

# Addressing the Problem of Untested Sexual Assault Kits (SAKs)

Where Do We Start?

Rebecca Campbell, Ph.D.  
Professor of Psychology  
Michigan State University



# Today's Presentation

---

- **PURPOSE:** To provide succinct overview of key issues communities will face when resolving untested SAKs
- **APPROACH:** Empirically-based to share what we do and don't yet know about these issues based on research & practice

# Today's Presentation

---

- TOPICS: Issues to be aware of regarding . . .
  - Terminology and definitions
  - Assessing scope of untested SAKs
  - Understanding underlying causes
  - Developing testing plans
  - Developing victim notification plans
  - Where to start??!!

# Clarifying Terminology

Does it matter what we call this?

# Does it matter what we call this?

“Backlogged kits”

“Unsubmitted kits”

“Untested kits”

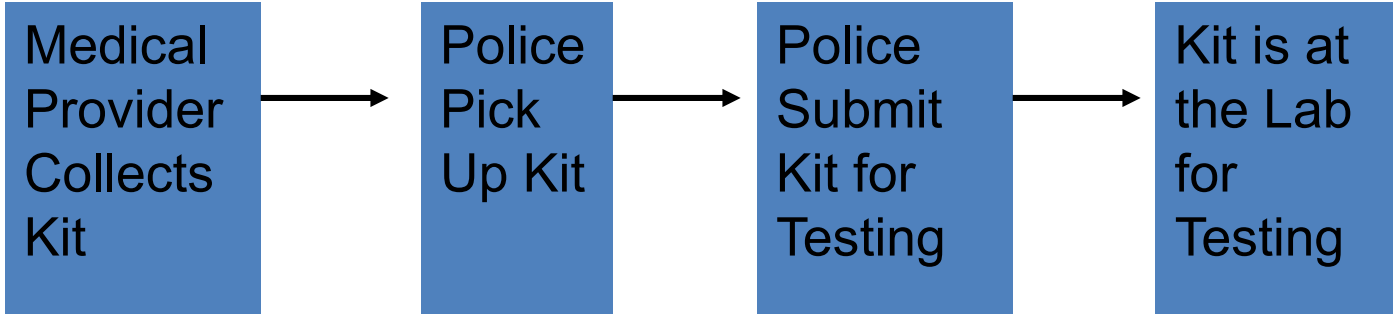
# Does it matter what we call this?

What's in a name? That which  
we call a rose  
By any other name would  
smell as sweet.

Shakespeare, *Romeo and Juliet*,  
Act II, scene ii



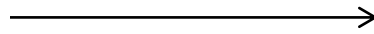
Important to be **AWARE** of differences in terminology



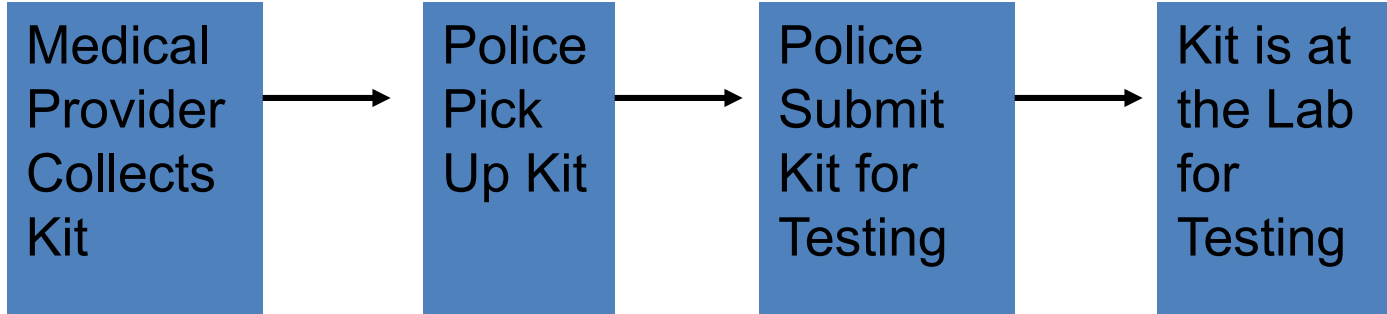


“BACKLOG”

“BACKLOGGED KITS”

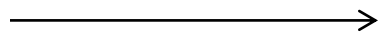


Kits that WERE submitted by the police to a forensic lab for testing, but the kit is still waiting to be tested

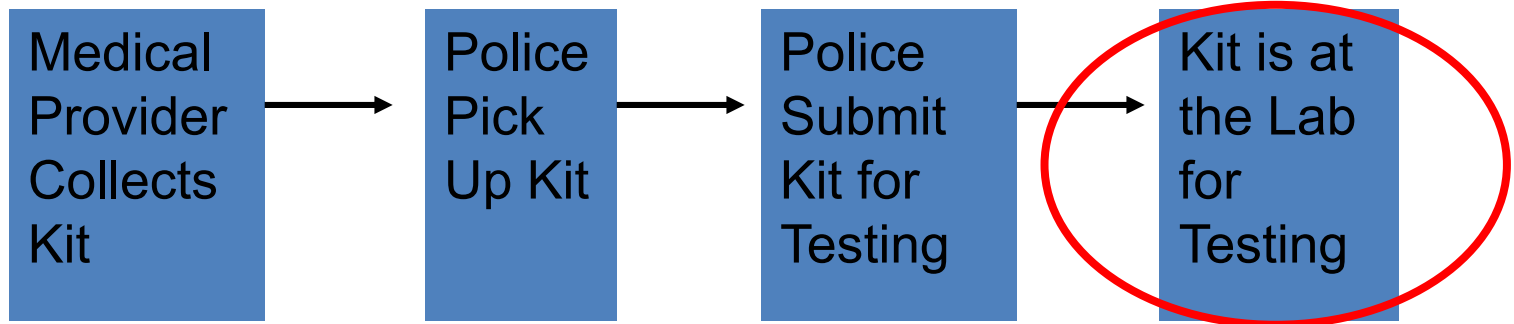


“BACKLOG”

