



Conducting a Large-Scale, Multi-Jurisdictional Inventory

Wisconsin's Approach

March 21, 2017

Presenters

Christopher Henning, PhD

SAKI Research Analyst

Bureau of Justice Information and Analysis (BJIA)

Wisconsin Department of Justice

henningcj@doj.state.wi.us

Constance Kostelac, PhD

Director, Bureau of Justice Information and Analysis (BJIA)

Wisconsin Department of Justice

kostelacca@doj.state.wi.us

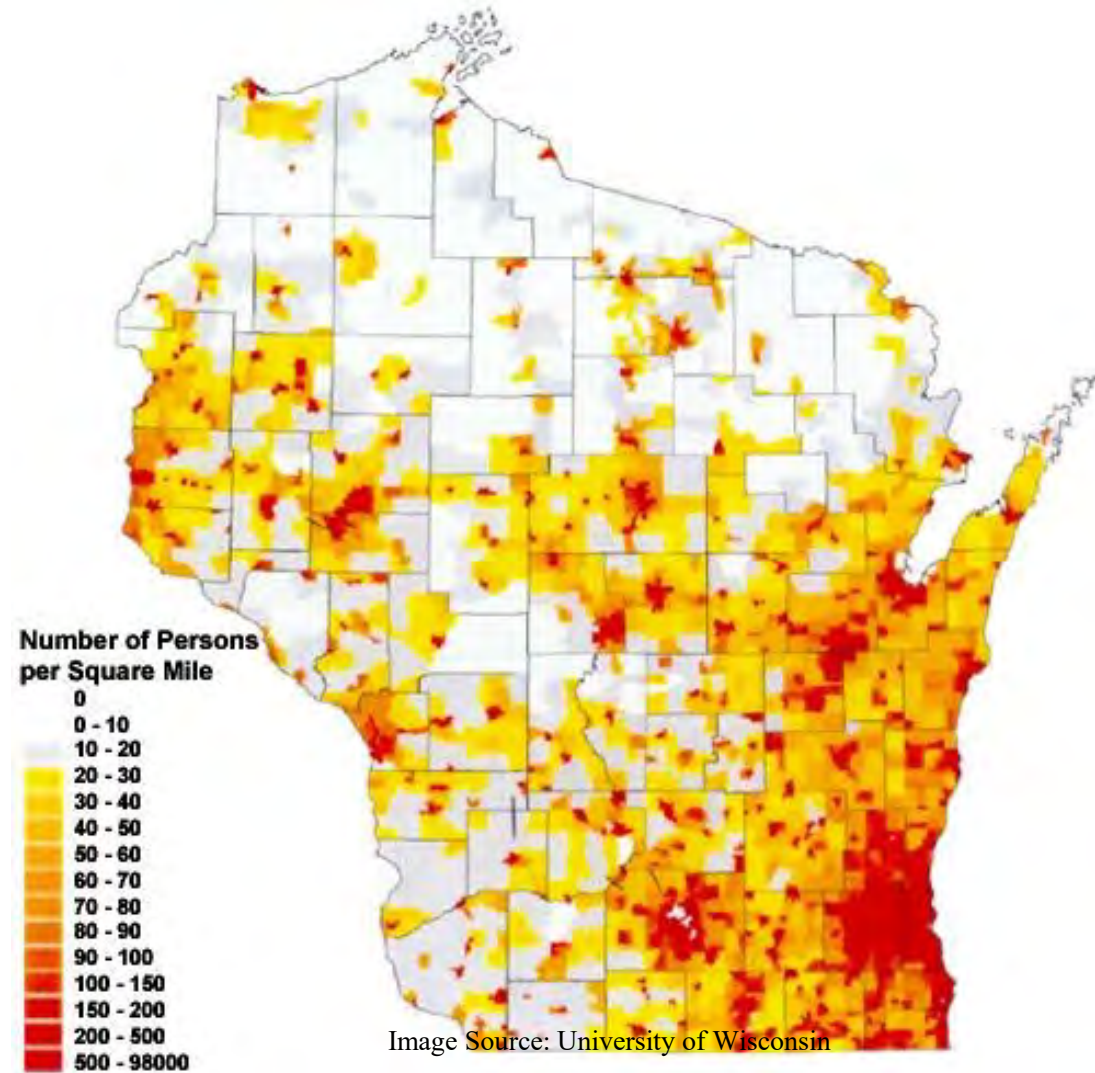
Agenda

- Setting the stage
 - Wisconsin geography and law enforcement agencies
 - Attorney General's Sexual Assault Response Team (SART)
- Project Overview
- Inventory Process
 - Background and process
 - Issues encountered
 - Lessons learned

This project was supported in part by Grant No. 2015-AK-BX-K014 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.

Wisconsin Geography

- 5.7 million people
- 72 counties
- Urban area population concentration
- Largely rural counties



Wisconsin Law Enforcement Agencies

- Home rule state
- Over 550 active law enforcement agencies
- Statewide average of 2.2 sworn officers per 1,000 residents*
- Largest agency has over 1,800 sworn officers**
- Nearly 50% of agencies with 10 or fewer sworn officers**

*As of October 31, 2014

**As of October 31, 2016

Attorney General's Sexual Assault Response Team (AG SART)

- Multidisciplinary group of professionals, including law enforcement, prosecutors, victim advocates, sexual assault nurse examiners, hospital administrators, and policy makers
- Formed in December of 2012 by then WI Attorney General J.B. Van Hollen
- Goal to ensure that all sexual assault kits (SAKs) were sent to the Wisconsin State Crime Lab (WSCSL) in an efficient and expedient manner

Attorney General's Sexual Assault Response Team (AG SART)

- Addressed additional issues related to SAKs
 - Updating of kits and consent forms
- Training of and communication with SANE nurses
- Implementation of new protocol for anonymous/non-reporting kits to transfer from hospitals to the crime lab
- Victim-centered approach

