



NATIONAL INSTITUTE OF JUSTICE

PERFORMING AN AUDIT OF SEXUAL ASSAULT EVIDENCE IN POLICE CUSTODY

MARCH 2016 LESSONS LEARNED: SEXUAL ASSAULT KITS



**U.S. Department of Justice
Office of Justice Programs**

**810 Seventh St. N.W.
Washington, DC 20531**

Loretta E. Lynch
Attorney General

Karol V. Mason
Assistant Attorney General

Nancy Rodriguez, Ph.D.
Director, National Institute of Justice

This and other publications and products of the National Institute of Justice can be found at:

National Institute of Justice
Strengthen Science • Advance Justice
<http://www.NIJ.gov>

Office of Justice Programs
Innovation • Partnerships • Safer Neighborhoods
<http://www.ojp.usdoj.gov>

The National Institute of Justice is the research, development and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development and evaluation to enhance the administration of justice and public safety.

NIJ is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Office for Victims of Crime; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Opinions or points of view expressed in this document are those of the authors and do not reflect the official position of the U.S. Department of Justice.

NATIONAL INSTITUTE OF JUSTICE

PERFORMING AN AUDIT OF
SEXUAL ASSAULT EVIDENCE
IN POLICE CUSTODY



Many jurisdictions across the country are looking at the issue of sexual assault evidence that has not been submitted to a crime lab for testing. As part of an NIJ-supported project, the Wayne County (Detroit), Mich., Prosecutor's Office formed a multidisciplinary team to address the issue. On the team were practitioners who deal with sexual assaults every day — police officers, crime lab analysts, prosecutors and victim advocates — as well as social science researchers from Michigan State University (MSU).

The MSU researchers were led by Rebecca Campbell, Ph.D., a nationally recognized expert on sexual assault. Dr. Campbell's work with the Detroit multidisciplinary team followed an "action-research" model. First, the team worked collaboratively to understand the scope of the issue: How many sexual assault kits (SAKs) in police custody had never been sent to a crime lab for testing, and how and why did the problem develop? Then, the team identified effective, sustainable responses.

To determine how many unsubmitted kits there were, the team conducted an audit, or census, of all SAKs to determine which had been tested and which had not. Such an audit may be necessary in jurisdictions where evidence-tracking databases are insufficient. Here are 16 lessons learned by the Detroit team:

1 Bring everyone to the table.

A review of SAKs will raise complex legal, psychological and evidentiary issues. Having a broad-based multidisciplinary team will ensure that diverse perspectives are considered at every stage of the process. Consider including representatives from:

- Police.
- Prosecution.
- Forensic sciences.
- Medicine (nursing).
- Systems-based advocacy.
- Community-based advocacy.

In 2011, after a competitive selection process, the National Institute of Justice awarded grants to the Wayne County (Detroit), Mich., Prosecutor's Office and to the Houston Police Department to look at the issue of sexual assault kits (SAKs) that had not previously been sent to a crime laboratory for DNA testing.

The overarching goal of this project was to identify effective, sustainable responses regarding previously untested SAKs.

This brochure — one in a series of four — is derived from lessons learned during the project in Detroit. We hope that the brochures assist other jurisdictions that are addressing the issue of previously untested SAKs.

2 Formulate goals.

Establish the goals of the project at the beginning to help streamline the process and save staff time. Narrowly defined goals might include simply determining the number of unsubmitted SAKs. More expansive goals might focus on determining the number of SAKs and a review of each kit to gather information regarding the statute of limitations, the potential for prosecution, and other complex issues.

3 Clarify language and agree on terms to be used.

Miscommunication during planning for and conducting an audit of SAKs can be alleviated if team members are consistent and precise in their language. Here are some terms to consider:

- *Submitted* = The SAK was submitted to a laboratory for testing.
- *Tested* = Evidence in the SAK was tested and, for older kits, whether such testing included DNA analysis.
- *Adjudicated* = Whether the case associated with the SAK has been adjudicated (a conviction or plea or other judicial disposition); this should be cross-checked with testing status, as some cases may have been adjudicated without testing evidence in the kit.
- *Backlogged* = The SAK was submitted to a laboratory, but is still in queue at the lab to be tested.

4 Find all the locations where SAKs are stored.

To obtain an accurate count of all unsubmitted SAKs, the team must identify every possible location where the kits could be found, including, for example:

- Police property storage rooms/facilities, including precinct offices.
- Police property overflow storage.
- Specialized storage cold rooms.
- Hospital emergency rooms.
- Sexual Assault Nurse Examiner (SANE) programs.

5 Find out what information is computerized . . . and what's not.

If the sexual assault kits date back many years — or if the law enforcement agency has been under-resourced for many years — some records may not be computerized. Determine which organizations maintain which databases, what information is already shared between organizations, and what information that is not currently shared *could* be shared with others.

6 Loop in IT support.

Depending on what information is computerized, the role of Information Technology (IT) staff may vary. At a minimum, it is likely the team will need help cross-checking and merging files and fields.

7 Start small.

Review a small number of kits as a pilot project. Looking at as few as 10 SAKs, for example, will help the team clarify goals, identify available resources, determine what information is hard to track down, and gauge what resources and staffing will be necessary in the future. Take one SAK and walk it through — from start to finish — to answer questions such as:

- What information is on the outside of the kit (the box) — and should it be included in the database?
- What other information (based on predetermined goals) needs to be tracked down — and where will this information be found?
- What records exist that are related to the SAK/case — and, based on information in these records, should additional fields be added to the central database?
- How many staff hours went into “walking through” each SAK or case?