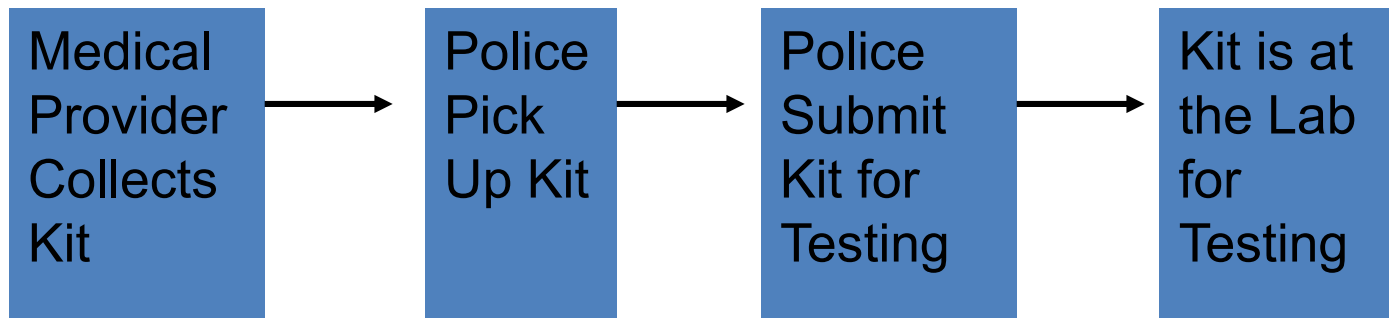
“BACKLOGGED KITS”



Kits that WERE submitted by the police to a forensic lab for testing, but the kit is still waiting to be tested



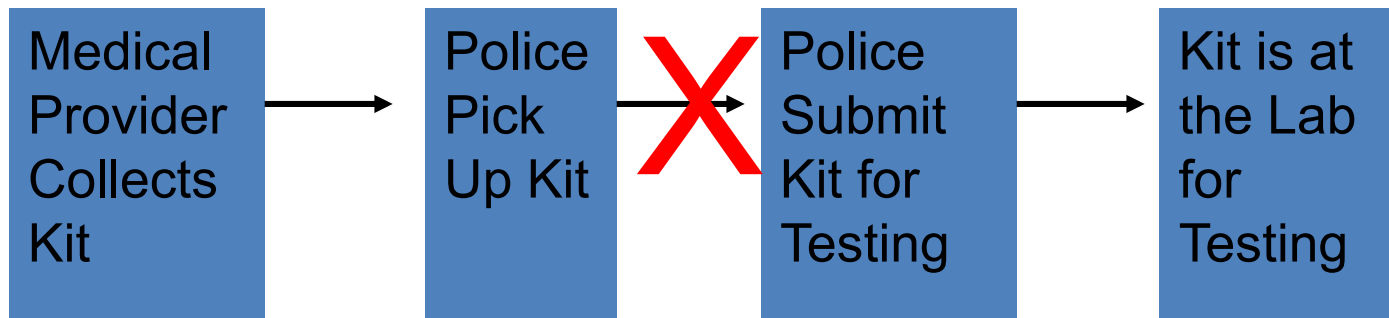
**PROBLEM  
HERE**



“UNTESTED KITS”  
“UNSUBMITTED KITS”

—————> Kits that were NOT submitted for testing; placed in police property & remain there

## PROBLEM HERE



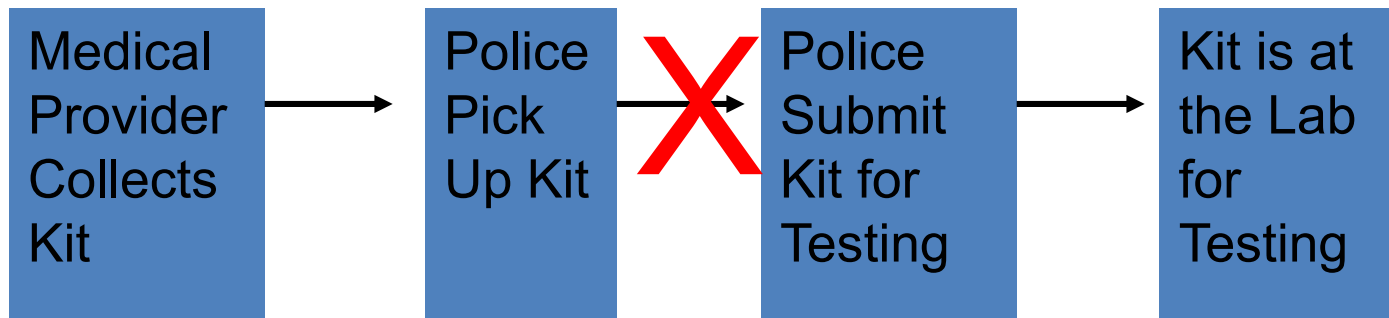
“UNTESTED KITS”  
“UNSUBMITTED KITS”

→ Kits that were NOT submitted for testing; placed in police property & remain there

This is the focus of the  
SAKI Grant Program



**PROBLEM  
HERE**



“UNTESTED KITS”  
“UNSUBMITTED KITS”

—————→ Kits that were NOT  
submitted for testing;  
placed in police property  
& remain there

# Assessing the Scope of the Problem

How Many Unsubmitted SAKs  
Are There In The U.S.?

???????



# Why Is This Hard to Figure Out?

---

- National census → ALL law enforcement agencies to count ALL kits in police property
  - Using the same terminology and definitions
  - Using the same “count rules”
  - For some agencies, this could require a manual count
  - Lack of computerized systems for tracking evidence.