Original 2014 Survey

- Initiated by AG SART in May of 2014
- Simple 2 question survey via Survey Monkey
- Intended to obtain rough count of unsubmitted kits

- Identified approximately 6,000 previously unsubmitted SAKs in local LE and hospital possession
 - High-level overview
 - Some issues with non-reporting

Project Overview

- Identified need to address the unsubmitted kits in law enforcement and hospital possession
- Given the large number of agencies and the high number of kits, needed resources to address the issue statewide
- Sought grant funding to support the initiative

Project Funding

- DANY 15 ~\$2M to test SAKs
 - Originally looking to test internal, but modified to testing with external lab
- BJA SAKI FY 15 ~\$2M to develop multidisciplinary team within DOJ to assist local jurisdictions with the inventory, tracking, investigation, and prosecution of cases related to unsubmitted SAKs
 - Includes: Victim Services Specialist, two Special Agents (investigators), an Assistant Attorney General, an Assistant District Attorney, and a Research Analyst (.5 FTE)
 - Victim outreach
 - Kit testing
- Working to have the two funding sources in sync

Beginning of Inventory Process

- Created by BJIA
 - Reviewed with the SAKI team
- Synthesized previous studies, grant reporting requirement for both BJA and DANY
- Excel file, multiple sheets, locked
- Drop-down options
- Standardized format
- Emailed to law enforcement agency heads in March 2016 with detailed instructions

Wisconsin Sexual Assault Kit Initiative (SAKI) Inventory - Law Enforcement

As part of the Sexual Assault Kit Initiative (SAKI), the purpose of this document is to develop a complete inventory from all law enforcement agencies in Wisconsin of sexual assault kits that have not been submitted to the Wisconsin State Crime Laboratory (WSCCL) for testing. Once the inventory is complete, agencies will be contacted to submit their kits to the WSCCL. This inventory is required as part of the grant funding and your assistance in compiling the information is appreciated.

