



The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource:

Document Title: The Evaluation of the Bureau of Justice Assistance Sexual Assault Kit Initiative: Final Report

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Document Number: 300099

Date Received: February 2021

Award Number: 2016-AK-BX-K020

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The Evaluation of the Bureau of Justice Assistance Sexual Assault Kit Initiative

Final Report

December 2020

Submitted to:

Department of Justice, Office of Justice Programs
National Institute of Justice

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SAKI EVALUATION FINAL REPORT
(Award No. 2016-AK-BX-K020)

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**This research project was supported by Award No. 2016-AK-BX-K020 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. We would like to thank the numerous Sexual Assault Kit Initiative (SAKI) site coordinators, law enforcement officers, victim advocates, laboratory staff, prosecutors, site research partners and other multi-disciplinary team members for their involvement and assistance in this study. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice or of the 17 participating SAKI sites.

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Background and Purpose

Discovery of Unsubmitted Sexual Assault Kits and Initial Reform Efforts

The criminal justice system uses sexual assault kit (SAK) evidence as a tool to help investigate, prosecute, and resolve sexual assault crimes, and bring justice to victims and their families. Law enforcement can confirm the identity of known suspects, identify unknown suspects through the National Combined DNA Index System (CODIS), and in some cases, exonerate suspects wrongfully identified using DNA testing results. Investigators can also use DNA evidence along with other investigative findings to identify serial offenders and link suspects to unsolved cases in other jurisdictions. Lastly, although prosecution rates for sexual assault cases are generally low, prosecutors are more likely to prosecute a sexual assault offender and to achieve a conviction in cases where forensic evidence is available (Holleran, Beichner, & Spohn, 2010; Cross, Siller, Vlajnic, Alderden, & Wagner, 2017; Morabito, Williams, & Pattavina, 2019).

Despite the importance of SAK evidence, in the past decade law enforcement in jurisdictions across the nation have discovered large numbers of kits in property storage facilities and crime labs that were either unsubmitted¹ or untested², with some cities reporting more than 10,000 untested SAKs dating back to the 1970s (Peterson & Hickman, 2005; Ritter, 2011; Strom et al., 2009). Due in part to widespread media coverage of this discovery, public concern over the criminal justice system's response to sexual assault victims and their cases grew substantially. Investigative reporters, and jurisdictional agencies and government officials conducted additional inquiries and determined that jurisdictions experience numerous challenges in processing SAKs, resulting in SAKs routinely being uncollected, collected improperly, unsubmitted, or untested. Government agencies from local, state, and federal levels have been responding to these issues since 2000 (Bashford, 2013). At the federal level, these efforts started in earnest with work in New Orleans (Nelson, 2013), Detroit (Campbell et al., 2015), and Houston (Wells, Campbell, & Franklin, 2016). Local, state, and federal responses have

¹ Unsubmitted refers to a sexual assault kit that has not been submitted to a forensic laboratory for testing and analysis (U.S. Department of Justice, Office of Justice Programs, 2015).

² Untested refers to a sexual assault kit that has been submitted to forensic labs but is delayed for testing for longer than 30 days, for example, as a result of a backlog of work in the laboratory. (U.S. Department of Justice, Office of Justice Programs, 2015).

generated important insights into the problem, the nature of effective responses, and basic information about the expected outcomes of reform efforts (Bashford, 2013; Campbell et al., 2015; Wells, Bradley, & Franklin, 2016).

The problem of untested SAKs stems from the fact that responding to sexual assault victims, which includes testing SAKs, is a complex, potentially iterative process that requires a variety of organizations and agencies to coordinate in a communitywide effort, such as hospitals, police departments, crime labs, victim advocacy service providers, and prosecutor's offices. Even when this coordination occurs, these agencies and organizations can encounter challenges in responding to victims and their cases due to insufficient resources and capacity, historical biases and beliefs about sexual assault crimes, unclear protocols, or inadequate staff training. Other issues community partners face in responding to sexual assault victims include poor evidence-tracking practices and incompatible record-tracking systems within and across agencies (Nelson, 2013; Strom et al., 2009), misconceptions about the value of testing SAKs and about lab acceptance policies (Strom et al., 2009), victim-blaming beliefs and behaviors (Campbell et al., 2015), and strained relationships between organizations and agencies (Campbell et al., 2015). Consequently, resolving the unsubmitted SAK problem will require jurisdictions across the nation to dedicate significant time and resources to developing and implementing a multidisciplinary approach to address the immediate backlog and these broader system level limitations.

The Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI)

Program Goals and Elements

Within the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), the Bureau of Justice Assistance (BJA) established the National Sexual Assault Kit Initiative (SAKI) in 2015 to support “multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions’ approaches to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits (SAKs)” (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

The goals of the initiative are to: (1) eliminate unsubmitted SAK issues and solve violent crimes by creating a coordinated community response that ensures just resolution to cases through a victim-centered approach, and (2) build jurisdictions' capacity to prevent the development of conditions that lead to high numbers of unsubmitted SAKs. In other words, the initiative seeks to address the pressing and immediate problem of unsubmitted SAKs while also implementing local reforms that will ensure improved responses to sexual assaults, such as improved evidence tracking and victim-centered investigations. BJA defined a comprehensive SAKI model to address the issues that underlie the problem of unsubmitted SAKs and described the essential program elements. BJA's programmatic model allows jurisdictions flexibility to develop tailored solutions for achieving these goals based on the specific needs of their local communities.

The three main SAKI program elements include the following:

1. Conducting an inventory of all unsubmitted SAKs in the jurisdiction's possession and tracking their progress from testing to adjudication;
2. Creating a multidisciplinary team comprised of law enforcement, forensic medical personnel, forensic laboratory personnel, prosecutors, and victim advocates for each site to identify individual-level, organizational-level, and systemic factors that led to a high volume of unsubmitted SAKs and developing a comprehensive approach to address these factors for sexual assault response reform; and
3. Having a "site coordinator" to serve as the central point of contact for each site, fostering and coordinating communication among team members, and ensuring the team is achieving its milestones (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

Funded Activities and Grantee Characteristics

BJA awarded over \$30 million of grant funds to 20 sites across the country in FY 2015 to engage in activities intended to improve the national response to sexual assault cases (U.S. Department of Justice, Awards Made for Solicitation, 2019) and to implement these program elements. Specifically, the SAKI grant program provides resources jurisdictions need to inventory, test, and track previously unsubmitted SAKs; upload all eligible DNA profiles obtained with SAKI funding to the Combined DNA Index System (CODIS); produce necessary protocols and policies in support of improved coordination and collaboration among laboratories, police, prosecutors, and victim service providers in response to the emergent evidence and casework;

assign designated personnel to pursue new investigative leads and prosecutions that result from evidence and CODIS hits produced by tested SAKs; and support victims throughout the investigation and prosecution process (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

It is important to note that sites can also use grant funding for reform efforts designed to improve case processing to ensure the jurisdiction submits all kits and tests kits in a timely manner to prevent future backlogs. These efforts may include developing evidence-tracking systems and improving and/or providing training in relation to topics such as sexual assault evidence collection, DNA technology, victimization and trauma response, and victim notification; and establishing research partnerships to study outcomes associated with sexual assault cases. Grantees, including all key site staff, are required to attend a 2-day workshop in the first year of the grant to receive training on the elements of a successful SAKI project and issues related to addressing unsubmitted SAK cases (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

Since 2015, BJA has expanded the program in response to feedback from sites regarding the need for additional resources and support to implement the program fully across funded jurisdictions. The changes BJA has made to the SAKI grant program are cumulative, meaning changes implemented in 2016 carry over to 2017, and so on. The evaluation logic model incorporates the revised requirements and potential grantee activities. The key changes in SAKI programming and requirements BJA implemented as of 2018, when Westat collected data for this report include the following.

- The addition of a second purpose area³ to provide funding for sites to collect lawfully owed DNA from qualifying offenders (U.S. Department of Justice, FY 2016 Competitive Grant Announcement, 2016).
- The inclusion of partially tested kits in the definition of unsubmitted kit and the addition of a purpose area to provide SAKI funding for small agencies (U.S. Department of Justice, FY 2017 Competitive Grant Announcement, 2017), and
- The requirement for all sites to enter “criteria cases” into the Violent Criminal Apprehension Program (ViCAP), and the addition of a new purpose area to provide

³ A purpose area is grant funding and resources BJA allocates to eligible applicants to promote the achievement of specialized goals within a larger BJA program.

funding to sites for prosecution of cold case sexual assaults (U.S. Department of Justice, FY 2018 Competitive Grant Announcement, 2018).

Sites vary by operational level (e.g., city, county, state) and lead agency (e.g., law enforcement, prosecution), among other characteristics. As of 2020, BJA awarded SAKI program funding to 64 total grantee sites. Many sites have received more than one SAKI grant and, in some states, multiple jurisdictions have received SAKI grants. For example, in Michigan the Michigan Department of State Police, the Wayne County Prosecuting Attorney's Office, and the City of Flint Police Department all received SAKI grants in FY 2015.

SAKI Training and Technical Assistance

BJA funded training and technical assistance (TTA) for the SAKI program and SAKI grantees under a separate grant in 2015. The TTA grant objectives include: (1) assist SAKI sites in implementing evidence-based activities to address unsubmitted SAKs and related challenges; (2) engage proactively with SAKI grantees to monitor progress, identify challenges, and develop solutions; (3) communicate regularly with BJA to assess the impact of SAKI TTA on sites' progress; (4) provide TTA to other jurisdictions engaged in similar reform efforts; and (5) assist in the development, implementation, and dissemination of best practices, policies, and protocols for addressing the underlying causes of large numbers of unsubmitted SAKs and related challenges to prevent the problem from reoccurring (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

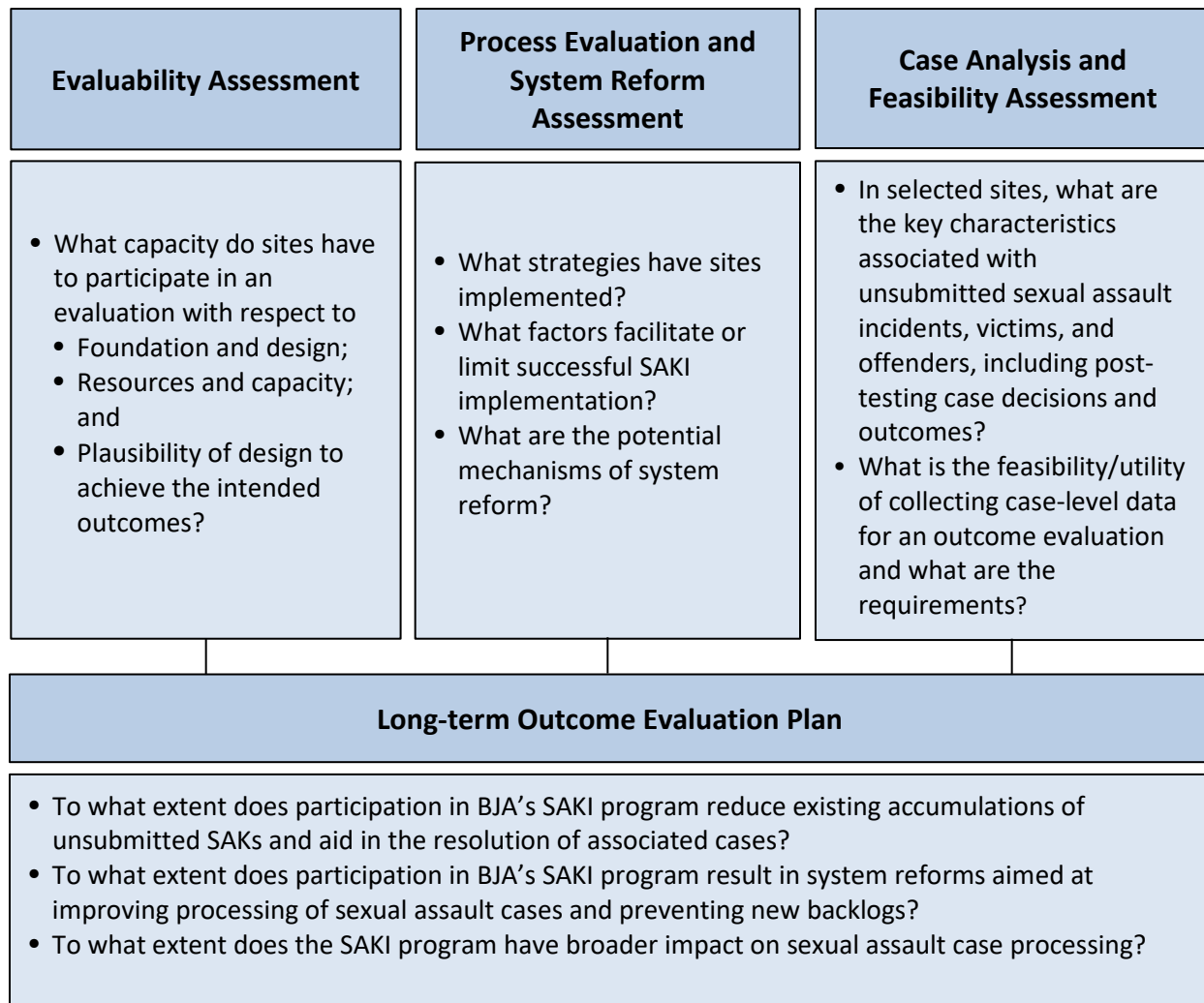
The Evaluation of the Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI)