# Alternate Approaches: Estimated Counts

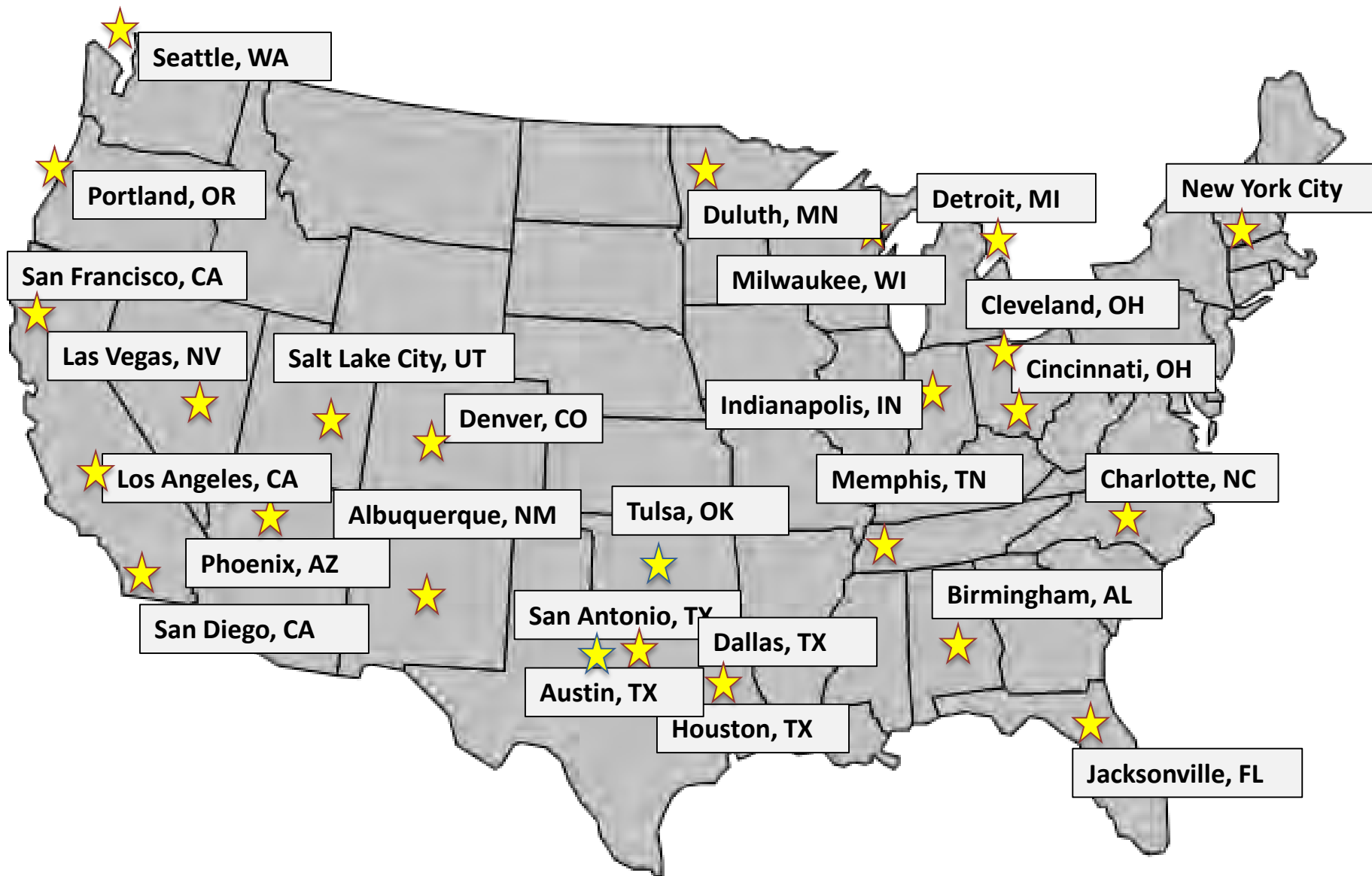
---

- Nationally representative survey of state and local agencies, providing *estimated* counts
  - Cost effective for identifying scope and scale:
    - Nearly 1 in 5 unsolved sexual assault cases had forensic evidence that was unsubmitted.
    - Substantial proportion (41%) of unsubmitted sexual assault evidence with small and mid-sized agencies.
  - Precision of reporting dependent on agency's ability to track evidence.
  - Not as useful for targeted agency-level analysis.

# Alternate Approaches: City-by-City Census

---

- Complete count of all SAKs in specific cities
  - FOIA/public records requests
  - Sometimes “self-initiated” in a jurisdiction
  - Compiled and tracked for public awareness