Instructions:

- Please complete the overview information below regarding your agency and the person completing the inventory.
- On the tab marked "Inventory," please complete one line for each sexual assault kit currently in the possession of your agency that has not yet been submitted to the WSCCL for testing.
 - (Note: Madison, Beloit, Grand Chute, and Green Bay PD, also include one line for each kit recently submitted to the WSCCL as part of this initiative).
- All unsubmitted sexual assault kits should be included in the inventory, regardless of whether they will be submitted or the reason they have not yet been submitted for testing.
 - Please provide information on all unsubmitted kits as far back as your agency has them until 12/31/2015.
- The only kits that should be retained by law enforcement (and not sent to the crime lab for testing) include:
 - Where the victim did not report to law enforcement (did not consent to test), unless the kit was taken after July 1, 2011 and the incident involved an unknown suspect (per Wisc. Stat. 175.405).
 - Where the victim did not report to law enforcement (did not consent to test) and the incident involved a known suspect.
 - Where a suspect has already been acquitted/ found not guilty.
 - Kits being retained until an offender has been discharged from custody, as a result of Wisc. Stat. 968.205.
- Only information found on the outside of the sexual assault kit or in a records management system should be provided. Information found inside the kit should not be accessed at this time.
- If your agency possesses no unsubmitted sexual assault kits, you do not need to fill out the "Inventory" tab. Enter "0" below for "Total number of unsubmitted kits in agency's possession" and "Total number of kits to be submitted to WSCCL" below.

	Please Complete:	Example:
Department Name		Bodger Police Department
Person recording sexual assault kit information		
Name		Jane Doe
Email		jane.doe@bodger.gov
Phone		222-222-2222
Name of Chief/Sheriff/Agency Head		Bucky Bodger
Date sexual assault kit inventory was started		2/15/2016
Date sexual assault kit inventory completed		3/15/2016
Total number of unsubmitted kits in agency's possession (note: should match total count on the inventory)		61
Total number of kits to be submitted to WSCCL (note: should match total "submit to WSCCL" count on the inventory)		45



The screenshot shows a large, multi-column and multi-row Excel spreadsheet, which is the 'Inventory' tab mentioned in the instructions. The spreadsheet is mostly empty, with only a few data points visible in the header rows, indicating it is a template for recording individual sexual assault kits.

Wisconsin Sexual Assault Kit Initiative (SAKI) Inventory - Law Enforcement

As part of the Sexual Assault Kit Initiative (SAKI), the purpose of this document is to develop a complete inventory from all law enforcement agencies in Wisconsin of sexual assault kits that have not been submitted to the Wisconsin State Crime Laboratory (WSCL) for testing. Once the inventory is complete, agencies will be contacted to submit their kits to the WSCL. This inventory is required as part of the grant funding and your assistance in compiling the information is appreciated.

Instructions:

- Please complete the overview information below regarding your agency and the person completing the inventory.
- On the tab marked "Inventory," please complete one line for each sexual assault kit currently in the possession of your agency that has not yet been submitted to the WSCL for testing.
 - (Note: Madison, Beloit, Grand Chute, and Green Bay PD, also include one line for each kit recently submitted to the WSCL as part of this initiative).
- **All unsubmitted** sexual assault kits should be included in the inventory, regardless of whether they will be submitted or the reason they have not yet been submitted for testing.
- Please provide information on all unsubmitted kits as far back as your agency has them until 12/31/2015.
- The only kits that should be retained by law enforcement (and not sent to the crime lab for testing) include:
 - Where the victim did not report to law enforcement (did not consent to test), unless the kit was taken after July 1, 2011 and the incident involved an unknown suspect (per Wisc. Stat. 175.405).
 - Where the victim did not report to law enforcement (did not consent to test) and the incident involved a known suspect.
 - Where a suspect has already been acquitted/found not guilty.
 - Kits being retained until an offender has been discharged from custody, as a result of Wisc. Stat. 968.205.
- Only information found on the outside of the sexual assault kit or in a records management system should be provided. Information found inside the kit should not be accessed at this time.
- If your agency possesses no unsubmitted sexual assault kits, you do not need to fill out the "Inventory" tab. Enter "0" below for "Total number of unsubmitted kits in agency's possession" and "Total number of kits to be submitted to WSCL" below.

