



**SAKI**  
SEXUAL ASSAULT  
KIT INITIATIVE  
Reform. Accountability. Justice.

# Legislating Reform and Clearing Untested SAKs: Kentucky's Model

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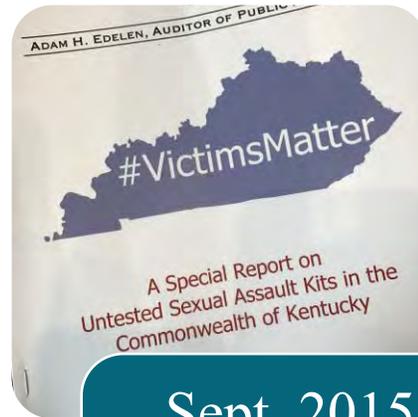
This project was supported by Grant No. 2015-AK-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, 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.

# Legislating Reform - Background



March 2015

Legislature passes resolution calling for statewide count



Sept. 2015

Auditor finds 3K untested kits, reasons for kits not being submitted and tested



2016

Legislature passes sweeping reform bill

# The SAFE Act of 2016

## Requires Kits be Submitted and Tested



**24  
Hours**

Hospitals must notify law enforcement of reported kits

**5  
days** Law enforcement must retrieve the kit



**30  
days**

Law enforcement must submit the kit to the lab



Lab must reduce average time for testing kits

**90 days by 2018  
60 days by 2020**



# The SAFE Act of 2016

## More Training, Policies for Law Enforcement



Limits  
destruction of  
kits



Mandates  
process for  
notifying  
victims about  
kit progress



SART AC to help  
develop victim-  
centered, evidence-  
based model  
policies

# The SAFE Act of 2016

## Other Key Elements of the SAFE Act

### Establishes SANE-ready designation

CHFS will certify hospitals that have a SANE nurse on call 24/7, provide list of SANE-ready hospitals to EMS



### Increases Reporting



Calls for collection of data related to sexual assault in Kentucky and analysis of costs of these crimes

### Establishes Regional SARTs

Requires SART AC to help set up regional teams

# Funding for the Laboratory

- \$1.97M District Attorney of New York (DANY)
  - unsubmitted kit processing
- \$4.5M Senate Bill 63/SAFE Act and 2016-2018 Budget
  - expansion (personnel, space, and equipment)
  - current casework and kit processing
- Applied for additional grant funding
  - unsubmitted kit processing



# Laboratory Requirements

- **Every reported kit is to be submitted to the laboratory to be analyzed**
- Assist in trainings of law enforcement, attorneys, medical personnel and advocates
- **Turn around time decreased**
  - **90 day average by July 2018**
  - **60 day average by July 2020**



# Submission of Previously Unsubmitted Kits

- Deadline January 1, 2017
- 400+ agencies in Kentucky submit evidence to the laboratory
  - a few agencies started submitting kits prior to the audit
  - many submitted after the 2015 audit announced, even before the audit was finalized
  - more than 3,090 kits had been submitted by January 1, 2017
  - agencies continue to locate kits as they go through their evidence rooms



# Unsubmitted Kit Processing - DANY

- Cases submitted to vendor laboratory
  - ~300 cases/month for 11 months
  - last shipment April 2017
- Data returned to laboratory, cases reviewed
- DNA profiles entered into CODIS
- Hits reported
- Email to law enforcement, prosecutor, and advocates group regarding status of every DANY case for purposes of victim notification

# Submission of New Kits

## Forensic Biology Case Acceptance Policies – Quick Reference Guide

### Serology

#### Murder/Death Investigation Cases

1. Initial submission  
One (1) to ten (10) items, should indicate the order of importance for the items being submitted; additional items may be submitted on a case by case basis (i.e., multiple victims and/or suspects)
2. Subsequent submission(s)  
Additional items may be submitted after communication between the analyst and the investigating officer/prosecutor

#### Sexual Assault Cases

1. Initial submission  
Sexual Assault Evidence Collection Kit(s) along with parties/underwear worn during/after the offense that were collected but not included in the kit; other clothing and/or bed linens should not normally be submitted during the initial submission; case by case exceptions – victims who may be incapable of providing information about their assault or cases with multiple suspects, no kit(s), or specific information about the item
2. Subsequent submission(s)  
Clothing and/or bed linens may be submitted after the initial analysis is completed if there is no probative evidence from the initial submission; additional items may be submitted after communication between the analyst and the investigating officer/prosecutor

#### Assault/Robbery/Arson/Burglary Cases

1. Initial submission  
One (1) to five (5) items, should indicate the order of importance for the items being submitted; additional items may be submitted on a case by case basis (i.e., multiple victims and/or suspects)
2. Subsequent submission(s)  
Additional items may be submitted after communication between the analyst and the investigating officer/prosecutor

#### Other case types

1. The investigating officer should consult with a forensic biology analyst prior to submitting items, if the case is considered an acceptable case, reference Assault/Robbery/Arson/Burglary Cases submission guidelines.