How Many Unsubmitted SAKs  
Are There In There in  
***YOUR JURISDICTION?***

# Assessing Scope: Where To Start

---

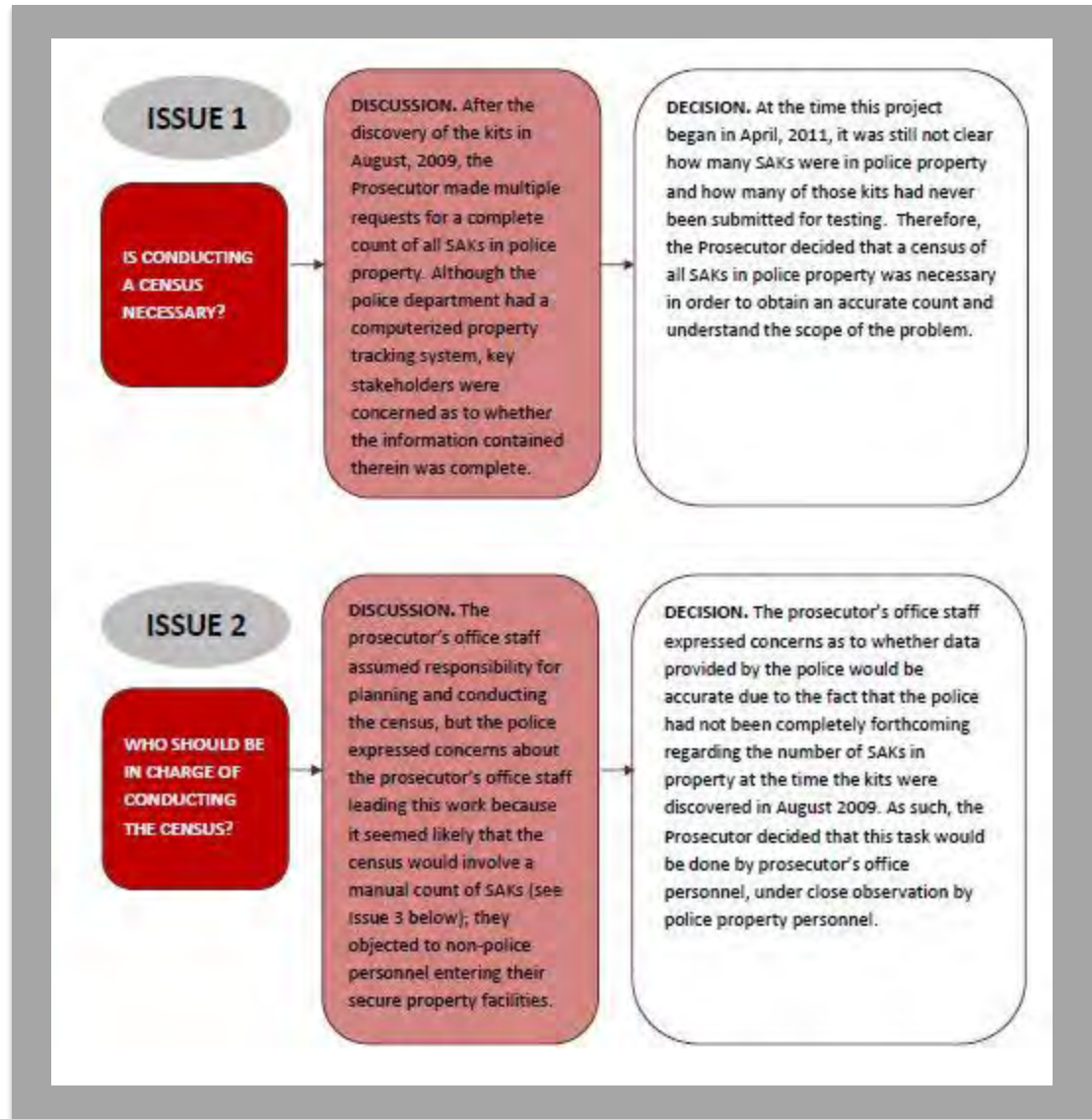
- Multidisciplinary team
- Define & clarify:
  - Scope of count: agency, city, county, region, state
  - Nature of records: database or manual
  - Date range: from \_\_\_\_\_ date to \_\_\_\_\_ date
  - Kit status: tested or untested?
  - Case status: adjudicated or not adjudicated?

# Assessing Scope: Resources

## Step-by-Step

## Guides from the

## Detroit SAK Census



# Assessing Scope: Resources

## Lessons Learned

## Guides from the

## Detroit SAK Census

### Lessons Learned: Conducting a SAK Census

*The take-home lessons from the Detroit SAK ARP based on their experiences conducting a census of SAKs in police property.*

*"What we should have done, in twenty-twenty-hindsight, if only we'd known."*

#### 1. Bring everyone to the table

A review of kits will bring up complex legal, psychological, and evidentiary issues. Have a broad-based multidisciplinary team to ensure that diverse perspectives will be considered at every stage of the process.

Consider including representatives from:

- o Police
- o Prosecution
- o Forensic sciences
- o Medical/nursing
- o Systems-based advocacy
- o Community-based advocacy

#### 2. Formulate goals

Establishing the goals of the project at the beginning will help streamline the process and save staffing time.

Narrowly defined goals might include simply determining the number of untested SAKs.

More expansive goals might focus on determining the number of SAKs and review each for SOL-risk, prosecution potential, and other such complex issues.



#### 3. Clarify language and agree on terms to be used

The extent to which team members can be consistent and precise in their language, planning and conducting the census will result in fewer opportunities for miscommunication.

##### Some Terms to Consider:

**Submitted:** the SAK was/was not submitted to a laboratory for testing

**Tested:** the SAK was tested (for older kits, clarify whether that testing included DNA analysis)

**Adjudicated:** the SAK is associated with a case that has already been adjudicated (note: this should be cross-checked with testing status, as some cases may have been adjudicated without the testing of the kit)

**Backlogged:** the SAK was submitted to a laboratory for testing, but is still in queue at the lab to be tested





Good  
Advice

## 7. Start small

Review a small sample of kits, even as few as 10 kits/cases. This will help clarify goals, identify available resources, determine what information is hard to track down, and gauge what resources/staffing will be necessary in the future. Use the following steps to take one SAK and walk through it, start to finish:

### Take one SAK and walk through it, start to finish

- Determine info on the outside of the kit
  - Assess whether such info is important & should be included in the database
  - Determine what other info needs to be tracked down according to the predetermined goals
  - Determine where other info may be found
  - Pull records for each test-run SAK and identify problems with this process
  - Decide what fields from these additional sources should be included in the central database
  - Track how many staffing hours went into "walking through" each SAK/case
-



Remember, each jurisdiction is unique.

What works for one, might not work for another

Resource guides provide ideas & lessons learned

# Understanding Underlying Causes

Why Did This Happen?

Why Do So Many U.S. Cities Have Large  
Numbers of Untested SAKs?