	Please Complete:	Example:
Department Name		Badger Police Department
Person recording sexual assault kit information		
Name		Jane Doe
Email		jane.doe@badger.gov
Phone		222-222-2222
Name of Chief/Sheriff/Agency Head		Bucky Badger
Date sexual assault kit inventory was started		2/15/2016
Date sexual assault kit inventory completed		3/15/2016
Total number of unsubmitted kits in agency's possession <i>(note: should match total count on the inventory)</i>		61
Total number of kits to be submitted to WSCL <i>(note: should match total "submit to WSCL" count on the inventory)</i>		45

Inventory Worksheet

	Agency report number	Date of offense (Enter 9/9/9999 if unknown)	Date the sexual assault kit was collected (Enter 9/9/9999 if unknown)	Date kit came into the agency's possession (Enter 9/9/9999 if unknown)	Did the victim report the assault to law enforcement?	Age of victim at time of assault (Enter 99 if unknown)	When will the statute of limitations run? (See Wisc. Stat. 939.74, amended to ten years for 2nd and 3rd degree in 2015.)	Is this kit connected to a case currently pending prosecution?	What was the <u>primary</u> reason the kit was not previously submitted to the WSCL for testing?
<i>Example:</i>	1999-MD13073	10/17/1999	10/18/1999	10/19/1999	Yes	26	Beyond statute of limitations	No	Lab - DNA testing was not available at the time of the crime
<i>Example:</i>	2001-PDA97531	1/1/2001	1/1/2001	1/15/2001	Yes	22	Beyond statute of limitations	No	Prosecution - Case was outside the statute of limitations
<i>Example:</i>	2014-PD1234	12/31/2013	12/31/2013	1/1/2014	Yes	99	More than 12 months	No	Other
<i>Example:</i>	2015-PDA54321	12/11/2015	12/12/2015	12/15/2015	Yes	32	More than 12 months	No	Prosecution - Suspect convicted without forensic evidence testing
0 Total Kits									
1									

If Other, explain primary reason why kit was not previously submitted for testing.	Will the kit be submitted to the Wisconsin State Crime Lab (WSCL)?	Answer if <u>NOT</u> submitting kit to WSCL	
		Why is kit not being submitted to WSCL?	If Other, explain why kit is not being submitted to WSCL.
	Yes		
	No	<i>Victim did not report/consent to testing, unknown suspect (prior to Wisc. Stats. 175.405, July 2011)</i>	
<i>Unable to submit</i>	No	<i>Other</i>	<i>Unable to submit</i>
	Yes		

	0	Kits to be submitted to WSCL
--	----------	-------------------------------------

Information Collected on Inventory

- Agency in possession of the sexual assault kit (SAK)
- Incident/Case Number associated with the SAK
- Date of the Incident
- Date the SAK was collected
- Date the SAK came into the agency's possession
- Age of the victim
- Whether or not the victim reported the sexual assault to law enforcement

Information Collected on Inventory cont.

- When the statute of limitations will run
- Whether or not the case is currently pending prosecution
- The primary reason why the kit was not previously submitted to the Wisconsin State Crime Lab (WSCL) for testing
- Whether or not the kit will be submitted to the WSCL under this project (default is yes unless it meets a limited set of reasons why it should not be submitted)
- If the SAK is not going to be submitted, the reason it will not be submitted

Submit/Not Submit for testing

Initial narrow set of circumstances in which an agency should **not** send in the SAK for testing:

- The victim did not report the sexual assault to LE or did not consent to the SAK being tested and there was a suspect who was identified to LE;
- The victim did not report the sexual assault to LE or did not consent to the SAK being tested, the incident happened prior to July 1, 2011 and the incident involved a suspect who was not identified to LE (per [Wisc. Stat. 175.405](#) those kits taken after July 1, 2011 where a suspect has not been identified to law enforcement, are required to be submitted to WSCL for testing);
- The offender was acquitted or found not guilty of sexual assault;
- The offender was convicted, has DNA on file, and the kit is being held until the offender is discharged from custody (per [Wisc. Stat. 968.205](#)).