Project Components

In 2016, the National Institute of Justice (NIJ) awarded Westat a contract to conduct evaluability assessments in sites funded in FY 2015 in order to prepare an outcome evaluation plan (NIJ, 2016). Westat proposed a mixed-methods design to assess program evaluability, process implementation, short-term impacts of SAKI, and case characteristics of CODIS-hit cases, to inform the development of a long-term outcome evaluation plan. Shortly after beginning work, Westat revised the evaluation goals after learning more about the Initiative through initial discussions and after

attending the SAKI annual grantee meeting. In collaboration with NIJ and BJA leadership, Westat refined the impact assessment component to focus on defining the hypothesized system reforms and combined the impact assessment task with the process evaluation. This study component is now referred to as the, “Process Evaluation and System Reform Assessment,” and examines the potential mechanisms for achieving system-level outcomes for current/prospective cases. Additionally, due to unanticipated issues in obtaining case-level data for the case analysis task, Westat analyzed case characteristics as proposed but added a research question to assess and describe the feasibility and utility of collecting case-level data for a national evaluation (as detailed in Section 4, Criminal Case File Analysis and Feasibility Assessment for Using Multisite Case-level Data in a SAKI Outcome Evaluation). Figure 1 depicts the SAKI Evaluation phases and research questions.

Figure 1. Sexual Assault Kit Initiative Evaluation Components and Research Questions



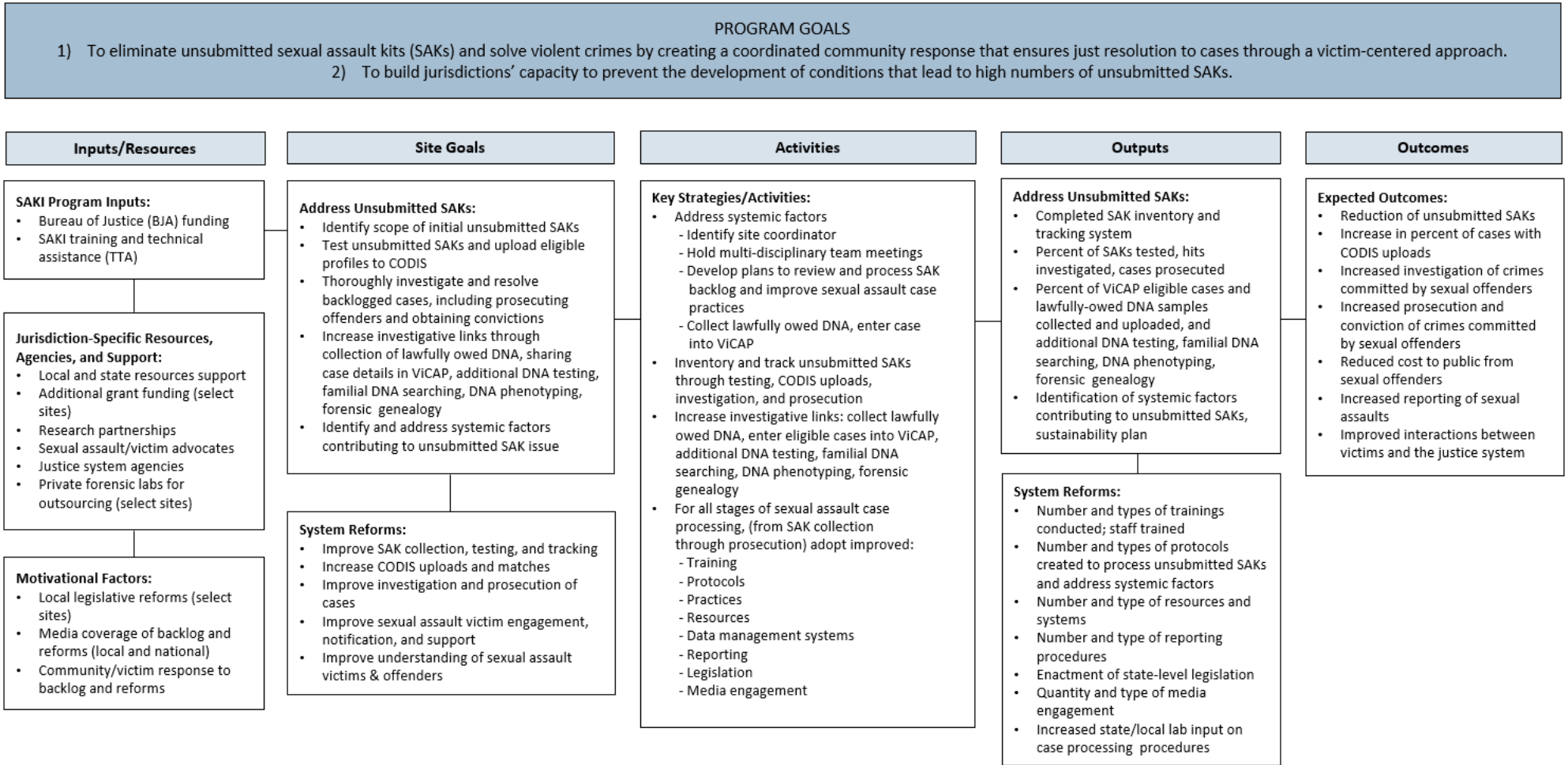
SAKI Logic Model

In collaboration with SAKI program leadership at BJA and NIJ, Westat developed a logic model based upon multiple sources of descriptive information about SAKI principles, expected outcomes, and hypothesized impacts. These sources include background materials such as BJA’s National Sexual Assault Kit Initiative (SAKI) Competitive Grant Announcements, observation notes from the SAKI 2017 annual grantee meeting, media reports, and other sources. The model describes BJA’s overarching goals for the SAKI program and the inputs and resources sites use to support implementation of the Initiative. The logic model summarizes the site-level goals for addressing the unsubmitted kits and for initiating system-level reform. The logic model defines the key activities BJA expects sites will conduct with grant funding and the associated outputs from these efforts. Lastly, the model identifies the outcomes BJA expects sites will achieve through SAKI implementation.

We used the logic model to frame the key components of the SAKI program, guide our data collection activities by identifying probable agencies and organizations from which to interview key stakeholders, outline a range of expected program activities and outcomes to study, and identify BJA’s desired range of outputs and outcomes of the SAKI program. We updated the models based on additional information throughout the study. Figure 2 illustrates the SAKI site-level logic model.

Figure 2. Sexual Assault Kit Initiative Site-Level Logic Model

Sexual Assault Kit Initiative Site-Level Logic Model



Report Organization

This report consists of five main sections. Section 1 provides an overview of the problem of unsubmitted sexual assault kits, a description of the BJA SAKI program, and an introduction to the SAKI evaluation project. Sections 2 through 4 present the purpose, methods, and a summary findings for each of the three study components, and Section 5 outlines the proposed outcome evaluation plan.

Evaluability Assessment

Purpose and Research Questions

The first SAKI evaluation component is an evaluability assessment (EA) of the FY 2015 Bureau of Justice Assistance (BJA) SAKI grantees. The purpose of the EA was to determine the readiness of the program to undergo an evaluation, assess the plausibility the program will achieve the desired outcomes, and develop recommendations to inform the evaluation design. The study assessed program evaluability along three key dimensions, including the degree to which the sites' foundation and design align with BJA's programmatic vision, resources and capacity are sufficient to participate in an evaluation, and implementation of SAKI is likely to result in program outcomes. Using these three dimensions, the EA examined sites' implementation efforts as framed in the logic model to (1) reduce and resolve the unsubmitted SAK issue, and (2) improve current case processing through system reform efforts. Three research questions guide the evaluability assessment as shown in Figure 3.

Figure 3. Evaluability Assessment Research Questions

What capacity do sites have to participate in an evaluation with respect to

- (1) foundation and design,
 - (2) resources and capacity, and
 - (3) plausibility of design to achieve the intended outcomes?
-

Methodology

Westat recruited all FY 2015 grantees who were willing to participate in the evaluation; participation entailed a site visit and ongoing communication about their site's SAKI program implementation progress. Seventeen of the 20 FY 2015 SAKI grantee sites elected to participate in Westat's data collection activities for the evaluability assessment, including seven state-level sites, three county- or multicounty-level sites, and seven city-level sites.

Westat conducted 2-day visits at each of the 17 participating sites between February and September 2018 to interview key stakeholders regarding their organization’s goals, strategies, and activities for processing sexual assault kits, and associated lessons learned, challenges, and expected outcomes. Westat gathered documents⁴ for all 20 sites and obtained Performance Measurement Tool⁵ (PMT) data as of Quarter 2 of 2019 from BJA for all 20 FY 2015 SAKI grantees.

To understand the full scope of SAKI program implementation, site visits included interviews with a variety of informants at the grantee agency and/or affiliated organizations/agencies. Site informants included the designated SAKI site coordinator, multidisciplinary team (MDT) members, site research partners, and a number of specialized staff working on unsubmitted kit cases, current cases, and larger reform efforts. These specialized staff included investigators, prosecutors, local, state and/or private laboratory personnel, victims’ advocates, victims’ service organization representatives, sexual assault nurse examiners (SANEs), and legislative representatives as contingent on the structure of the site and staff availability. When possible, Westat observed multidisciplinary team (MDT) or relevant workgroup meetings, to document the range of content, structure, and cross-agency coordination at these meetings.

Interview questions focused on understanding the range of activities, strategies, and processes sites implemented to reduce and resolve unsubmitted kit cases and improve current case processing through system reform efforts. Stakeholder interviews also examined the level of coordination across agencies at the site, resource availability, including sources of additional funding, legislative and policy reforms, and the type and availability of relevant data-tracking systems and collected measures.

Westat used qualitative analytic methods for the interview data. Westat coded the interview data collected from the 17 participating sites using a set of inductive codes based on the key dimensions

⁴ Documents reviewed included all years of SAKI-funded grant application narratives, and where available for each site, protocols for handling sexual assault cases across all stages of case processing; site-produced training materials about sexual assault processing best practices and victim-centeredness; MDT meeting agendas/minutes; sites’ SAKI program website content; press releases about sites’ ongoing implementation efforts and achievements; presentations and performance reports; cost-tracking data; and documentation of relevant state-level legislation affecting sexual assault case processing.

⁵ Performance Measurement Tool (PMT) data contains site-reported administrative information. The PMT dataset includes quantitative measures of grantees’ quarterly activities that include, for example, the numbers of unsubmitted SAKs and summary counts of investigation and prosecution outcomes. The PMT dataset also includes qualitative information about grant activities during the quarter.

related to the three research questions. The process for developing the EA framework included review of relevant literature, site documentation, and the logic model. Using the EA framework, we assessed and analyzed each sites’ readiness for evaluation across each evaluability dimension on a 3-point scale: meets standards for evaluability, partially meets standards for evaluability, and does not meet standards of evaluability. Site-level assessments of evaluability were then reviewed across the 17 sites to determine the evaluability of the SAKI program as a whole and those elements of SAKI programming that may need to be enhanced to facilitate an evaluation effort. Figure 4 depicts the evaluability assessment framework.