There's No ONE Reason

## Underlying Reasons

- ✓ DNA testing did not exist!
- ✓ No policy regarding SAK testing
- ✓ No funding to test all SAKs
- ✓ Utility to *investigation stage* unclear
- ✓ Insufficient staffing to investigate and prosecute all cases
- ✓ Victim-blaming beliefs and misinterpreting signs of trauma

INTER-OFFICE MEMORANDUM

Date

To: OIC

Subject:

(A)

THIS COMPLT IS DEEP! SHE TELLS THIS STORY

NO-TEARS NONE!!! THE TIMES ARE OFF!

I TALKED WITH THE DR. ALL HE FOUND WAS

A LITTLE WHITE DISCHARGE NO TRAUMA!!!

WHO CAN FIGURE IT!

OVER ↓

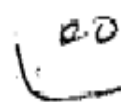
GOOD LUCK

THE COMPLT. TOOK A CAB HOME AFTER THE ALLEGED  
SEX ASSAULT? SHE CALLED A CAB, AND WAITED FOR IT!

SHE DID NOT CALL HOME; DID NOT ASK FOR HELP  
WHILE WAITING FOR A CAB, DID NOT DIAL 911

THE COMPLT HAS NOT TOLD HER MOTHER THE STORY  
AS OF MY INTERVIEW.

WHEN I BEGAN TO QUESTION WHY A CAB  
AND NOT HOME? WHY WAIT FOR CAB AND NOT  
ASK FOR HELP AT THE STORE WHILE WAITING

THE TALKS BEGAN TO FLOW, AND THE ATTITUDE  
SET IN. 





Good  
Advice

Strike a balance between  
looking back and moving forward

*Yes, you have to look back and identify what was problematic and why . . . And then you have to move forward . . . Think of this as an opportunity to make good, long-standing policies and practices.*

# Developing a Testing Plan

What's the Best Plan for Testing  
Previously-Unsubmitted SAKs?

???????

# What's the Debate?

---



DNA is only useful for stranger sexual assault cases, so stranger rape SAKs should be prioritized for testing (or only these SAKs should be tested)

# What's the Debate?

---



One person's stranger is another person's known friend, associate, partner → so it is important to keep CODIS populated so it remains useful for investigations & prosecutions

# What's the Debate?

---



DNA is not useful for non-stranger sexual assault cases because the offender's identity is already known

# What's the Debate?

---



Testing could show pattern of serial sexual offending through DNA matches/CODIS hits across multiple cases (he-said—she-said, she-said, she-said . . . )



# What's the Debate?

---



If the statute of limitations (SOL) has expired, testing SAK is not reasonable use of public funds

# What's the Debate?

---



Case might *not* be SOL-expired, but if it is, evidence in other cases of prior bad acts (404b) may be allowable

# What's the Debate?

---



If the victim is unwilling to prosecute,  
then it is not a reasonable use of public  
funds to test the SAK

# What's the Debate?

---



Strong evidence that the “victim unwilling” designation in police report is often unreliable and inaccurate representation of victims’ intentions & wishes

# What's the Debate?

---

TEST ALL?

TEST SOME?

TEST SMART?

# What's the Debate?

---

TEST ALL?

TEST SOME?

TEST SMART?



# What Does Research Say?

---

- No empirical evaluations of “test all” policies
- There has been *one* empirical evaluation of different prioritization plans
  - Merit in testing BOTH stranger and non-stranger SAKs
  - Merit in testing BOTH SOL-expired & unexpired SAKs

# What Does Research Say?

---

- Testing will yield a SUBSTANTIAL number of CODIS hits and serial sexual offenders
- Jurisdictions struggle with how to manage & coordinate testing results & investigations



# Testing Plans: Where To Start

---

- Multidisciplinary team
- Assess resources available for testing
- Assess resources for coordinating post-testing investigations, prosecutions, victim advocacy
- Assess staffing needs and resources
- Check DNA exemption laws, and statute of limitations in your state

