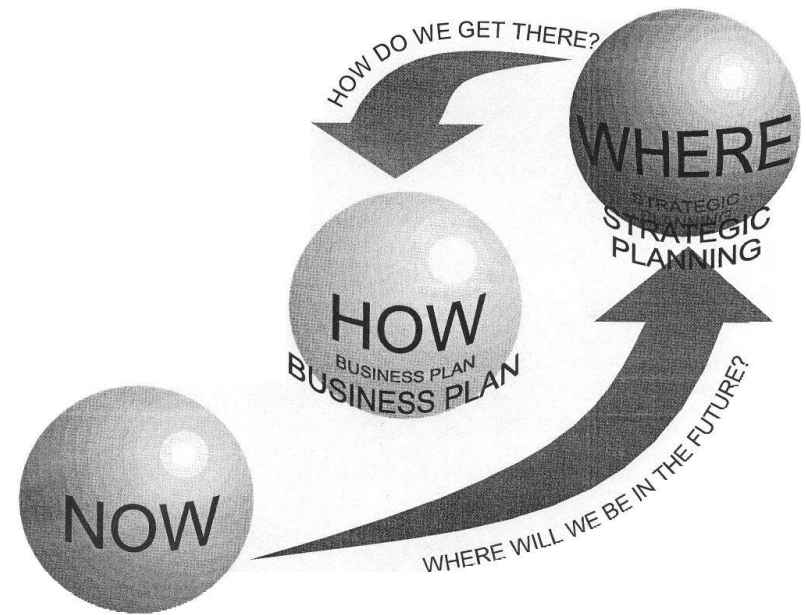


# How This Will Work

- NIJ will make awards to 3-5 sites
- Each site will receive a 6-month planning grant
- Phase II will be awarded by September 30

# Phase I: Planning

- Inventory and review of untested sexual assault kits
- 500+ untested sexual assault kits
- Workshop in Washington DC in May, 2011
  - Sexual assault kit issues
  - Action research
  - Site presentations



## **What the Application Should Include**

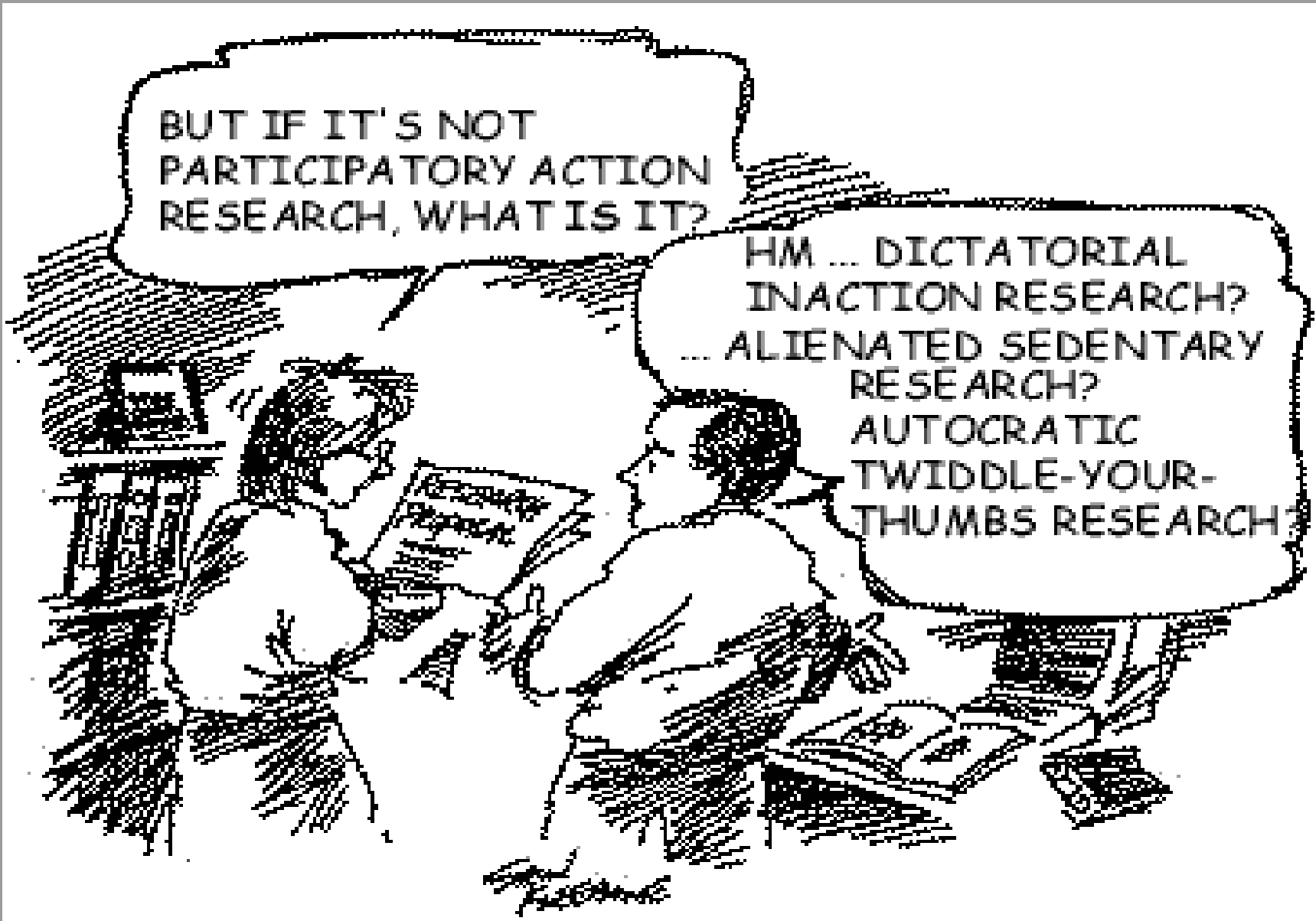
- Letters of commitment from the partners (MUST)
- Key team members and their roles
- Site coordinator
- Detailed description of the extent of the untested kits (500+)
- Current practices and procedures
- Willingness and ability to commit investigative resources

# 2011 Time Frame

- January 18: Solicitation closes
- January-February: Peer review and award decisions
- March: Final awards for Phase I announced
- April 1: Research project begins
- May: Workshop in Washington DC
- October: Beginning of Phase II

# How the Planning Funds Can be Used

- Personnel costs (including all partners)
- Travel expenses for meetings and project activities
- Group meeting expenses
- Costs for inventory and review of cases
- Preliminary DNA screening or analysis



BUT IF IT'S NOT  
PARTICIPATORY ACTION  
RESEARCH, WHAT IS IT?

HM ... DICTATORIAL  
INACTION RESEARCH?  
... ALIENATED SEDENTARY  
RESEARCH?  
AUTOCRATIC  
TWIDDLE-YOUR-  
THUMBS RESEARCH?

# Recap

- Applications are due on January 18, 2011
- Webinar will be available on <http://www.ojp.usdoj.gov/nij/sexual-assault-kits.htm>
- FAQs will be developed and posted
- Thank you for your interest!