Figure 4. Evaluability Assessment Framework

| |
|--|
| Foundation/Design |
| Goals: Alignment with BJA program model, shared by stakeholders |
| Strategies/Activities: Alignment with BJA program model, well-defined, measurable, implemented fully, implemented consistently |
| Resources/Capacity |
| Resources: Available and sufficient, sustainable |
| Outcome Data and Data Sources: Data exists for outcomes, data sources can be linked, data is consistent across jurisdictions, agencies |
| Evaluation Capacity: Extent to which program can engage in rigorous evaluation |
| Coherence |
| Linkages between elements of the logic model and outcomes: Plausibility of linkages |

Overall Evaluability of the SAKI Program

Our assessment found that the SAKI program is generally evaluable showing strong alignment between BJA’s expectations and its implementation for key aspects of the program. The SAKI program and expected evaluation has garnered strong support and enthusiasm from the field to help build an evidence base for the Initiative. The SAKI program poses several design challenges including, broadly defined program requirements and site-level variation of implementation, but sites’ goals, strategies, and activities appear sufficiently defined and measurable, and sites have generally implemented them with consistency. However, program evaluability of system reform efforts appears limited partially by the availability of resources, data, and measurement mechanisms

for system reforms and current case efforts. Figure 5 depicts EA summary findings along the three key dimensions (foundation and design, resources and capacity, and coherence) for unsubmitted kit cases and system reform of current case efforts.

Figure 5. Summary of Evaluability Assessment

| | | Unsubmitted SAKs | System Reform |
|--|---|------------------|---------------|
| Foundation and Design | | | |
| Goals | Alignment with BJA model | ● | ● |
| | Shared by stakeholders | ● | ● |
| Strategies and Activities | Alignment with BJA model | ● | ● |
| | Well-defined/measurable | ● | ● |
| | Implemented fully | ⊙ | ⊙ |
| | Implemented consistently | ● | ● |
| Resources and Capacity | | | |
| Resources | Available and sufficient | ⊙ | ○ |
| | Sustainable | ⊙ | ○ |
| Outcome Data and Data Sources | Data exists for outcomes | ● | ● |
| | Data sources can be linked | ● | ⊙ |
| | Data is consistent across jurisdictions/agencies | ● | ⊙ |
| Evaluation Capacity | Extent to which program can engage in rigorous evaluation | ● | ⊙ |
| Coherence | | | |
| Linkages between elements of the logic model and outcomes | Plausibility of linkages | ● | ⊙ |

- Meets standards for evaluability;
- ⊙ Partially meets standards for evaluability;
- Does *not* meet standards for evaluability

The assessment of the SAKI sites found the following:

- BJA’s goal to eliminate the unsubmitted SAK issue and solve violent crimes using a coordinated community, victim-centered approach is clear, reachable, and relevant. BJA’s goal to prevent a future backlog by building jurisdictions’ capacity is both clear and relevant, though only somewhat plausible.

- The resources needed to address the immediate problem of the unsubmitted SAKs are generally available and support activities. The 3-year timeframe for addressing the unsubmitted SAK issue and conducting follow-up investigations is generally sufficient for most sites. However, sites will require additional resources and time to implement system reforms necessary to prevent a future backlog.
- Data sources exist to measure most of the relevant outcomes for unsubmitted SAKs and current case processing. However, linking data across sources and ensuring consistency across jurisdictions/agencies for current cases will be challenging, especially since some of the sites demonstrated reticence in sharing current case data even with their local partners. Additionally, in most sites there appears to be an absence of data and measurement systems for key systems-level outcomes.
- The linkages between the resources, strategies, and activities and outcomes are plausible for addressing the unsubmitted SAK issue, and generally plausible for implementing and achieving system reforms. The EA findings identified potential outcomes the program is expected to achieve for SAK cases. These outcomes include a reduction of unsubmitted SAKs, an increase in percent of cases with CODIS uploads, increased investigation of sexual assault crimes, and increased prosecution and conviction in sexual assault cases. While plausible, sustainable system reforms are less likely due to resource constraints.
- Overall, the EA findings suggest that SAKI has promoted sites' adoption of victim-centered, trauma-informed approaches throughout their organizations and it appears likely that SAKI sites will produce positive impacts for victims and the community. This provides a strong argument for conducting a rigorous, objective evaluation to determine the results of the SAKI program.
- The BJA SAKI program is focused on two distinct groupings of SAKs and associated cases: previously unsubmitted SAKs that have been inventoried and current or prospective sexual assault kits and associated cases. Across both of these kit/case groups, the goals, strategies, and activities of the BJA SAKI program are agreed upon across sites and activities are being implemented in a fashion consistent with BJA's expectations. We found that sites have focused their efforts primarily on testing the set of unsubmitted kits and then conducting victim-centered, trauma-informed investigations and prosecutions. In carrying out this work, the sites have implemented reforms that have the potential to influence current case processing into the future. Yet resource constraints limit the ability of reforms to affect current cases and produce sustainable system change across relevant agencies and all stages of case processing. The SAKI program's efforts to address unsubmitted kits and effectively respond to cases after kit testing are well suited for an outcome evaluation. However, it is premature to evaluate the program's ability to effect broader systems changes that improve current sexual assault case processing and case outcomes. Instead, an evaluation can measure sites' progress toward implementing these reforms. It is possible that case outcomes are improving at a subset of especially effective sites, but it will take most sites several additional years to continue developing reforms that can result in measurable changes in case outcomes as part of a program-level evaluation.

Detailed Assessment of the Evaluability Assessment Framework Dimensions and Elements

The below tables present assessment results for each of the three evaluability dimensions disaggregated into two categories by the program’s focus, (1) unsubmitted SAKs/cases and system reform efforts expected to affect all sexual assault cases moving forward, (2) the findings for the unsubmitted SAKs appear first, followed by a discussion of the system reform results.

Table 1A. Foundation and Design: Unsubmitted SAKs

| Foundation and Design | Unsubmitted SAKs |
|--|---|
| <p>Goals</p> <ul style="list-style-type: none"> • Alignment with BJA program model • Shared by stakeholders | <p>Sites’ goals strongly align with BJA’s expectations to develop and implement victim-centered and trauma-informed approaches for addressing the unsubmitted SAKs and associated cases. While not every stakeholder reported every goal, stakeholders within and across sites collectively described a complementary series of goals⁶ for addressing issues and conducting activities to resolve the unsubmitted SAK cases for all stages of the process (e.g., inventory, submission, testing, entry and upload of CODIS⁷ results, victim engagement and notification, investigation, and prosecution).</p> |
| <p>Strategies/Activities</p> <ul style="list-style-type: none"> • Alignment with BJA program model • Well-defined, measurable • Implemented fully • Implemented consistently | <p>Sites’ strategies and activities align with BJA’s programmatic vision for reducing the number of unsubmitted SAK and resolving associated cases. The majority of sites had developed functional multidisciplinary teams (MDTs) with representatives from key agencies, identified a site coordinator, and met regularly to identify systemic issues and develop plans for improving practices related to unsubmitted SAKs. All sites engaged in activities to address the unsubmitted SAK cases across all stages of case processing.</p> <p>At the time of Westat’s site visits in 2018, the majority of sites had implemented unsubmitted SAK reduction strategies or procedures that were well defined and measurable, and at a minimum, had initiated activities in all stages of case processing. All 17 sites completed their inventory certifications as required by BJA⁸ and developed and implemented SAK tracking procedures. The majority of sites had</p> |

⁶ Goals stakeholders described included, identifying the scope of the initial unsubmitted SAK issue; testing unsubmitted SAKs and uploading eligible profiles to CODIS; thoroughly investigating and resolving backlogged cases, including prosecuting offenders and obtaining conviction; increasing investigative links through collection of lawfully owed DNA, sharing case details in ViCAP, additional DNA testing, familial DNA searching, DNA phenotyping, forensic genealogy (NOTE: Discussed less frequently because only a few grants sought funding for this activity.); and identifying and addressing systemic factors contributing to backlogs.

⁷ CODIS is the Federal Bureau of Investigation’s (FBI) National Combined DNA Index System database.

⁸ Two sites continued to discover SAKs through the completion of Westat’s site visit in fall 2018.

| | |
|--|---|
| | <p>developed and trained site staff on victim-centered procedures for submitting SAKs, notifying victims, and investigating and prosecuting cases. All sites had started testing unsubmitted SAKs and started to enter DNA profiles from these SAKs into CODIS⁹. The majority of sites had initiated follow-up investigations, notifying and engaging victims, and had begun advancing cases to court for prosecution. Although sites' approaches to implementation varied, clear and measurable patterns of strategy and activity were observable across all stages of case processing. Sites had generally implemented unsubmitted SAK activities in a consistent manner across the jurisdiction and participating agencies with a focus on improving interactions with victims. State-level sites typically encountered more challenges in implementing strategies and activities consistently than county- or city-level sites due to the number and geographical distribution of participating agencies.</p> <p>Given the time required for cases to progress from SAK submission to prosecution, most sites had not completed latter stage activities. Since sites were in their last year of a 3-year implementation grant at the time of the site visits, evaluation measurement of activities should occur no earlier than year 3 of the grant cycle to allow sufficient time for implementation.</p> |
|--|---|

⁹ During testing, lab technicians use evidence from the SAK to develop a DNA profile of the suspected perpetrator(s) and enter eligible profiles into CODIS. The system searches the state and/or other databases to identify whether there is a known match for the DNA profile to identify and link the suspect to another crime. If the system identifies a candidate match, the lab staff take additional steps to confirm the match and then notify the investigating law enforcement agency/agencies.

Table 1B. Resources and Capacity: Unsubmitted SAKs

| Resources/Capacity | Unsubmitted SAKs |
|--|--|
| <p>Resources</p> <ul style="list-style-type: none"> • Available and sufficient • Sustainable | <p>Sites partially met the evaluability standard of resource availability, sufficiency, and sustainability for addressing the unsubmitted SAKs and associated cases. Resources may include funding, time, staff, and other assets necessary for sites to efficiently complete work.</p> <p>A majority of sites indicated initially having inadequate resources to complete all stages of SAKI in a thorough and timely manner. In part, this is due to the volume of cases sites must address, the time and effort required to advance cases through each stage, and organizational factors that may inhibit sites’ ability to allocate resources effectively. For instance, a site may have sufficient funds to hire new personnel to carry out SAKI work, but resort to filling the position with multiple temporary staff due to organizational policy prohibiting the use of grant funds for hiring full-time staff.</p> <p>Sites encountered resource inadequacy for one or more of the case processing stages but especially related to having sufficient numbers of experienced law enforcement personnel, victim advocates, prosecutors, and other resources (e.g., vehicles) for follow-up investigation activities. However, many of the 17 sites obtained additional BJA SAKI funding (six sites in 2016, seven sites in 2017, and 11 sites in 2018), which stakeholders reported helped meet their resource needs for completing the unsubmitted SAK work. Although these resources are time-limited and thus less sustainable, additional funding generally appears available for grantees given the number and frequency of subsequent awards to FY 2015 grantees. Consequently, the EA found sites partially met requirements for resource availability, sufficiency, and sustainability.</p> |
| <p>Outcome Data and Data Sources</p> <ul style="list-style-type: none"> • Data exists for outcomes • Data sources can be linked • Data is consistent across jurisdictions, agencies | <p>The majority of sites collect data measuring most of the key case outcomes for unsubmitted SAK cases. While a few sites used electronic data management systems to collect unsubmitted SAK case data, sites customarily used spreadsheets to track case progression from inventory through to prosecution. All labs used a Laboratory Information Management System (LIMS) to track kits during testing and to document testing and CODIS results. In addition, all sites report Performance Measurement Tool (PMT) data to BJA on a quarterly basis. The PMT data include aggregated counts that document case progression. Outcomes that can be sufficiently measured through existing data sources include the following.</p> <ul style="list-style-type: none"> • The reduction of unsubmitted SAKs • Increase in percent of cases with CODIS uploads • Increased investigation of crimes committed by sexual offenders |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Increased prosecution and conviction of crimes committed by sexual offenders <p>However, fewer sites appear to collect data measuring system-level outcomes for the unsubmitted SAK cases. For example, the majority of sites do not collect financial data required for cost-benefit analysis or data measuring victim and community perceptions of how well the justice system is addressing cases.</p> <p>Sites generally appear to have the ability to link outcome data for unsubmitted SAK cases in a consistent manner across agencies within the jurisdiction using PMT data. Similarly, sites appear to collect these data consistently across jurisdictions and agencies. Although case-level data would allow evaluators to examine how specific characteristics affect case progression, for the purpose of an outcome evaluation, collecting and linking these data represent a significant challenge. This is particularly true for state- and county-level sites, which experience greater challenges than city-level sites in obtaining and linking these data at the case level across multiple agencies.</p> |
| <p>Evaluation Capacity</p> <ul style="list-style-type: none"> • Extent to which program can engage in rigorous evaluation | <p>Sites appear to have sufficient capacity to participate in an outcome evaluation. The majority of sites have an established research partnership with dedicated funding (albeit SAKI grant funding), indicating an organizational commitment to engage with research partners and potentially some prior experience with research activities. In addition, sites are accustomed to submitting PMT data to BJA at regular intervals.</p> |