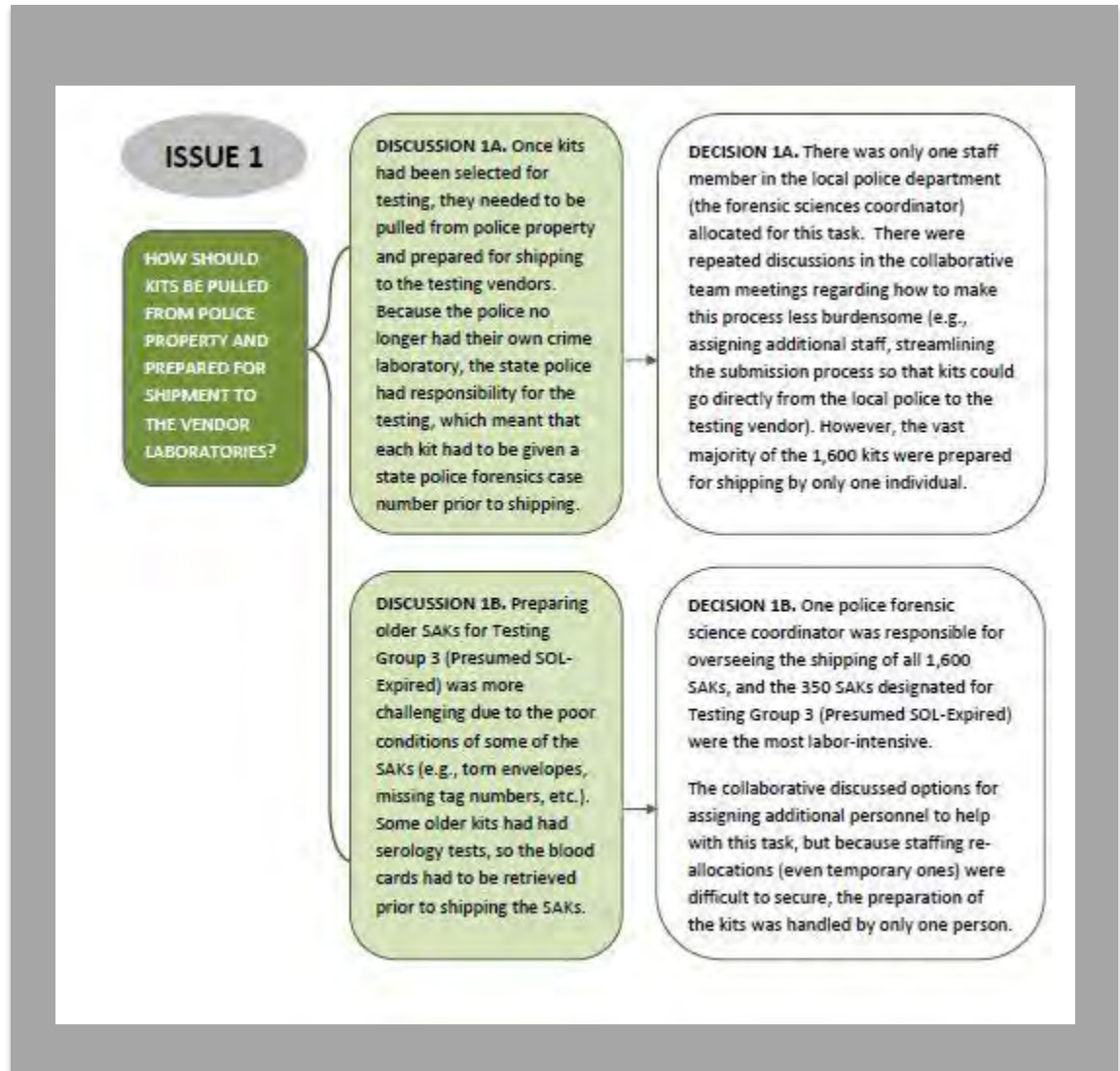
# Testing Plans: Resources

Step-by-Step

Guides from

Developing the

Detroit Testing Plan



# Testing Plans: Resources

## Lessons Learned from the Detroit Testing

### Lessons Learned: Developing a SAK Testing Plan

*The take-home lessons from the Detroit SAK ARP based on their experiences developing and evaluating a SAK testing plan.*

*"Where do you start? How do you eat an elephant? One bite at a time."*

#### 1. Bring everyone to the table



If a multidisciplinary team was formed to plan & execute the SAK census, then those same individuals/organizations are well-positioned to guide the development of a testing plan. If the census was completed without the multidisciplinary team, then forming one for the testing phase is paramount. SAK testing raises complex legal, psychological, and evidentiary issues; representatives from police, prosecution, forensic sciences, medical/nursing, systems-based advocacy, and community-based advocacy, help ensure that diverse perspectives are considered.

#### 2. Discuss the purpose & utility of SAK testing

Explore how different team members think about the purpose and value of SAK testing. It's likely that these opinions will be deeply-rooted in their profession & their discipline's roles & responsibilities to society. It is not necessary to come to complete agreement on all issues; the team may "agree to disagree" on some issues and still move forward.

#### OPINIONS MIGHT INCLUDE:

- Testing is most useful in stranger assault cases.
- Testing is less useful in non-stranger cases because the identity of the assailant is already known.
- Testing can be useful in non-stranger cases to identify patterns of serial non-stranger assaults.
- Cases that are likely SOL-expired should not be tested to conserve limited testing resources.
- Cases that are likely SOL-expired should be tested in the event a CODIS hit links to a current case.



Good  
Advice

## 12. What happens after testing?

Devote appropriate attention to developing a plan for what happens after testing; starting small will likely help with this decision. The following are some key issues to consider:

- Who should be informed re: testing results?
- How will post-testing investigations be coordinated?
- How will case-to-case CODIS hits be handled?
- How will current caseloads be handled with these new/old cases being re-opened?
- Can a flexible process be developed to respond to highly time-sensitive cases?

# Developing a Victim Notification Protocol

What's the Best Way to Notify Victims  
and (Re) Engage Them?

???????

**VICTIM NOTIFICATION**  
raises complex

**LEGAL ISSUES**



VICTIM NOTIFICATION  
raises complex

LEGAL ISSUES

and . . .

PSYCHOLOGICAL ISSUES

# What Is Victim Notification?

---

## ■ Re-activation of assault memories

- Could trigger flashbacks and other symptoms
- Could exacerbate PTSD and/or other MH
- Could increase substance use/abuse
- Could trigger substance abuse relapse

# Key Guiding Principles

---

- Victim-Centered
- Trauma-Informed

# “Victim Centered”

---

- The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system
- Victim’s choice, safety, & well-being is the focus
- The needs of the victim are everyone’s concern and a collective effort (not just victim advocacy)

# “Trauma Informed”

---

- Attending to victims’ emotional safety AND physical safety
- Strengthening victims’ capacity to recover with information, resources, services, and support
- Educating victims, service providers, and the general community about the impact of trauma on survivors’ health and well-being.