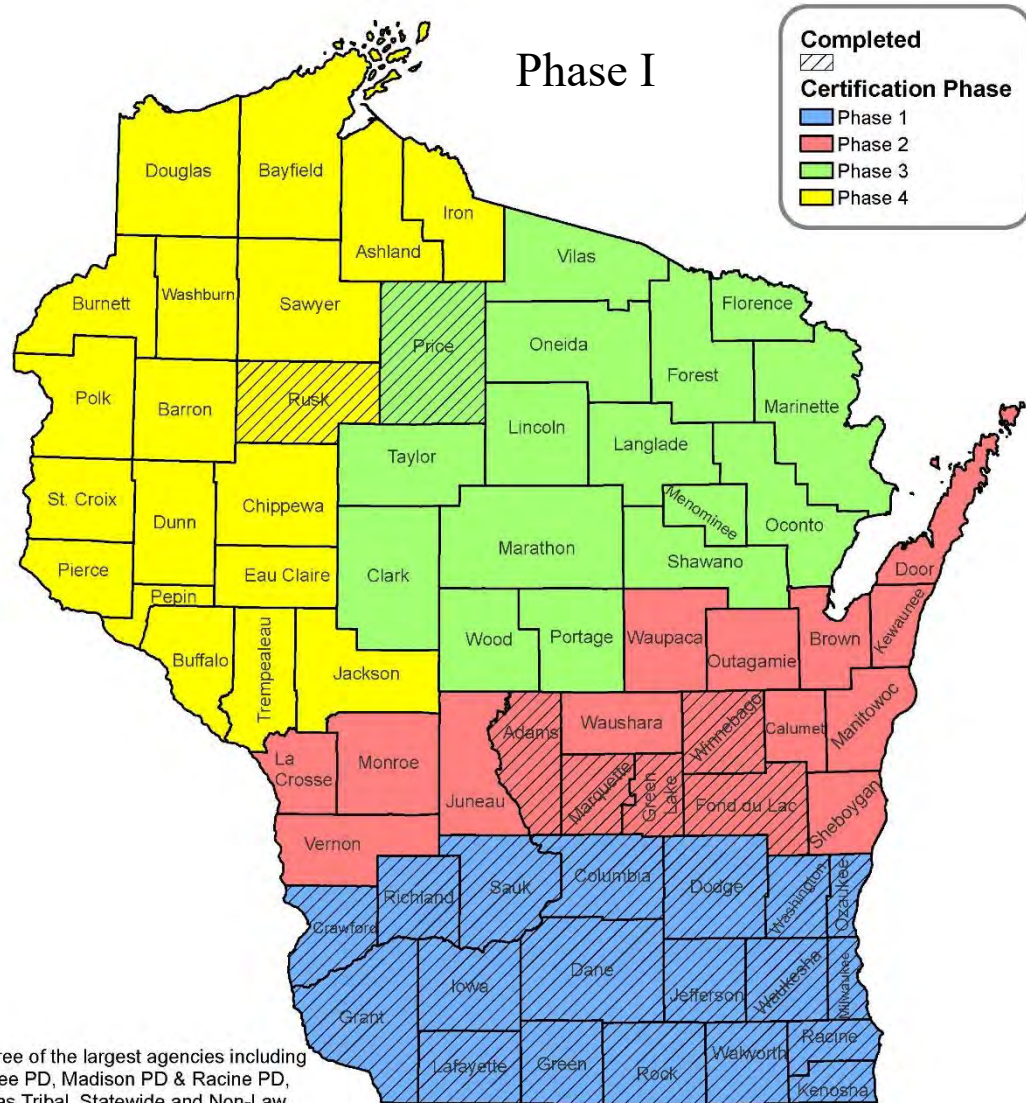
Responses and Follow-up

- First email: approximately 120 inventories (20%) promptly returned
- Second email (3 months later): another 100 (17%) returned
- Initiated agency follow-up with the assigned investigators and later the assistant attorney general
- Majority of the agencies required individual follow-up
 - In person, phone, or email
 - Some on-site assistance provided

Phased Approach

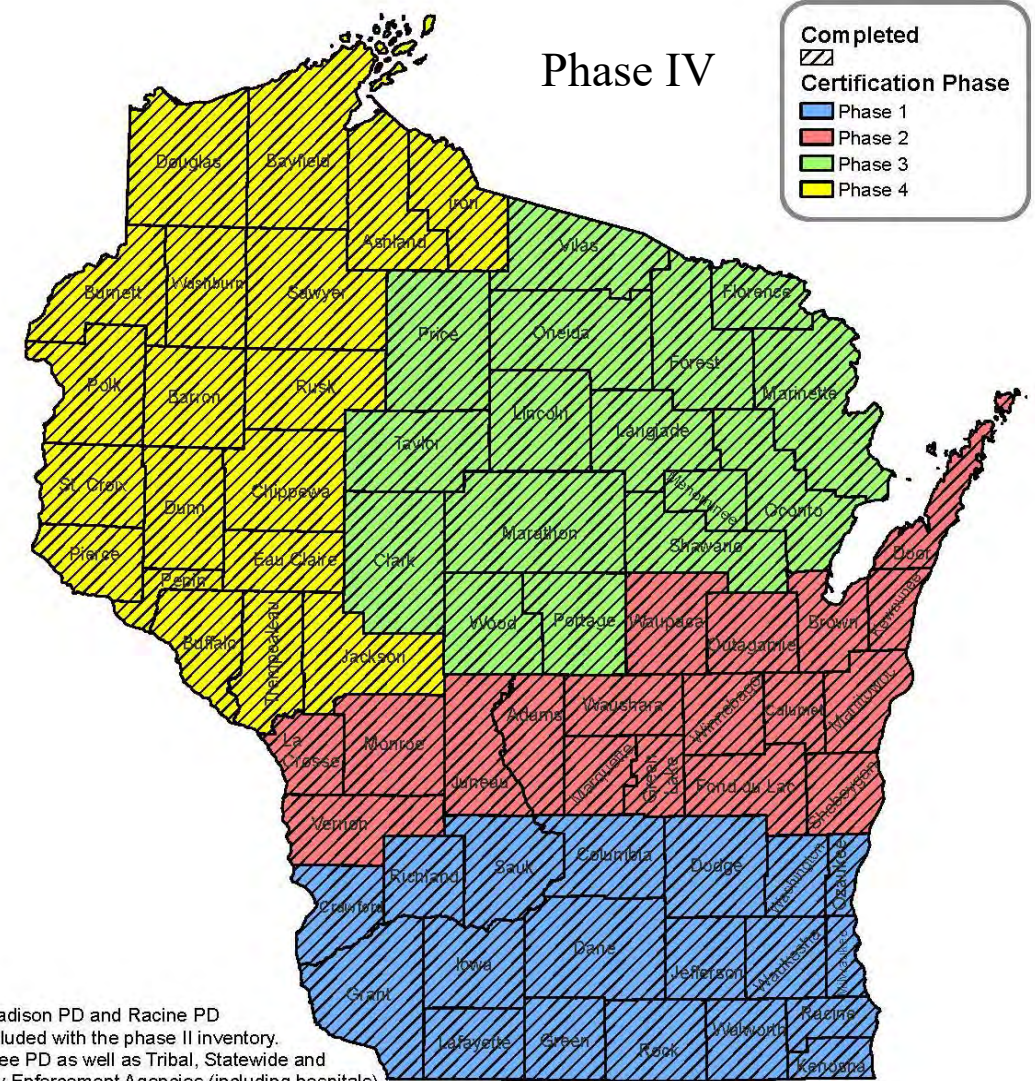
- Quickly determined that a statewide process with over 550 agencies would be challenging
- Inventory needed to be completed to start testing
- Proposed a 4-phase, regional approach which was reviewed and approved by BJA and DANY
- As each phase was completed and approved, testing could commence
- To date, the initial 4 phases are complete
- Will be submitting a final inventory once all kits have been received by the WSCL for testing