Table 1C. Coherence: Unsubmitted SAKs

| Coherence | Unsubmitted SAKs |
|---|---|
| <p>Linkages between elements of the logic model and outcomes</p> <ul style="list-style-type: none"> • Plausibility of linkages | <p>Sites’ reduction and resolution of the unsubmitted SAK issue is generally plausible, provided there are sufficient resources to complete and sustain sites’ collaborative, cross-agency efforts. Sites appear to have defined clear and measurable goals to address the unsubmitted kits in line with BJA’s expectations and have generally implemented strategies and activities consistently for all stages of case processing. Due to the availability of funding in subsequent grant years, resources appear to be sufficient to address the unsubmitted SAKs for this cohort of grantees. Data on key unsubmitted SAK outcomes appear available. Sites are collecting aggregate measures in a consistent manner and reporting these PMT measures to BJA via a centralized reporting system.</p> |

Table 2A. Foundation and Design: System Reform

| Foundation and Design | System Reform |
|--|---|
| <p>Goals</p> <ul style="list-style-type: none"> • Alignment with BJA program model • Shared by stakeholders | <p>Sites’ goals align with BJA’s expectations of preventing a future backlog by engaging in system reforms to improve case processing and practice for all sexual assault victims and their cases. Stakeholders within and across sites collectively articulated a set of system reform goals that focus on developing and implementing victim-centered and trauma-informed policy, practice, and legislation in line with BJA’s expectations. Goals of system reform covered all key stages including improving SAK collection, testing, and tracking, increasing CODIS uploads and matches, improving investigation and prosecution, and improving victim engagement, notification, and support throughout all processes.</p> |
| <p>Strategies/Activities</p> <ul style="list-style-type: none"> • Alignment with BJA program model • Well-defined, measurable • Implemented fully • Implemented consistently | <p>Site stakeholders described engaging in reform strategies and activities that are consistent with BJA’s expectations, but less frequently or with less specificity compared to strategies and activities described for addressing the unsubmitted kits. Sites generally had adequate representation of key agencies required for planning and implementing system reform with the exception of SAK collection personnel, such as SANEs. Although MDTs for a majority of sites identified systemic issues and developed plans for system reform, some jurisdictions had initiated system reforms via an established sexual assault task force or other coalitions prior to the site receiving SAKI funding. Consequently, sites were at different stages of system reform development and implementation at the time of data collection, with most sites’ primary focus being on efforts to address the unsubmitted kits.</p> <p>While not every site engaged in each type of reform, sites, or governing bodies within their jurisdictions, generally initiated or implemented one or more strategies and/or activities to improve sexual assault case processes. The general strategies and activities stakeholders described included development and/or implementation of trainings, protocols and policies, practices, resources, data management systems, legislation, and media engagement.</p> <p>Specific examples of reform efforts sites have engaged in included, but were not limited to the implementation of the following:</p> <ul style="list-style-type: none"> • legislation mandating kit testing and submission timelines, • legislation mandating victims’ rights and access to information about their SAKs and cases, • coordinated expansion of SANE programs, • development of victim notification protocols, • expansion of testing facilities and data tracking capabilities, and • creation and statewide dissemination of trauma-informed, victim-centered training for implementation during responses current case investigators and prosecutors. |

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| | <p>Although most sites appear to have initiated reform efforts consistently, sites only partially met the standard for fully implementing reforms. For example, in several sites, the state passed legislation mandating SAK submission within a year of the grant award. While most sites had implemented measures to address the additional demand on the state and local crime labs for testing and uploading results to CODIS, other sites had not, resulting in delays for current cases.</p> |
|--|--|

Table 2B. Resources and Capacity: System Reform

| Resources/Capacity | System Reform |
|--|---|
| <p>Resources</p> <ul style="list-style-type: none"> • Available and sufficient • Sustainable | <p>A majority of sites reported challenges for completing all stages of current case processing in a thorough and timely manner and for sustaining system reforms. While system reform is a shared goal among stakeholders, most of the sites prioritize use of grant resources for unsubmitted kit cases identified during the inventory process. As noted above, organizational factors may prohibit sites' use of grant funds, such as for hiring full-time staff. While short-term resources acquired through short-lived funding sources can lead to achievements in reducing the unsubmitted SAKs in the interim, jurisdictions cannot necessarily sustain reform efforts for current and/or prospective cases through temporary resources. Resource inadequacy for system reform is a potentially limiting factor for conducting the evaluation as discussed below in the Plausibility of Achieving Program Outcomes section. Lastly, the EA found that although sites implemented reform efforts consistently, stakeholders noted that the sustainability of these new reforms is at risk without proper measures of oversight, accountability, and dedicated funding. For example, stakeholders in several sites described how states had implemented new legislation without a mechanism to verify compliance, create transparency, or fund the ongoing effort.</p> |
| <p>Outcome Data and Data Sources</p> <ul style="list-style-type: none"> • Data exists for outcomes • Data sources can be linked • Data is consistent across jurisdictions, agencies | <p>The EA assessed the availability and consistency of data sources to measure outcomes of system reform, similar to those used to measure outcomes for unsubmitted SAK case responses.</p> <p>The majority of sites use electronic data management systems (including LIMS) to collect data for many key outcomes at the case level. However, most sites' have not achieved full integration of their current case data collection systems across agencies. Thus, collecting and linking case-level data for current and/or prospective cases for the purpose of the evaluation represents a significant challenge given the disparate systems used to maintain these data. Additionally, many of the law enforcement officers interviewed indicated their agency strictly prohibits access to case file data for active cases in order to protect victims' confidentiality and the integrity of the investigation.</p> |

| | |
|--|---|
| | <p>Most sites do not appear to collect data related to system reform efforts in a consistent manner. All sites collect PMT data that includes aggregate measures of a few system reform outputs including policy, procedure, or protocol development, training provision (to site staff), and the use of data management systems (for the unsubmitted SAKs). However, most sites do not appear to collect data measuring system-level outcomes or outputs. For example, the majority of sites do not collect financial data required for cost-benefit analysis, data measuring victim and community perceptions of how well the justice system is addressing cases, or data on improvements in practices. Additionally, key output measures, such as the development and/or implementation of legislation, current case data systems, and indicators of police-victim advocate engagement do not appear to be collected. Consequently, the evaluation should incorporate methods and procedures to collect data on a variety of outcomes that would stem from system reforms, like victim engagement, investigation and prosecution activities, and policy reforms.</p> |
| <p>Evaluation Capacity</p> <ul style="list-style-type: none"> • Extent to which program can engage in rigorous evaluation | <p>Sites appear to have partially met the evaluability standards for their capacity to participate in an evaluation of system reform outcomes. Site stakeholders indicate their agencies are experiencing staffing and funding challenges related to carrying out current casework and sustaining reform efforts. Although the majority of sites have an established research partnership, and thus may be willing to participate, additional data collection appears necessary to assess system reform outputs and outcomes. Sites will need to expend additional resources to coordinate answers to questions from external researchers, provide input, and share data.</p> |

Table 2C. Coherence: System Reform

| Coherence | System Reform |
|---|---|
| <p>Linkages between elements of the logic model and outcomes</p> <ul style="list-style-type: none"> • Plausibility of linkages | <p>The ability for sites to prevent future backlogs is only somewhat plausible, as it is contingent on the implementation of system-wide reforms to effect change in practice and culture and on the ability to sustain changes. Although sites, or their jurisdictions, have implemented several strategies and activities to improve current and/or prospective sexual assault case processing as described above, law enforcement and/or prosecution agencies in the majority of sites face resource challenges that appear to impede the progression of current and/or prospective cases and system reforms. In addition, resources for state and local crime labs in many sites do not appear sufficient to test increased numbers of current case SAKs and upload profiles into CODIS in a timely manner. This limits the plausibility of achieving key SAKI program outcomes for current/prospective cases, including increased prosecution and conviction of current crimes committed by sexual offenders and reduced cost to public from sexual offenders. Additionally, resource constraints will limit</p> |

| | |
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| | <p>sites' abilities to participate in many aspects of an evaluation of system reform. However, most sites have implemented reforms, including improved procedures, policies and protocols, provision of trauma-informed training, legislation, and expanded testing facilities. Consequently, sites' participation in an evaluation of system reforms should measure outcomes related to improving SAK collection, testing, and tracking and improving interactions between victims and the justice system that could plausibly result from the activities described in the sections above.</p> |
|--|---|

Process Evaluation and System Reform Assessment

Purpose and Research Questions

The Westat Team conducted a process evaluation and system reform assessment with 17 (or 20) FY 2015 SAKI grantees (or sites). Focused on the four research questions shown in Figure 6, the process evaluation and system reform assessment was designed to understand and gain perspective on two aspects of SAKI program implementation: (1) the strategies SAKI sites employed to address each stage (both discrete and iterative) of the unsubmitted SAK case process, including inventory, submission, testing, CODIS population, investigation, and prosecution, and (2) the system reform efforts sites implement and the extent to which they result in intended (or unintended) consequences.

Figure 6. Process Evaluation and System Reform Assessment Research Questions

1. What strategies have sites implemented to:
 - a. Decrease the number of unsubmitted SAKs;
 - b. Improve evidence processing and victim engagement practices;
 - c. Address issues related to the statute of limitations and previously closed cases; and
 - d. Improve interagency coordination?
 2. What technical assistance has been received?
 3. What factors facilitate or limit successful SAKI implementation?
 - a. Site characteristics, context, and implementation strategies
 - b. Site lessons learned
 4. What are the potential mechanisms of system reform?
-

Methodology

As described in the EA methodology section, Westat collected qualitative interview and observation data from the 17 participating FY 2015 sites during 2018 and coded the data using a set of inductive codes. Guided by the logic model, we conducted additional in-depth cross-site analysis of these data to document the range, nature of, and key contributing factors to the FY 2015 site's unsubmitted SAK case reduction and resolution activities, and their system reform efforts. Data analysis for the

process evaluation and system reform assessment occurred simultaneously. This consisted of summarizing the specific steps, decisions, activities involved in unsubmitted SAK case processing, in addition to the facilitators and challenges to addressing the unsubmitted SAK cases. We also conducted qualitative analysis to assess the range of systems changes across sites that would affect all sexual assault case processing, categorizing them by type, documenting the expected “direction” of impact (positive or negative) and magnitude/longevity to help inform the evaluation regarding the qualitative aspects of system reform need to be measured.

The below sections present findings from the process evaluation followed by a discussion of the system reform assessment results. The full set of findings are presented in the Process Evaluation and System Reform Assessment Report.

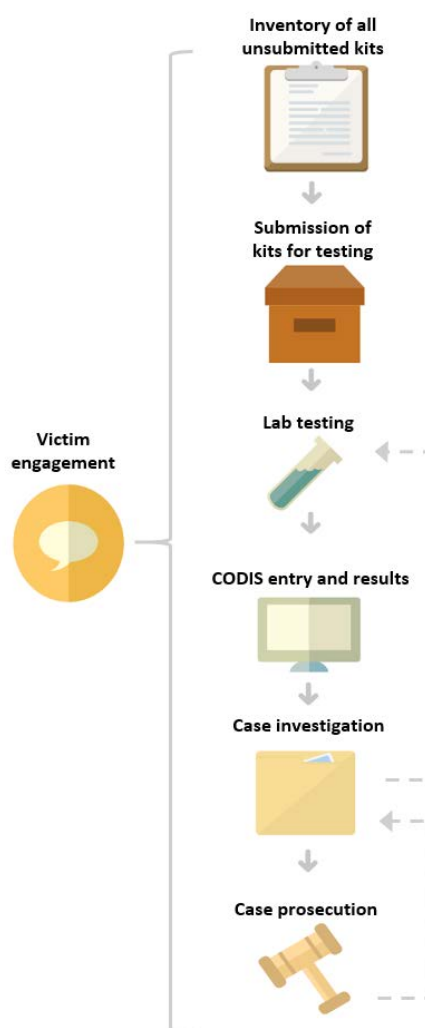
Process Evaluation Findings

Overview

Process evaluation findings showed that sites employed a range of approaches to addressing each stage, including inventory, submission, testing, CODIS population, investigation, and prosecution, sometimes changing their strategies over time due to resource constraints or new knowledge about best practices. Sites typically move unsubmitted kit cases in batches across stages, and the focus of sites' efforts shift accordingly, over time, as these batches progress along the case continuum. Importantly, strategies employed at each stage can redefine case viability, such that early decisions about which SAKs move to the next stage of case processing can influence a site's cumulative case outcomes. Figure 7 illustrates the process for addressing unsubmitted SAKs.