# What Does Research Say?

---

- Limited research/evaluation to date on this
- Evidence that victim-centered, trauma-informed principles do work
  - Most victims NOT having adverse reactions to notification
  - Most victims DO choose to re-engage
  - Most victims DO connect/re-connect with services

# Victim Notification: Where To Start

---

- Multidisciplinary team
- Start developing your protocol as soon as possible; do not wait until testing is underway
- Assess resources and supports for survivors (before, during, after notification)
- Training for all notifying personnel on neurobiology of trauma and trauma-informed interviewing

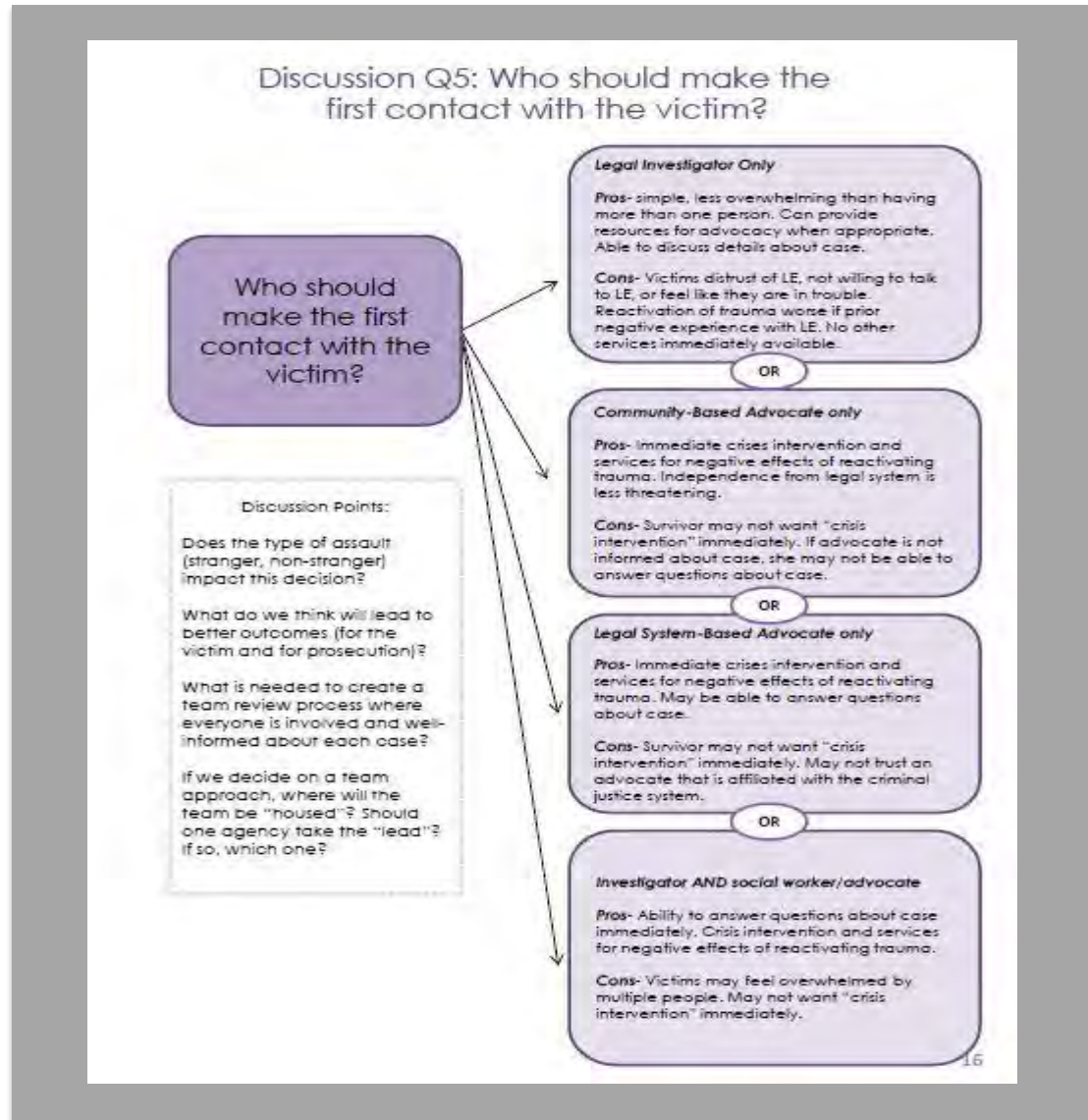
# Victim Notification: Resources

Step-by-Step

Guide on How to

Create a Victim

Notification Protocol





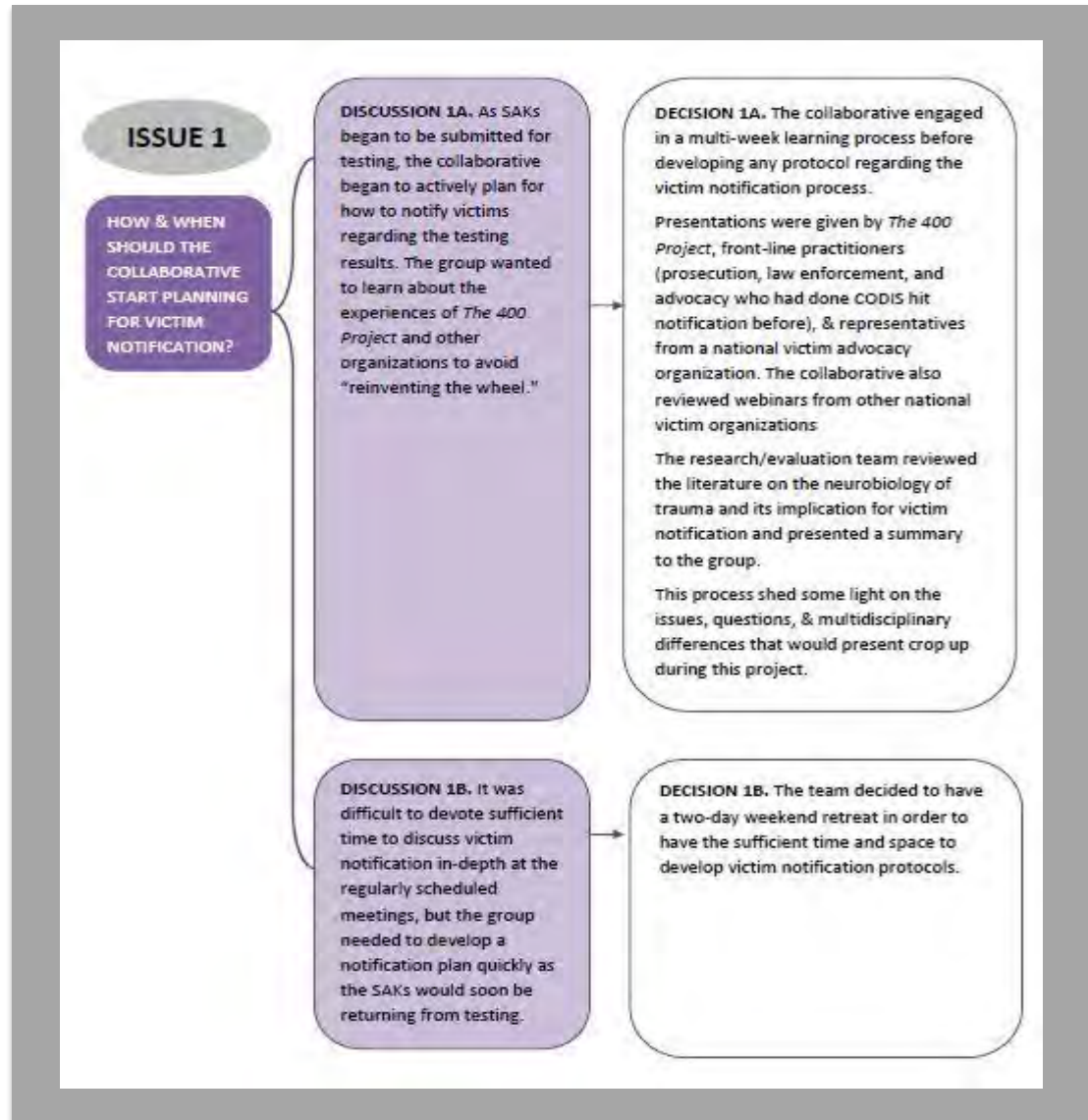
# Victim Notification: Resources

## Step-by-Step

## Guide on How to

## Implement Victim

## Notification Protocol



# Testing Plans: Resources

## Lessons Learned from the Detroit Victim Notification

### Lessons Learned: Conducting Victim Notifications

*The take-home lessons from the Detroit SAK ARP based on their experiences developing a victim notification protocol.*

*"How we tried to do the right thing after the right thing wasn't done a long time ago."*



#### 1. Bring everyone to the table

Notification involves complex legal, psychological, and evidentiary issues.

While only some disciplines may be involved in conducting the actual notification (e.g., law enforcement, advocacy), having a broad-based multidisciplinary team to ensure that diverse perspectives will be considered at every stage of the process is important.

Consider including representatives from:

- Police
- Prosecution
- Forensic sciences
- Medical/nursing
- Systems-based advocacy
- Community-based advocacy

#### 2. Clarify what decisions are and are not open to multidisciplinary input

There are many ways in which the multidisciplinary review, input, and debriefing sessions may be done (e.g., an oversight steering committee, a separate working group, etc.) and how often it needs to be done (weekly, monthly, quarterly, ad-hoc).

However this process pans out, it is helpful to clarify which individuals/organizations have decision making authority over what issues. While some decisions may be made through collaborative discussion and consensus, others may be made solely by one discipline. However, even if decision-making authority is held by only one individual/organization, collaborative input can help inform that decision.





Good  
Advice