Sexual Assault Kit Initiative (SAKI) Inventory Certification Phases



Note: Three of the largest agencies including Milwaukee PD, Madison PD & Racine PD, as well as Tribal, Statewide and Non-Law Enforcement Agencies (including hospitals) will be included by phase 4.

Sexual Assault Kit Initiative (SAKI) Inventory Certification Phases



Note: Madison PD and Racine PD were included with the phase II inventory. Milwaukee PD as well as Tribal, Statewide and Non-Law Enforcement Agencies (including hospitals) are included with the phase IV inventory.

Data Quality Review

- Multiple team members reviewed each inventory
 - Critical step in the process!
- Color-coded identified issues
- Group discussion on situations that came up through the process
 - Some unexpected situations
 - The original list of reasons to not submit expanded somewhat
- Final signoff when issues were addressed
 - Final inventory sent back to the agency at the same time sent to the WSCL

Issues Identified

- Communication with LE Agencies
 - Few agencies responded to broad email requests – needed individual follow-up by phone or in person
 - Were overall cooperative, but needed direction and clarification
 - Issues with using Excel!
 - Issues at the agency level (missing reports, untestable kits, etc.)
- Accuracy of Information Submitted
 - Many logic issues eg. saying victim reported, but then lists victim did not report as reason why SAK will not be submitted for testing
 - Inconsistencies in dates
 - Most agencies had at least some identified issues requiring follow-up

Issues Identified cont.

- Decision-making process
 - Determining which kits should or should not be sent
 - Consistency across team members
 - “Thorny” issues will arise
 - Law enforcement agencies may not always agree with the team’s assessment
 - Importance of who does the follow-up and how it is conducted
 - Different issues with hospitals
- Changes after inventory approved
 - Finding some differences in agency information after the inventory was completed

Victim-Centered Approach

Needed to review each and every SAK to determine:

- Whether or not the victim reported
 - Consent to test
- Whether or not there was an offender identified to law enforcement
- When the kit came into the agency's possession
- Handling of hospital/anonymous kits

- Focus on ensuring the victim made the decision about what happened with their kit

Lessons Learned

- Consider different technology/software for inventory collection
- Conduct a webinar or other training with agencies prior to collecting the inventory
- Additional work to ensure team members understand the variables and data elements the same way
- Identify who is best positioned to work with agencies
- Phased approach was beneficial and made the process more manageable
- Multiple levels of review is important
- Data quality is key!

Final Thoughts...

- Primary inventory is central to the overall project
- There will be challenges with a statewide inventory so find ways to make it more manageable
- Communication is critical both on the team and with the agencies
 - Internal agency communication is also vital
 - External communication is also important
 - Communication with TA providers and granting agencies is beneficial to address challenges



SAKI
SEXUAL ASSAULT
KIT INITIATIVE
Reform. Accountability. Justice.

Questions?

Thank you!

Christopher Henning, PhD
SAKI Research Analyst
Bureau of Justice Information and Analysis
Wisconsin Department of Justice
henningcj@doj.state.wi.us

Constance Kostelac, PhD
Director, Bureau of Justice Information and Analysis
Wisconsin Department of Justice
kostelacca@doj.state.wi.us