In the following sections, we highlight, by case processing stage, some of the key findings from the process evaluation. Within each stage of the unsubmitted SAK case process, we discovered common challenges across SAKI stakeholders as they worked to implement strategies to decrease the number of unsubmitted SAKs, improve evidence processing and victim engagement, and address issues specific to cold cases and interagency coordination around case processing activities. The findings underscore key strategies that must be in place in order to achieve the goals and outcomes of the SAKI program and conduct a rigorous evaluation of them.

Figure 7. Process for Addressing Unsubmitted Sexual Assault Kits (SAKs)



Stage: Sexual Assault Kit Inventory

As part of the FY 2015 SAKI requirements, sites were required to count unsubmitted SAKs and track specific data elements associated with each kit (e.g., victim age, offense and kit collection date, and incident number). Sites were to include only unsubmitted kits collected prior to their grant application submission. Sites were also required to complete an inventory certification form on which they summarized their inventory methodology and findings (e.g., number of unsubmitted SAKs). Based on this information, it was discovered that, for a variety of reasons, sites were at various stages of the inventory process upon grant award.

Sites had to define general processes and protocols for conducting the inventory. Sites' inventory approach varied primarily by the size of the jurisdiction (e.g., state vs. county vs. city), number of inventory facilities, and the scale of the corresponding effort. State sites faced the additional challenge of having to inventory SAKs across large geographical areas and counted by many agencies simultaneously. As a result, most state sites expended considerable time and effort to formalize inventory processes and protocols to ensure consistency and no duplication.

Sites generally followed the Bureau of Justice Administration's (BJA's) inventory inclusion criteria (only SAKs collected prior to grant application) for determining which kits to include, while some sites reported applying exclusion factors as well; for example, SAKs with expired statute of limitations, those reported anonymously, or those that did not contain biological evidence, were not properly sealed, or existed only "on paper." One state site described an extensive case review process during inventory, which delayed completion of its inventory certification.

Regardless of the size of the jurisdiction, a preliminary step in the inventory process was to identify and contact agencies believed to possess unsubmitted SAKs. Most agencies were initially contacted by email, with follow-up by letter or telephone. Two successful methods were reported for engaging local agencies: (1) enlist a prominent figure or organization (e.g., state representative, Attorney General, Association of Chiefs of Police) to endorse the effort; and (2) provide ongoing support to agencies to complete inventory activities via follow-up email, telephone or in-person assistance.

Stakeholders in several sites reported that simply locating their unsubmitted SAKs proved challenging for such reasons as poorly organized evidence rooms and insufficient property tracking systems. Once found, tracking data elements associated with kits (a key component of SAKI) also

proved challenging, although sites developed a number of strategies to successfully complete this task. For example, many sites used SAKI funds to develop tracking systems, including electronic, web-based, and bar- and color-coded systems.

Stage: SAK Submission and Testing

Once inventories were complete, sites had to decide which SAKs to submit for DNA testing based on available resources and site priorities. Across sites, three general approaches were taken: (1) prioritized process, where cases with the greatest potential for moving to investigation and prosecution were prioritized; (2) forklift process, where all SAKs were submitted for testing in no particular order; or (3) a combination of these two approaches. Most sites implemented the latter; for example, several sites that initially elected to use the prioritized process switched to a forklift approach after recognizing the time and effort it took to determine which cases to prioritize outweighed the financial costs of submitting all SAKs. Additionally, some sites employed a forklift approach following the exclusion of certain case types (i.e., for anonymous kits or where a crime was already determined not to have occurred).

Lab staff performed DNA testing either locally at the sites' state forensic evidence processing facilities or at nationally accredited private laboratories. The decision to go local or private was driven by several key factors, including the local lab's capacity to take on the task without creating a new backlog of unsubmitted kits that could hold up case processing at investigation, push SAKI cases toward their statutes of limitation, or compromise the timely testing of current case evidence. Most sites used a phased approach to transfer SAKs to testing facilities, packing and shipping SAKs in batches. This allowed sites to test and process SAKs on a rolling basis. Having a central, consistent point of contact across submitting agencies and testing facilities, as well as established and realistic timelines, proved critical to a smooth and efficient testing process. Testing at most sites was done using a direct-to-DNA approach, which allows the lab to analyze the evidence and obtain information necessary to search CODIS in a more timely way, maximizing the chances of a obtaining a CODIS-eligible profile.

Following testing, lab staff documented results in case-specific reports that law enforcement reviewed. The content and format of these reports varied by site. Once reviewed, CODIS administrators uploaded eligible DNA profiles to the FBI's CODIS database. If the system

identified a match between the uploaded profile and an existing profile (a “hit” was made), the cases would be linked together in CODIS, providing an immediate lead for investigators.

Stages: Investigation, Victim Engagement, and Prosecution

Deciding which cases to pursue is a critical decision in this process. In making it, stakeholders considered factors similar to those used to determine which SAKs to submit, namely, resources and the probability of the case moving forward. However, here stakeholders also considered the impact of cases and their potential outcome on victims. A primary exclusion criterion was the lack of a CODIS match. Most sites pursued only CODIS match cases, with the rationale that cases with the highest investigative potential (e.g., serial offenders), and thus a higher probability of a positive case outcome, was both victim-centered and cost-effective.

Another key decision was whether and how to notify victims. Understanding that notification could potentially re-traumatize victims, most sites expended considerable time and effort deliberating the circumstances, approach, and timing of victim re-engagement. Because of the sensitive nature of engaging with victims, stakeholders across areas (e.g., law enforcement, victim advocates, and prosecutors) also coordinated to conduct or attend trainings on newly developed or refined procedures related to it.

For a large number of cases, locating the victim required substantial time and effort given the frequent time lapse between the initial crime report and SAK testing. Once located, victims were most often notified in-person, with a first contact made by telephone. In cases where in-person notification could not occur (victim lived out of state or had moved), victims were notified via telephone or letter; stakeholders felt strongly about victims’ right to know about their case. After initial notification, in-person interviews were scheduled and conducted with those victims who wished to pursue an investigation. Investigators (ideally, those trained in trauma-informed, victim-centered interviewing) conducted interviews, although they were frequently accompanied by a victim advocate or prosecutorial staff. After the interview, victims were given information regarding available services and contact was maintained via follow-up calls to provide updates regarding case status.

Victim advocates largely provided services via two methods: hotline calls and court accompaniment. Stakeholders reported that the most frequently used method of contact with victims was the 24-hour hotline, through which victims could reach an advocate if they needed crisis intervention, wanted to talk to someone about their assault, or had questions. Advocates also supplied basic information about the legal process their case would follow, ensured that victims were aware of their rights, and provided moral support to victims by accompanying them through judicial processes. Though these services were available to victims associated with both current and unsubmitted SAK cases, they were most often provided for SAKI cases re-entering the justice system after the victim was notified of their testing results.

Sites engaged in a variety of investigative activities (collecting additional evidence, obtaining and serving warrants, and arresting and charging suspects), but experienced numerous challenges. Stakeholders talked about challenges specific to SAKI cases; for example, in many cases, the original officer on a case was not available because of the time gap since the initial report to provide context for case facts and decisions, and there were gaps in case file documentation due to incomplete record keeping.

Once all leads were investigated and any additional evidence collected, law enforcement presented the case to prosecutors who reviewed it to determine whether the evidence was sufficient to file charges and proceed with prosecution. While a CODIS “hit” was usually sufficient evidence for obtaining an arrest warrant, a prosecutor’s decision to pursue a case was informed by several other factors, including the willingness and/or desire of a victim to pursue charges, the sufficiency of the evidence to plausibly achieve a conviction, and whether the site employed a consensus-driven approach (where prosecutors and multiple stakeholders worked together on an “unbiased” review of cases) to determine which cases would move forward.

Once a prosecutor moved to file for and obtain a warrant for arrest of a suspect in a SAKI case, a defendant must be arrested by the local law enforcement agency and then charged, indicted by grand jury or via a preliminary hearing, and finally, arraigned. Prosecutors across sites reported that this pretrial phase required special attention, as SAKI cases at many sites faced expiring statutes of limitations. At some sites, prosecutors strategized to avoid expiring statutes of limitations by initially filing cases with alternative charges, where possible. For example, at one site, prosecutors reported pressing kidnapping charges against SAKI offenders when the victim was involuntarily transported

during the assault. Stakeholders also noted that a case's statute of limitations could be extended by the discovery of DNA evidence itself.

In addition, stakeholders across sites frequently reported the conviction of serial offenders as an important SAKI goal. Prosecutors at several of these sites discussed strategizing to convict serial offenders by linking and trying cases together, reporting that doing so typically strengthened each individual case and ensured harsher sentencing for the offender upon conviction. However, because of the strength of the case against the suspect, these prosecutors also noted that serial offender cases often resulted in plea bargains before the case even officially transitioned to the pretrial phase.

Prosecutors noted several features unique to unsubmitted SAK cases that can be used to the benefit of the prosecution, including the following:

- **Preemptive Jury Education.** The most commonly discussed trial phase strategy by prosecutors across sites entailed explaining the SAKI to juries, and anticipating the defense's criticisms of case processing negligence. Prosecutors additionally discussed how educating juries about advances in DNA testing could circumvent defendants' arguments about memory and other evidence degradation, by noting the ability of DNA evidence in SAKs to withstand the passage of time.
- **Unique Benefits of Delayed Trials.** Delayed trials give victims a chance to transition to better circumstances, making them potentially more sympathetic to a jury. Victims' testimony in court after so many years can afford them additional credibility in the eyes of the jury due to their relative age and maturity.

Stakeholders at most SAKI sites reported that SAKI programming efforts reflect broader social patterns of change around sexual assault, often citing the “#MeToo” movement as an example of changing contexts. Prosecutors noted discerning more empathy toward victims in recent years, which has helped achieve more convictions and stricter sentencing than may have happened back when the crime was committed. Stakeholders at several sites reported that publicizing SAKI case convictions often spurred positive media coverage resulting in more public support for SAKI case prosecutions on both a national and local level.

SAKI and the Media

The problem of unsubmitted SAKs has received an abundance of negative national media attention over the past decade. Consequently, the SAKI program encourages grantees to actively engage with

media outlets in order to keep the public apprised of site's efforts to reduce and prevent future backlogs. Stakeholders described their media engagement goals to include (1) educating the public about sexual assault crimes in a victim-centered manner, (2) keeping the public informed about ongoing efforts to address sexual assault within the jurisdiction, and (3) supporting victim survivors by demonstrating a commitment to their cases. There was a range in the type and amount of media engagement activities in which sites participated. Several of them are summarized here:

- Proactive media engagement – site initiates media engagement and routinely disseminates information to them
- Media liaison – individual identified to liaise with the media
- Press conferences – used to disseminate key milestones of SAKI grant (completing inventory, identifying and arresting suspects, convicting perpetrators)
- Websites – SAKI-specific websites for community and media engagement, as well as resources for victims and families
- Routine reports – routine progress reports submitted to the media and local community organizations
- Awareness campaigns – alert the public about the risks of sexual assault, encourage victims to report, and update the public on SAKI activities and progress
- Documentaries – focused on unsubmitted SAKs to be transparent about the nature of the local issue and relay messaging to the public about concerted efforts to resolve them
- Formalized media partnerships – establish trusting relationships with media sources as a way to control public messaging.

Sites reported a two-sided relationship with the media – sometimes positive, sometimes negative. Some sites had experienced negative media attention about unsubmitted SAKs before SAKI efforts began. In one case, the media attributed blame to a single agency, which created tensions between agencies. Several stakeholders discussed how regular, negative media attention could affect the morale of team members and damage the perception of local law enforcement. Others expressed frustration at being held responsible for previous administrations' mistakes in handling sexual assault cases. Stakeholders also reported challenges finding media partners who were educated enough about the issues to report in an informed and victim-centered manner. A few sites found one or two local reporters they could rely on, but others were not as lucky, noting sporadic coverage of sexual

assault cases and issues by uninformed reporters; this reinforces long-standing myths and misconceptions about sexual assault.

Finally, despite these challenges, numerous stakeholders talked about “getting ahead of the problem” by alerting the media about unsubmitted SAKs and their plans to address it through SAKI and other, related efforts. This sometimes included publicly acknowledging responsibility for the problem and expressing regret to victims and the community.