## 11. Start small—and be flexible

Develop draft notification protocols, implement them with a small number of cases, evaluate them (either formally or informally through multidisciplinary team debriefings), make changes, and implement/re-evaluate the revised procedures. Because each sexual assault case is unique, the victim notification protocols should be flexible to accommodate unusual and/or urgent situations.



<Deep Breath> Now What?

Settle in and take the long view . . .  
This is a problem many years in the  
making, and it will take many years  
to fix it.

Form a multidisciplinary  
work group, like a SART

Team building and  
training

# Multidisciplinary Teams: Resources

## Lessons Learned

## from the Detroit MDT

### Lessons Learned: Conducting an Action Research Project

*The take-home lessons from the Detroit SAK ARP based on their experiences participating in a multidisciplinary action research project.*

*"Multidisciplinary is easy to say, but hard to do."*

#### 1. There needs to be a champion (or champions for the cause)

Addressing the problem of untested SAKs is a long and arduous process, and many individuals and/or organizations will feel pressured to make the problem go away as quickly as possible. The work of confronting, resolving, and then preventing this problem from happening again is a long-term endeavor; as such, there needs to be a champion (or champions) of the cause. An individual (or multiple individuals) who have long-term standing and respect in the community needs to take on the issue and keep key organizations and systems engaged in the work of solving the problem.



#### 2. Forming a multidisciplinary team is important, but ~~building~~ **building** a team is **even more important.**



Forming a multidisciplinary working group is essential; however, it may not be reasonable to expect that these individuals/organizations have much experience—or interest—in working together (at least at first). The results of this action research project highlight that years of years systemic collaboration can be a contributing factor to the development of this problem. Therefore, allocating time to learn about the jobs of each team member and the work of each organization is critical. Team building activities—particularly in the beginning of the project—to help the group coalesce and work together effectively is also useful.

# Multidisciplinary Teams: Resources

---

**ONLINE LEARNING!!!**



[HOME](#) · [ONLINE LEARNING](#) · [ON-SITE LEARNING](#) · [EVENTS](#) · [ABOUT US](#) · [TRY IT](#) · [BLOG](#) 

**SANE-SART  
ONLINE + CLINICAL**

A POWERFUL LEARNING PROGRAM FOR PROVIDING  
SUPPORT AND JUSTICE TO SEXUAL ASSAULT VICTIMS.





Remember, each jurisdiction is unique.

What works for one, might not work for another

Resource guides provide ideas & lessons learned



THANK YOU !!

Q&A TIME