### Bloodstain Pattern Interpretation

Please contact the laboratory.

### DNA

All appropriate reference standards should be submitted and are not included in the total item counts below. The number of samples for DNA analysis may differ depending upon serology results, previous DNA results, information provided by the investigating officer, and the number of victim(s) or suspect(s). Not necessarily all samples submitted for DNA analysis will be analyzed.

#### Murder/Death Investigation Cases

- One (1) to ten (10) items
- Sexual Assault/Assault/Robbery/Arson/Burglary/Other Touch DNA
- One (1) to three (3) items

If a case no longer requires analysis, the submitting agency should notify the laboratory as soon as possible to ensure that cases are not unnecessarily worked.

- **General Rotation** – actively being pursued by the law enforcement agency, will not be outsourced to vendor laboratory
- **Initiative** – not being actively pursued and likely would not have otherwise been brought in, will be outsourced with grant funding or worked in-house as resources are available

# Safe Kit Tracking Portal

<https://ksportal.ky.gov/safekittracking>

The screenshot shows a web browser window displaying the login page for the Safe Kit Tracking Portal. The browser's address bar shows the URL [https://ksportal.ky.gov/safekittracking\\_test/Account/Login?Ret](https://ksportal.ky.gov/safekittracking_test/Account/Login?Ret). The page features a dark blue header with the Kentucky State Police logo on the left, the text "Safe Kit Tracking" in the center, and "Home" and "About" links on the right. A "Log in" link is also present in the top right corner. The main content area is titled "Safe Kit Application" and contains two input fields for "Email" and "Password", followed by a "Log in" button. At the bottom of the page, there is a copyright notice: "© 2017 - Kentucky State Police | 1266 Louisville Rd. | Frankfort, KY 40601 | PH: 502.227.8710" and the Kentucky State Police logo with the tagline "UNWAVERING SPIRIT".

The screenshot displays the "Add Safe Kit" form, which is a grid of input fields for recording safe kit information. The form is titled "Add Safe Kit" in a dark blue header. The fields are arranged in two columns:

- ID**: Text input field.
- Re-Enter ID**: Text input field.
- Facility**: Text input field with "CLB" entered.
- Collected Date**: Date picker field.
- Collected Time (24 Hour)**: Text input field with "(Example - 13:00:00)" below it.
- Who Collected**: Dropdown menu.
- Reported?**: Text input field.
- Crisis Center Notified**: Text input field.
- Crisis Center**: Text input field.
- Agency Contacted**: Text input field.
- Contacted County**: Text input field.
- Contacted Agency**: Text input field.
- Contacted Date**: Text input field.
- Contacted Time (24 Hour)**: Text input field.
- Pickup Agency**: Text input field.
- Pickup County**: Text input field.
- Agency**: Text input field.
- Pickup Date**: Text input field.
- Pickup Time (24 Hour)**: Text input field.
- Notes**: Text area with a "Save" button to its right.

# DNA Expansion

- Personnel
  - 10 analysts (15 since 2015)
  - 2 laboratory technicians
  - 3 evidence technicians
- Space
  - office
  - laboratory
- Equipment
  - extraction
  - quantitation/amplification
  - capillary electrophoresis



# Where are we now?

- # of DANY kits
    - Submitted
    - Data Received/Reviewed
    - Profiles entered into CODIS
    - Hits
  - # other initiative kits – still determining
  - # boomerang kits – still determining
    - kit was requested by law enforcement or attorney to be returned unexamined
    - kits with positive serology results not forwarded for DNA analysis or DNA analysis suspended
  - current casework
- 

# What is still to come?

- Status – as part of the DANY grant requirements, we must follow up on case status for at least 2 years
- Analyzing Unsubmitted Kits – the number of cases received by the laboratory exceeded the DANY funding, so we are seeking additional funding for unsubmitted kits
- Additional analysis of unsubmitted kits
- Recall of “Boomerang” cases

# Preparing for Post-Analysis

- Victim Notification
- Training Law Enforcement & Prosecutors
- Measuring Outcomes
- Communications

# Victim Notification Protocol

- Developed by DANY Sexual Assault Evidence Task Force
  - Mandates Notification of all survivors
  - Notification from lab to OAG, law enforcement, prosecutor, KASAP
  - Survivors were part of task force to develop protocol

***“It’s their information. It belongs to them,” Lt. David Allen said. “We owe it to them to do it right.”***

(Source: <http://www.courier-journal.com/story/news/crime/2017/02/16/kentucky-rape-kits-new-results/96389932/> )

## Survivor Notification Protocol for DANY Grant Cases

A statewide multidisciplinary team (MDT) established the protocol for notifying thousands of survivors that their Sexual Assault Forensic Examination (SAFE) kit was tested.