System Reform Assessment Findings

Overview

The SAKI system reform assessment was designed to document the range of SAKI system reform efforts sites implement and then assess the extent to which they result in intended (or unintended) system-level changes; in this context, system-level changes are defined as those with potential to affect change in sexual assault response and SAK processing beyond those in sites’ existing inventories of unsubmitted SAKs. At the time the impact assessment began, most sites were just starting to implement reform efforts; as such, measuring their impact was premature. The evaluation literature suggests that impacts—even those related to system reform—may take anywhere from 5 to 7 years to produce. Therefore, the timing of an impact evaluation is critical—when done too early, it will provide an inaccurate picture, as impacts will be understated with insufficient time to develop, or overstated when they decline over time. As such, the system reform assessment examines the mechanisms through which SAKI sites are attempting systems change and the potential impact they can have on sexual assault response and SAK processing. As with the process evaluation, system reform assessment data was collected via on-site interviews with the 17 participating SAKI sites in 2018. Highlights from those interviews are presented in sections organized by mechanism as outlined below.

In the 2015 SAKI grant solicitation, BJA identified a number of mechanisms through which systems change can occur. For the purposes of this report, these were integrated into the following eight types and confirmed by cross-site analysis of SAKI sites: (1) resource adjustment; (2) organizational restructuring; (3) legislation; (4) policy or protocol development; (5) trainings; (6) case management, SAK tracking and other data systems; (7) community and victim engagement, and (8) research

efforts. In the following sections, we highlight, by mechanism, some of the key findings from the system reform assessment.

Mechanisms in Context

It is important to the system reform assessment to note that many of the SAKI sites had already begun implementing sexual assault response and case processing improvement activities prior to applying for the SAKI grant. Furthermore, many sites were operating in contexts that facilitated these efforts, including providing funding and support for them. As a result, when awarded the SAKI grant, these sites often integrated their SAKI programming into their existing efforts. Therefore, the information contained in this section of the report reflects SAKI-relevant (not necessarily SAKI grant-funded or driven) programming among the FY 2015 grantee sites (unless otherwise noted). This type of service (or programming) integration allows sites to leverage resources across multiple sources, creating financial efficiencies and maximizing opportunities to affect systems change.

Mechanism: Resource Enhancements

SAKI sites reported prioritizing SAKI funds to address the unsubmitted SAKs, despite the initiative's dual focus on unsubmitted and current sexual assault cases. Ultimately, it was found that ongoing resources are needed to implement and sustain the system-level reforms necessary to prevent a new backlog of cases from occurring. Sites provided examples of resource enhancements related to additional funding, staffing, and facilities and equipment, which are addressed here.

Funding. Sites provided several examples of financial resource enhancements, including encouraging and supporting jurisdictions outside of their own to apply for SAKI funds, potentially extending SAKI impacts to other jurisdictions. In addition, SAKI sites routinely applied for and received subsequent years of BJA funding to continue the work they started under the initial SAKI grant.

Staffing. Staffing is an important issue in an initiative like SAKI. Some sites hired new staff as part of their reform efforts, but others were unable to do so and had to rely on their existing staffing structure. SAKI activities are designed to increase awareness of sexual assault, while also clearing the unsubmitted SAK cases. The former may lead to an increase in reports of sexual assault. This,

combined with the labor-intensive efforts required to reduce case backlogs, may result in insufficient or overburdened staff. Hiring additional case processing staff may reduce the burden on current staff and allow for more streamlined unsubmitted and current case processing, but stakeholders reported difficulty finding sustained funding for these positions, over time. Unfortunately, one possible outcome related to an insufficient workload is the development of a new backlog of current cases, as existing staff are reallocated from processing current cases to processing SAKI cases. This issue was reported for investigative staff as well as case processing staff.

Staffing issues extended beyond addressing the unsubmitted SAK issue as well and can affect current sexual assault cases. Stakeholders from several sites noted that as sexual assault reporting increased around the same time that SAKI case notification began, advocates were unable to keep up with their ever-increasing caseloads. Stakeholders reported similar issues with medical staff, including a lack of trained nurses to address the higher demand for sexual assault exams, which can affect victim support, engagement, and their ability to receive a timely exam.

Facilities and Equipment. The problem of unsubmitted SAKs was often associated with disorganized evidence rooms and inadequate storage space, so facility enhancements were often a first step in the process. As a result, many facility and equipment enhancements were designed to improve the storage of all SAKs (current and unsubmitted kits), with the intention to improve tracking, testing, and post-testing activities, including victim engagement. Other enhancements included upgrades to and additional storage space for testing labs; for example, several labs upgraded to robotic testing machines, which automate certain parts of the physical testing process and allows multiple samples to be processed simultaneously, reducing the testing burden on lab personnel. Finally, one site established a new Women’s Center, where exams are performed in an environment with security cameras, showers, and victim advocates.

Despite enhancements to improve SAK processing, some sites described going into SAKI with already insufficient lab resources (staff and space) to process current cases. Adding SAKI cases to an already strained testing situation created additional problems for staff and testing processes. In addition, rural sites continued to struggle with limited staff, equipment, and space to address their current needs. One site began organizing fundraisers to provide supplies and post-exam supports to victims rather than relying on hospital or external funds.

Mechanism: Organizational Structure

In this context, organizational restructuring refers to both physical restructuring (e.g., physical relocation of stakeholders' offices to facilitate cross-agency collaboration) as well as changes to workflow (or case stage) processes brought about by such factors as improved cross-agency collaboration. In fact, most examples of organizational restructuring were those designed to improve cross-agency collaboration and communication, and in doing so, create improvements across the case processing stages (see Figure 7). By realigning the infrastructure around SAK processing and testing, these efforts can potentially affect SAKI, current, and future sexual assault cases.

Multidisciplinary Teams and Working Groups. Sites were required to create a multidisciplinary team (MDT) to identify the factors responsible for their unsubmitted SAK issue and develop a comprehensive strategy designed to address it and prevent it from recurring. Though MDTs were intended to drive SAKI reform efforts in each site, there was no prescribed format or agenda for these groups to follow; each site was to develop their own processes tailored to the unique barriers, facilitators, and circumstances of their local context. Sites' MDTs varied in priorities, membership, history of collaboration pre-SAKI, and leadership, but many reported that their MDTs did, indeed, improve collaboration and communication with, for example, prosecutors, police departments, and hospitals. Some sites' MDTs included stakeholders from other jurisdictions, including those without SAKI cases, as well as representatives from private and state labs; this broadened the reach of the group and provided opportunities for widespread knowledge sharing, a key factor for system reform.

In addition to MDTs, sites also created subgroups (working groups or task forces) focused on specific issues or tasks. For example, one site created a "tracking system" subgroup, focused on developing a "state-wide" sexual assault tracking system, while another site's subgroup was designed around improving evidence collection with Sexual Assault Nurse Examiners (SANEs). Others created new teams or roles to facilitate improvements. One site established a new sexual assault testing team in the local crime lab, with specialized testing and reviewer roles, while several others hired victim advocates and embedded them in law enforcement agencies or prosecutorial offices, facilitating networking and communication among advocates and law and court staff.

Mechanism: Legislation

Interestingly, much of the legislation sites discussed as part of the impact assessment preceded the SAKI grant; this seems to indicate that, for many sites, SAKI was part of their larger sexual assault reform efforts. In fact, in some sites, legislation was passed to mandate SAK inventory and reporting. Other sites did indeed introduce and pass legislation as part of their SAKI efforts to impact sexual assault awareness, testing, and prosecution, both within and beyond their own site. Because of its far-reaching and potentially long-standing implications, legislation may be a useful tool for SAKI sites to achieve their goals. However, for legislation to create sustained system-reforms there needs to be some level of accountability when legislative mandates are not followed. Further, if legislation is not accompanied by necessary implementation funds and related resources, it can be challenging for jurisdictions to comply with legislative mandates; for example, legislation that requires jurisdiction to test and then retain all SAKs indefinitely must also come with funds to test and store the SAKs. It is also important to note that state-level sites may have more leverage in introducing and passing legislation than do county- or city-level sites.

In some sites, legislation was passed to develop state standards for forensic evidence collection, to include evidence transfer (strict tracking requirements), storage timelines (setting maximum limits), and victim experiences (advocates present during exams, access to information about the life cycle of the SAK). For example, a city-level site described legislation to a statewide evidence collection SAK tracking system, while another site passed legislation mandating the storage of Jane Doe kits for 10 years. Finally, several sites described legislation directed toward victims' experiences, including access to services; their right to information about their SAK, including whether a DNA profile is uploaded and if a CODIS match is achieved; and how and when to involve a victim advocate.

Mechanism: Policies and Procedures

Other system reform efforts were targeted towards widespread change in policies and procedures. In this context, policies are defined as general guidelines that communicate an organization's values, philosophy, and culture. Policies often outline a general plan for addressing specific issues, set some parameters for decision making, but also leave room for flexibility; essentially, they define and support organizational procedures. Similar to legislative reforms, site-level is an important consideration when assessing the potential impacts of SAKI sites' activities related to policies and

procedures. For example, state-level sites may be responsible for developing guidance around victim advocates for local jurisdictions and may allow for some discretion at the local-level for how agencies implement this guidance.

Sites also noted changes in policies and procedures in several areas, including the following:

- **Regular inventories:** Some sites developed policies to implement regularly scheduled (i.e., annual review) inventory procedures to improve SAK monitoring and offset a future backlog.
- **Victim experiences:** Many sites reported implementing victim-centered policies in hospitals directed towards victim support and engagement; for example, they updated policies to be trauma-informed (e.g., separate exam rooms, revised intake and consent forms), allow for more comfortable exam rooms, and ensure victim advocates were available and present during exams and follow up procedures.
- **Clearly defined advocate roles:** Some sites developed policies to distinguish between systems level advocates (those designated to support victims through the legal process) and community-based advocates (those who provide emotional support to victims throughout their experience).
- **SAK collection practices:** Sites reported developing policies to ensure evidence collection protocols were uniform across all involved parties. For example, several sites developed a color coded system to keep track of new and untested SAKs, while others devoted a specific area of the evidence room for SAKs only.

Mechanism: Trainings

Trainings are a key mechanism to reducing knowledge gaps and promoting best practices in sexual assault case resolution among SAKI sites, and stakeholders across sites reported engaging in some form of professional trainings during their program implementation efforts. However, the reach of these trainings beyond staff who were working to address backlogged cases was often limited, even when the trainings could provide information relevant to the improved resolution of current and future sexual assault cases.

For many sites, trainings were limited to SAKI training and technical assistance (TTA) webinars. The SAKI TTA program hosts regular webinar trainings for grantees sites, to increase their effectiveness in addressing unsubmitted SAKs, as well as provide guidance in the coordination of their multidisciplinary efforts to implement their SAKI programming. Most of these webinars focus on information particularly relevant to the processing of backlogged SAKs, such as strategies for

victim notification, or investigative techniques for cold cases. However, some of these trainings include content that is directly transferable to the processing of current and future cases as well, such as lessons about the neurobiology of trauma and how it can affect victim engagement, guidance on how to conduct effective interviews and cross-examinations, and a module about emerging DNA techniques. However, although the content of some of these trainings could potentially improve the processing of current sexual assault cases, these webinars were not often disseminated beyond core SAKI team members within sites. Although nearly all staff who worked at least part time on backlogged case reduction efforts reported viewing the TTA webinars, staff who worked exclusively with current cases rarely were aware of or participated in these valuable learning efforts.

Other sites developed and administered their own trainings or had relevant personnel participate in external trainings, in addition to participating in the TTA webinars. Some of these trainings were focused on increasing procedural efficiency within a specific stage. For example, in anticipation of an influx of SAKs to test due to legislation mandating the submission of all SAKs, staff from at least two sites' laboratories participated in Six Sigma trainings that helped streamline testing processes within their evidence testing facilities. Prosecutors and investigators at another site received training in forensic interviewing techniques from an external provider, to collect prosecutable testimonies during investigations of sexual assault cases. Other trainings focused on enhancing the coordination of efforts across stages. At one site, prosecutors developed a training for law enforcement identifying types of evidence that help build prosecutable sexual assault cases per the criminal codes of the jurisdiction, and the lab staff at a few sites additionally provided investigators with lab tours to educate them on testing processes and open communication channels between investigators and lab staff. Finally, victim's advocates at several sites developed and administered trainings about best practices for investigators and prosecutors about engaging with victims of sexual assault in victim-centered ways. However, as was reported with TTA webinars, these trainings were not always available to current case staff, thereby generally limiting their reach to stakeholders involved with backlogged cases.