8 Touch it once.

Develop a work-flow process that streamlines effort and saves time. To prevent backtracking and duplicative efforts, touch each SAK only once.

9 Develop a central database.

A database that is shared by and accessible to all organizations represented on the team can help ensure that everyone can see the same information and that efforts are not duplicated. If possible, all information should be entered directly into the database rather than recorded first on hard copies.

10 Evaluate available resources and develop a staffing plan.

The “start small” pilot project should provide information about staff requirements to conduct the audit. The team should develop a timeline for completion of the audit and draw upon staff from multiple organizations to reach this goal.

11 Remember that it’s all about the details.

The audit might involve physically retrieving each SAK from police property so that information on the kits can be recorded. Keep these key logistical details in mind:

- Training and supervising the staff or volunteers who will be handling the kits.
- Developing procedures for retrieving the kits from — and returning them to — the property or evidence room.
- Finding the physical space to review the kits.
- Securing computer access to enter info directly into the database.
- Providing supplies, such as masks and gloves, for staff and volunteers.
- Maintaining proper chain-of-custody and police-property procedures, which may require having police or forensic staff present.

12 Support the staff and volunteers.

Develop a staffing plan that allows for rotated duties, scheduled breaks, and resources to help staff who may experience vicarious trauma. It's important to address the issues of burnout and vicarious trauma in ways that don't single out individuals or make them feel isolated.

13 Once the audit is completed, expect that the final count may be controversial.

There will be disagreements and challenges regarding the results of the audit. To help minimize these, it is important to have multidisciplinary input throughout the process.

14 Re-examine local policies and state statutes regarding evidence retention.

An audit will help a jurisdiction gauge the amount of evidence in its possession and provide details about the nature of that evidence. It may be helpful to review local policies regarding evidence retention and state statutes to explore whether policy or legislative changes may be warranted.

15 Prepare for media inquiries and public scrutiny.

Develop a media plan that is capable of managing queries and requests and that promotes transparency while also protecting the integrity of the audit process. It is suggested that jurisdictions wait to release the findings until they are complete.

16 Be aware that the “final count” may not be “final.”

Even after the audit has been finalized, it is possible that more information will become available that requires adjusting the numbers. For example, more SAKs may be discovered or, after the kits are submitted to and opened at the lab, the evidence inside may not be sexual assault-related evidence.

Other Brochures in This Series

Notifying Sexual Assault Victims After Testing Evidence

Forming an Action-Research Team to Address Sexual Assault Cases

Creating a Plan to Test a Large Number of Sexual Assault Kits

For More Information

See an interactive Web page on using evidence in sexual assault kits:

<http://NIJ.gov/unsubmitted-kits/pages/default.aspx>

Learn more about the Detroit project: <https://www.NCJRS.gov> (keyword: 248680)

Learn more about the Houston project: <http://www.HoustonSAKResearch.org>

Learn more about the issue of untested evidence in sexual assault cases:

<http://www.NIJ.gov> (keyword: untested evidence in sexual assault cases)

Learn more about sexual assault investigations, including understanding the neurobiology of sexual assault and a partnership formed by NIJ and the FBI to help address the issue of unsubmitted evidence in sexual assault cases.

Visit [NIJ.gov](https://www.nij.gov), keyword: sexual assault investigations

Or join the conversation on social media:



Follow us on twitter.com/OJPNIJ



Like us on facebook.com/OJPNIJ

Acknowledgments

One of the National Institute of Justice's requirements in the Detroit and Houston projects was that multidisciplinary teams had to be involved in every step along the way. We thank the team members for their extraordinary commitment to these projects and for their role in improving the administration of justice in the United States.

The Detroit team:

- Michigan State University*
- Wayne County Prosecutor's Office
- Detroit Police Department
- WC Safe
- YWCA Interim House
- Michigan State Police
- Michigan Domestic Violence Prevention and Treatment Board
- Joyful Heart Foundation
- Michigan Prosecuting Attorneys Association

The Houston team:

- Sam Houston State University
- The University of Texas at Austin
- Houston Forensic Science Center
- Houston Police Department
- Houston Area Women's Center
- Memorial Hermann Health System
- Harris Health System
- Harris County District Attorney's Office

*NIJ wishes to acknowledge Dr. Rebecca Campbell who wrote the final report from which content in this brochure is derived.

Photo Sources (back): HTV Television, HTV Television, HTV Television, ©Yaroslava Koziy/Shutterstock, Inc.

U.S. Department of Justice
Office of Justice Programs
National Institute of Justice
8660 Cherry Lane
Laurel, MD 20707-4651

Official Business
Penalty for Private Use \$300

PRESORTED STANDARD
POSTAGE & FEES PAID
DOJ/NIJ/GPO
PERMIT NO. G - 26

SEXUAL ASSAULT KITS

Using Science to Find Solutions



Explore how evidence in SAKs is used in solving sexual assault cases, including:

- Implications for victims.
- Why many kits historically were not tested.
- What policymakers and criminal justice professionals should know.



Visit www.nij.gov/unsubmitted-kits to learn more.

