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 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

Delays!!

Lead to

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.
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!