Mechanism: Data Management and Tracking Systems

Poor evidence tracking and case management practices have contributed to the nationwide problem of unsubmitted kits. BJA allows SAKI grantees to use a portion of their funds to establish (or improve) electronic evidence tracking and case management systems, which allows sites to better

monitor and track SAKs, reducing the likelihood of a future backlog. Establishing such tracking systems may also improve interagency coordination and victim access to case information.

Sites noted three overall activities in this area:

- **Development of bar-coded tracking systems:** Several sites implemented bar-coded tracking systems, which assign each SAK (as well as other, related evidence) a unique bar code that can be affixed on the outside of the kit for easy documentation and tracking. These systems can be used for both unsubmitted and current SAKs, resulting in improved processes and better tracking for both kinds of cases.
- **Improvements to existing systems:** Other sites improved their existing systems by, for example, training staff in data entry to ensure all necessary fields for tracking were completed at the time of inventory.
- **Development of electronic property management systems:** Many sites used a portion of their SAKI funds to develop an electronic property management system that could be used to track SAKs (especially for those associated with current cases) through all case processing stages. Some sites also described developing a SAK tracking system specifically for victims that would enable victims to follow their kit through the case processing stages.

Mechanism: Community and Victim Engagement

The problem of unsubmitted SAKs has contributed to negative media coverage of the issue, which, in turn, perpetuates negative perceptions by the community and victims regarding responses to and the handling of sexual assault cases. These factors have been linked to the underreporting of assaults and a hesitation to cooperate once a crime has been reported to the police. In response, sites implemented community outreach efforts to educate the public about sexual assault crimes in a victim-centered manner, and inform them of ongoing efforts to address the unsubmitted SAK issue and prevent another one in the future. These kinds of efforts have the capacity to demonstrate accountability and transparency to the public, and in doing so, improve community and trust of law enforcement, local law enforcement, prosecutors, hospitals, and other related parties (related parties).

Sites also implemented victim outreach efforts in an attempt to engage victims around sexual assault cases and provide support to them in the process. Victim outreach efforts are designed to improve victim experiences by providing them with information about their cases, as well as the resources and services available to them, in their own community, to help them heal from the assault. These

efforts are intended to help victims not only by supporting them to recover from the trauma of the assault, but also the community, law enforcement and other related parties, by providing them an opportunity to “shift the culture” (local or state) around sexual assault by outwardly demonstrating their commitment to and support of victims. We offer several examples of these efforts below.

Outreach efforts are often designed and implemented by victim advocacy organizations, sometimes with the support of local law enforcement and other related parties. They often include a set curriculum or guide that is delivered to an interested audience by a victim advocate or other party directly involved with sexual assault victims (police, prosecutors, physicians, and nurses). In this context, outreach efforts most commonly targeted the public, community, and schools and covered a range of topics from awareness of and education around sexual assault—both prevention and intervention; victim rehabilitation; and community-based resources for victims and their families. Two commonly reported perceived impacts of these efforts are increased reports of sexual assault and the development of trusting relationships between the community and law enforcement and other related parties.

Sites also reported implementing broad information sharing efforts such as press conferences, websites, and report dissemination. While having the same goals as outreach efforts, they tend to be more comprehensively focused (e.g., address a range of issues related to sexual assault) and reach a broader audience. An example of these types of efforts are victim-centered awareness campaigns, developed as part of SAKI. For example, the Promise Initiative (Mobile, AL) aims to create a coordinated community response that ensures just resolution to sexual assault cases through (1) a comprehensive, victim-centered and trauma-informed approach; (2) capacity building to prevent high numbers of un-submitted SAKs in the future; and (3) supporting the investigation and prosecution of cases for which SAKs were previously unsubmitted. Similarly, the Say No More Campaign (Memphis, TN) seeks to bring awareness of domestic violence and sexual assault in an attempt to change both the public dialogue and the amount of gender violence in the city. The latter includes local stories, facts and messages, public service announcements, and resources for victims and their families. Both hope to dramatically reduce the incidence of and the stigma associated with sexual assault in their communities.

Mechanism: Research Efforts

BJA recommends that SAKI sites engage a research partner as part of their programming efforts, so that they can help sites identify reasons for their unsubmitted case accumulations, track elements of their program implementation progress, or find other ways to make data-driven decisions about how to improve case processing within the site. A few sites that had begun processing unsubmitted cases prior to receiving the SAKI grant had also developed strong working relationships with local academic researcher partners. These researchers were able to identify common reasons for unsubmitted case accumulation within their respective sites. As a result, their work was leveraged by not only those sites but also other grantees in identifying areas of stage processing to improve through protocol development and other reforms. Findings from one of these researchers' work about testing process efficiency in unsubmitted case reduction efforts additionally helped persuade several sites to approve novel, direct-to-DNA testing approaches as part of their respective efforts. Several additional sites had only recently enlisted research partners as part of their programming efforts. While some of these researchers' efforts were focusing on assessing the sites' effectiveness in processing unsubmitted cases, a few were developing projects that could directly or indirectly inform the processing of sexual assault cases at the site, such as a study measuring the new case victims' experiences with SANE evidence collection processes.

Criminal Case File Analysis and Feasibility Assessment for Using Multisite Case-level Data in a SAKI Outcome Evaluation

Purpose and Research Questions

Criminal case file data can provide detailed information about the incidents, victims, and suspects associated with unsubmitted SAKs, as well as the course of action taken by investigators and prosecutors in both the original (i.e., before SAK testing) and follow-up (i.e., after SAK testing) investigations. Criminal case files may provide insights into reasons why investigations are suspended, including the nature and degree of victim participation in the investigation, victim credibility concerns, the relationship between the victim and offender, whether police personnel interviewed suspects, and whether police requested prosecutors issue an arrest warrant. As such, examining case files can provide information about the circumstances by which sexual assault cases proceed through the justice system and highlight ways to reduce the number of unsubmitted SAKs through improved policy and training.

Given the potential utility of criminal case file data, the original purposes of the SAKI case analyses were to (1) gain an understanding of unsubmitted SAK case characteristics (at the time of the offense, prior to SAK testing) using a large sample of cases across multiple jurisdictions and (2) to document forensic testing results, investigation activities, and prosecution outcomes of these cases after SAK testing. By examining data disaggregated to the criminal case level, the aim of the case-level analysis was to assess critical variables across multiple SAKI sites and shed light on the way testing impacted criminal case processing and case outcomes.

Westat, however, encountered challenges recruiting sites to participate in the case-level data collection and sharing portion of the project. These challenges were compounded by limitations in case outcome variation, including numbers of arrests and charges. The difficulties in both accessing and analyzing data led Westat to broaden the research questions for the cases analysis component to include questions regarding the feasibility and utility of collecting and analyzing case-level data from multiple sites as part of a future SAKI outcome evaluation. Two research questions guide the case-level analysis and the feasibility assessment as shown in Figure 8.

Figure 8. Case Analysis and Feasibility Assessment Research Questions

1. In selected sites, what are the key characteristics associated with unsubmitted sexual assault incidents, victims, and offenders, including those characteristics associated with post-testing case decisions and outcomes?
2. What is the feasibility/utility of collecting case-level data for an outcome evaluation and what are the requirements?

Methodology

This section describes the methodology Westat employed to address the first research question, which involved collecting and analyzing case-level data from a subset of FY 2015 SAKI sites. To answer research question 2, we drew on our direct experience conducting this case analysis to inform the recommendations regarding the feasibility and utility of case-level data for a future national evaluation of SAKI.

Sampling Approach and Site Recruitment

Using a set of defined criteria, Westat identified sites well suited for participating in sharing case-level data. Of the 17 FY 2015 SAKI sites involved in the evaluability assessment, Westat contacted nine to assess further the site's capacity to provide case-level data and to solicit participation. Figure 9 lists the initial sampling criteria used for selecting sites to participate in this study component.

Figure 9. Initial Sampling Criteria for Site Selection

- ✓ Engaging in activities across all stages of kit processing (inventory, submission/testing, investigation, and prosecution)
- ✓ Organized framework for collecting and sharing case-level data
- ✓ Demonstrated interest in participating

Recruiting sites for participation presented many challenges. For example, several sites remained in the early stages of completing their grant work and would not yet have data on SAK testing results or post-SAK testing case outcomes. Many sites lacked sufficient staffing and other resources necessary for participating; and sites frequently faced administrative and legal constraints to data

sharing. Four of the nine sites participated in the initial stages of the case-level, data sharing project and Westat ultimately obtained case-level data from two sites.

Development of the Data Collection Instrument

Westat worked with four sites to develop a data collection instrument that captured information about the incident, victim, suspect, and investigation activities of each case. The instrument included measures of characteristics and activities that occurred at the time of the original investigation (i.e., before SAK testing) and at the time of the follow-up investigation (after SAK testing). Personnel from the participating sites and Westat held several meetings during which they reached agreement upon a final set of variables. This group also undertook the challenging task of interpreting terms, definitions, and case processes that differed across sites. These differences resulted from the somewhat distinct nature of state and local criminal justice systems, policies, and laws. The items included in the final data collection instrument were also grounded in previous research that collected data from sexual assault criminal investigation files.

Data Sharing and Collection

Westat established Memorandum of Agreements (MOAs) with three partner sites¹⁰; the MOA described site-specific terms of participation and details about data sharing. It took significant time and resources to finalize the MOAs between Westat and the partner sites, which had to be finalized before data collection and sharing could begin. This delay was largely due to bureaucratic delays in identifying procedures, writing the MOAs, and reviewing and approving documents.

The data collection and data sharing methods differed between the two participating sites. Site 1, a city-level site without a research partner, provided law enforcement agency case files in electronic form to Westat. Westat research staff reviewed the case files and recorded information onto the data collection instrument. Site 1 also shared spreadsheets that contained information about SAK testing results. Site 2, a county-level site with a research partner, shared an electronic database with Westat that contained case-level data as specified in the data collection instrument. Both sites initially shared data for all cases in their SAKI inventories with Westat (n=1,287). Due to time and resource constraints, as well as participating sites' focus on cases associated with kits that contained foreign

¹⁰ Although Westat secured data sharing agreements with three sites, ultimately only two sites were able to provide case-level data for this study. The third site opted out of the project because personnel were over-extended with SAK and other project commitments.

DNA because these were the cases most likely to receive follow-up investigations and proceed through to prosecution, Westat limited data extraction to those cases in which foreign DNA was identified during SAK forensic testing.

Collaborating with both sites required significant time and resources. Westat met with both sites, as needed, throughout the data collection process to discuss challenges and develop workable solutions. These tasks required several months to complete and included identifying the sample of case files, extracting electronic case files from police information systems and sharing them with Westat, reviewing case files and completing the data collection instrument, and entering and cleaning data.

Analysis Sample, Measures, and Approach

Westat conducted quantitative data analysis after combining the case-level data from both participating sites on two analytic samples¹¹: (1) cases in which foreign DNA was identified during SAK forensic testing (n=576) and (2) cases in which SAK testing resulted in a CODIS hit (n=154). Westat also conducted analyses on cases from two distinct time periods: (1) at the time of the original investigation (before SAK testing) and (2) at the time of the follow-up investigation (after SAK testing). Analyses conducted on variables measured at the time of the original investigation are presented for all DNA cases (n=576). For forensic testing results, unconditional and conditional percentages were calculated to show how the results change contingent on previous outcomes. For example, a DNA profile will not be uploaded to CODIS if it is not CODIS-eligible. The unconditional percentages are based on the full sample of 1,287 of DNA and non-DNA cases and the conditional percentages are based on denominators from the immediate testing step prior. Cases with missing data are excluded from the denominators and cases with missing data at one stage, such as CODIS profile upload, are also missing data on subsequent stages, such as whether a CODIS hit was returned.

Findings related to the follow-up investigation are presented for CODIS-hit cases only (n=154). Because a CODIS hit represents a potentially new investigative lead in a case, examining the sample of CODIS-hit cases at the time of the follow-up investigation is of particular interest to assess the

¹¹ Although we considered a comparative analysis of the two sites, the decision to combine the site data together was driven by the relatively small number of cases and general lack of arrest and prosecution outcomes, the degree of missing data, and the analysis goals.

progression of SAKI cases through the justice system. Sites had not completed investigative work for all 576 cases in this sample at the time of data collection; additional time is necessary to capture complete data on follow-up investigation and prosecution.

Westat calculated percentages based on valid cases only (i.e., cases without missing data) and excluded cases with missing data from the analyses. The analyses presented in this report are primarily univariate but provide valuable insights into SAKI cases from two different types of sites. Westat conducted bivariate analyses on key variables measured at the time of the original and follow-up investigations.