ALL survivors shall be notified after results from analysis are known.

The process shall ensure survivors are contacted by appropriate notifiers in a timely manner that will bring accountability and transparency to the process.





## KSP Lab alert

The lab will share test results via email to:

KASAP

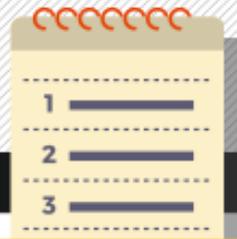
Attorney General

Commonwealth's Attorney

Local Law Enforcement

Kentucky Association of Children's Advocacy Centers

#1



## Email will include:

Results of analysis

Explanation that this is a DANY grant case

Instructions on the notification protocols and process that must be followed

Offer of assistance by the AG's office to help with the investigation, locating survivors and/or notification

#2



## Locals to collaborate

Law enforcement shall communicate with prosecutors and advocates to determine the notification logistics.

Decisions need to be made as to whether a community advocate accompanies law enforcement or advocate notifies survivor alone.

#3



## Notification in a timely manner

It should be conducted in person. Last resort should be certified letter.

Further guidance for conducting notification, as well as resources, will be provided to law enforcement and advocates in a toolkit.

#4



## Law enforcement notifies the lab

Results of notification shall be reported back to KSP via email on a form that the lab will issue to all involved agencies.

#5

If you or someone you know has been a victim of sexual assault, call the free, 24-hour RAINN hotline at 1-800-656-HOPE. To learn more, visit [KASAP.org](http://KASAP.org).

# Training

- SAFE Summit
- Victim Notification Protocol Training
- Mandated law enforcement 40 hour training (combined with SANE training)
- From Investigation to Conviction: Prosecuting Sexual Assault Cold Cases (SAKI TTA)

# Building Capacity of Prosecutors

- Train and increase capacity of special prosecution unit within Office of the Attorney General
- Designate point of contact in each Commonwealth Attorney office
- Cold Case training survey of prosecutors indicated that they wanted more training on:
  - Multidisciplinary teams
  - Interviewing suspects
  - Interviewing victims
  - More in depth training on prosecuting cold cases

# Regional Meetings

Goal: To develop local responses to unsubmitted SAKs, victim notification and enhance coordination among partners

- Held in 13 regions of state
- Multidisciplinary panel and audience
- Included case study, discussion of protocol and resources (toolkit and [www.kentuckybacklog.com](http://www.kentuckybacklog.com))

# Measuring Outcomes

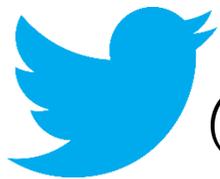
## Research:

- University of Louisville study by Dr. Brad Campbell
  - One of first studies of statewide initiative
  - SAKs from rural, small city, large urban areas
  - Measuring efficacy of training of professionals
  - Interviews with law enforcement and prosecutors
  - Compliance with SAFE Act
  - Victim notification outcomes

***“You have made me a true believer.” Prosecutor,  
Paducah, KY***

# Communications

## KentuckyBacklog.com



@KentuckyBacklog

The screenshot displays the website's layout. At the top right, there is a navigation menu with links for Home, SAFE Act, About, Resources, and Contact. The main hero section features a dark background with the title "CLEARING THE BACKLOG" in large, gold letters. Below the title, there is a photograph of a "SEXUAL ASSAULT EVIDENCE COLLECTION KIT FOR FEMALE OR MALE VICTIM" and two paragraphs of text. The first paragraph states that Kentucky received a \$1.9 million grant to analyze up to 3,300 untested sexual assault kits and try to match DNA evidence found in the kits to perpetrators and unsolved crimes. The second paragraph explains that the website is intended to provide resources to law enforcement, prosecutors, advocates, and survivors who are involved in backlog cases, and it will also provide information to the media and public regarding the process of this effort. A "Learn More" button is located at the bottom right of the hero section.

Resources

- Law Enforcement
- Prosecutors
- Advocates
- Survivors
- Media

Where It Stands

3,567	3,173	2,222	196	84
KITS SUBMITTED BY LAW ENFORCEMENT FOR TESTING	KITS SHIPPED TO PRIVATE LAB	KITS TESTED	DNA PROFILES ENTERED INTO DATABASES	HITS TO DNA DATABASES

# Contact Us

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