The full set of results are presented in the Case Analysis and Feasibility Assessment Report.

Overview of Case-Level Analysis Findings

Forensic Testing Results

The sites reported a combined total of 1,287 SAKs that were examined by a crime lab. Less than half of the SAKs screened contained foreign DNA evidence (n = 576, 44.8%). Of the 576 SAKs that screened positive for biological evidence/DNA, 410 (71.2%) contained a CODIS-eligible DNA profile. CODIS administrators uploaded 370 CODIS-eligible profiles (99.7% of the 371 SAKs with valid data¹²). About 46 percent of profiles uploaded to CODIS resulted in a CODIS hit (n=154 of 338¹³), which is about 13 percent of the unconditional sample count (154 of 1,216 SAKs with valid data¹⁴). Missing information on CODIS hit status is not unexpected given testing of SAKs was ongoing and not necessarily completed at the time of data collection.

¹² Of the 410 SAKs with CODIS-eligible DNA, 39 SAKs lacked valid data on CODIS upload status. The exclusion of the 39 SAKs resulted in a denominator equal to 371 SAKs for this step of the process.

¹³ Of the 370 SAKs with profiles uploaded to CODIS, 32 SAKs lacked valid data on CODIS hit information. The exclusion of the 32 SAKs resulted in a denominator equal to 338 for this step of the process.

¹⁴ All steps combined, the unconditional analysis excluded 71 SAKs total from the full sample of 1,287 SAKs.

Case and Victim Characteristics

The 576 DNA cases were associated with offenses that occurred between 1986 and 2019, almost all of which involved one victim (n = 565, 98.4%), who was female (n=553, 96.0%) and ranged in age from 2 to 82 years at the time of the offense (mean = 26.8 years for 573 cases with valid data).

Case Outcomes for DNA Cases at the Time of the Original Investigation

During the original investigation, investigators presented 30.2 percent of cases (n= 168 of 556 cases with valid data) to a district attorney for charges/arrest warrant. This pattern suggests it was not uncommon for police investigators to determine they had sufficient evidence to support charges prior to SAK testing. It is also possible that investigators were not certain about the strength of the evidence and sought input from prosecutors. Law enforcement arrested a suspect in 77 cases (13.7% of 562 cases with valid data) at the time of the initial investigation. Prosecution filed charges in 71 of the 77 cases with an arrest.

Case Outcomes for CODIS-Hit Cases at the Time of the Follow-Up Investigation

At the time of data collection, there was no post-SAK testing investigation information for 101 of the 154 CODIS-hit cases. Investigators presented 14 CODIS-hit cases (28.6% of 49 cases with valid data) to a district attorney for charges or an arrest warrant. A suspect was arrested in 10 CODIS-hit cases (20.0% of 50 valid cases); charges were filed in eight of the 10 cases with an arrest, and a suspect was convicted in three of the eight charged cases. Conviction information was unavailable for four of the eight charged cases. It is important to note that because some testing and post-SAK testing investigation activities of individual cases were still underway at the time of data collection, or had not yet begun, case outcome information is incomplete.

Feasibility and Utility of Collecting Case-Level Data for a SAKI Outcome Evaluation

We identified significant barriers to systematically collecting criminal case file data from several SAKI sites. It does not seem feasible to include criminal case file data collection and analysis in an outcome evaluation of the national SAKI program. Although case outcomes may be observable within individual sites, the team identified four significant barriers that limited feasibility of using case file data as part of a program-level evaluation: case file data access, grantee burdens, and limited variation in case outcomes.

Access: It can be difficult to access relevant data points from criminal case-level data because the most meaningful information is often not available in discrete fields in police electronic databases, such as victim participation, whether suspects were interviewed, and whether an arrest warrant was sought. For this reason, it is often necessary to read police investigation files, and then, extract and manually record information on paper or in an electronic database. In addition, we learned that police departments frequently do not have mechanisms in place to easily share criminal case files with researchers. For example, extracting electronic case files from case management systems (if the systems exist) can be a cumbersome process and securely sharing those files with research partners presents challenges. We also learned some jurisdictions are reluctant to grant access to investigation case files. In some jurisdictions the data sharing request required approval by multiple local organizations, including the police and city administrators (i.e., council). Finally, developing and finalizing data sharing agreements can require significant time and resources, both for researchers and participating sites.

Burden: Grantees will face significant burdens if asked to create and populate a database with information from investigation case files. It was uncommon for researcher partners in the jurisdictions we approached to maintain databases with relevant information about criminal cases and their progress through the justice system. As indicated above, it is uncommon for police agencies to maintain databases with variables relevant for answering important SAKI-related questions, such as reasons for the lack of case progression to prosecution. It was more common for jurisdictions to maintain aggregate-level data for the purpose of meeting BJA's Performance Measurement Tool (PMT) data reporting requirements. Thus, grantees would face the burden of extracting data from the investigation files.

In addition, to collect, combine, and analyze case-level data from multiple jurisdictions requires a data collection instrument that is reliable and relevant for those different jurisdictions. Developing such an instrument is challenging because it requires common sets of variable definitions that may not be applicable across jurisdictions. Legal definitions may be inconsistent, for example. In addition, recording data with the collection instrument presents challenges because coders need to be trained and the quality of data collection must be monitored for reliability. This work is more feasible if performed in a centralized location by a relatively small staff.

Limited Variation: Last, experience has shown that prosecution and conviction outcomes are uncommon in many SAKI jurisdictions. It takes substantial time for cases to proceed through investigation, prosecution, and court stages so measuring justice system outcomes requires time. Understanding the variables related to justice system outcomes will require data collection that occurs over multiple years and across several jurisdictions to ensure variation can be observed and explained through data analyses.

Summary

The SAKI program seeks to improve the investigation of sexual assault incidents through forensic analysis. Specifically, by analyzing samples in previously unsubmitted sexual assault kits police can be provided with new investigation leads they can pursue and hold offenders accountable. This work may also facilitate greater degrees of closure and healing for victims. In addition, and of importance to note, the SAKI program seeks to improve investigation and prosecution practices beyond the utilization of forensic testing results. SAKI encourages jurisdictions to improve interactions with victims and collaborations between organizations that include crime labs, police departments, victim advocacy organizations, and prosecutor offices. The SAKI program expects changes and outcomes to not only occur among the set of cases with previously unsubmitted SAKs, but also among current criminal cases that are reported to police.

There is value to be gained by including criminal case-level data analyses in a SAKI outcome evaluation. These data would provide evidence about the extent to which SAKI led to improvements in specific investigative and prosecution practices *and* case outcomes. As described above, there are significant challenges to measuring investigation actions and other important aspects of the investigation (e.g., victim participation), and thus, including criminal case-level data in

an outcome evaluation. Some options for incorporating case-level data collection and analysis in an outcome evaluation include the following:

- Provide specific encouragement, support, and resources to grantees to facilitate the collection and sharing of case-level data.
- Limit inclusion to grantees with active research and time and resources available to dedicate to this effort.
- Limit participation to grantees that have conducted sufficient investigations and prosecutions to ensure variation in case-level outcome data, including arrest and charging outcomes.
- Establish a realistic timeline that recognizes collecting, sharing, and organizing criminal case-level data will take time.
- Due to the level of effort required to collect and share case-level data, focus on measuring key investigation and prosecution activities and outcomes that occurred after SAK testing and minimize collecting information about case-level activities that occurred at the time of the original investigation. Alternatively, build outcome measures that roughly capture the progress of a case by using information captured in case management systems' discrete fields. While these approaches may limit the range of case-level data collected, or the types of case outcomes that can be examined, these approaches could enhance feasibility.
- Consider relying on aggregate-level PMT data instead of case-level data. PMT data are valuable for understanding site-level activities and outcomes that could play an important part in an outcome evaluation. PMT data offer several advantages, including their availability and feasibility for analysis. PMT data are valuable for understanding testing outcomes across sites and criminal case outcomes, including arrests, charging decisions, and convictions. The aggregated-nature of PMT data also make them advantageous because the measures could be gathered from sets of non-SAKI comparison jurisdictions.
- Consider using lab information management system (LIMS) data. Although LIMS data were not collected as part of the study, our previous research suggests that LIMS data can provide valuable evidence about SAKI outcomes that are likely to be feasible for use in an outcome evaluation. LIMS data tend to be in electronic format and contain valuable data for understanding SAKI program outcomes, including SAKs received and samples tested, turnaround times, CODIS profiles developed and uploaded, and CODIS hits. Similar to PMT data, LIMS data could be gathered from non-SAKI comparison jurisdictions.

Outcome Evaluation Plan Summary

Study Implications for the Outcome Evaluation

Findings from Westat’s in-depth study of FY 2015 SAKI sites have key implications for the conceptualization of the program evaluation plan in respect to the types of outcomes and levels of measurement that would be required in a program evaluation. These implications are described in the next section.

Focus on Unsubmitted SAK Case Reduction and System Reform as Key Outcomes

The evaluability assessment of FY 2015 SAKI sites determined two types of outcomes are evaluable given sites’ current implementation and could be included in an outcome evaluation of the SAKI program: (1) unsubmitted SAK reduction and associated case resolution outcomes (e.g., convictions and case closures), and (2) sexual assault system reforms to improve current case processing (e.g., training and legislation).

Unsubmitted case reduction and resolution efforts are plausible to achieve given the resources and effort placed on them and can be measured using existing Performance Measurement Tool (PMT) data. System reforms also were in progress in a number of sites and, given sufficient time, should be able to be implemented across sites. The in-depth process evaluation informed our understanding of the range of these types of reforms and how uniform measurement could be used to assess their existence as well as their comprehensiveness, quality, and robustness within and across sites.

The prevention of a current caseload backlog, however, is not yet plausible to expect as a program-level outcome. System reforms are nascent in a number of sites and they are likely to take a number of years to affect the caseloads. Changes in investigation and prosecution, for example, are likely to take several years to materialize, given the long-term nature of many of these cases. Moreover, sites tend to focus their efforts on reforming case reduction and submission activities, though some implemented more expansive efforts across multiple case processing stages. Therefore, Westat recommends measuring the extent to which sites have implemented system reforms across the case processing continuum (and any plausible associated current case outcomes) to assess the program’s

interim achievements in effecting case-level backlog prevention outcomes. We further propose that to have ample time to make systems changes, the evaluation should focus on sites with at least 3 years of programming post-funding.

Assess Victim Engagement and Perspectives

The study of FY 2015 SAKI sites underscored the importance of improving sexual assault victims' experiences with the criminal justice system to reduce trauma for victims as well to maintain and increase their engagement for the benefit of case outcomes. Victim-centered programming is a particularly salient part of SAKI's framework, and sites' emphasis on engaging with victims and implementing trauma-informed reforms indicate that it is plausible that victim experiences may be improved as a function of SAKI program participation.

Most sites do not have structures in place for collecting and analyzing data about victims' experiences, but cross-site strategies are possible for seeking that information as part of the outcome evaluation. The evaluation plan, therefore, includes a study component focused on measuring victims' engagement and satisfaction with their system contact experiences.

Include Both State and Local Level Outcomes

SAKI grants are awarded at two levels of jurisdiction,—at the state level or at the local level (i.e., city, county, or multi-county jurisdiction). Program outcomes are observable at each level and at times occur based upon the interaction between the two levels. For example, case-level SAK reduction outcomes are apparent at the local level and can sometimes be predicated by statewide reforms, while system reform outcomes can be observed across a state or within a local jurisdiction, with a local jurisdiction's efforts even spurring broader state-level reforms. In some states, there are multiple SAKI grantees, with some having state-level efforts funded in addition to local-level grantees. Both to capture the change at all levels and their interaction as well as provide consistency in measurement across the sites, we propose that the evaluation use the state-local lens in all sites, with acknowledgment of the level at which the site was funded when examining outcomes.

Compare Outcomes of SAKI Grantees to Outcomes of Non-SAKI Sites (and within group)

Having a basis of comparison with comparable sites that have not been funded by SAKI should sharpen the ability to see patterns in outcomes among SAKI grantees, even taking into account site variation, demonstrating if SAKI has made a difference in fostering reduction of unsubmitted SAKs, and implementing system reforms. Matching comparison sites to SAKI sites on key characteristics should help to increase understanding of the role that SAKI might play in contributing to desirable outcomes.

Among grantees, understanding the role of other factors in sites' achievements is another fundamental aim. The variation among sites in the agency and level funded, the size and complexity of the site, and numerous other factors provides a laboratory for determining if there are patterns of outcomes among these sites that suggest where SAKI may be more or less effective in helping sites achieve outcomes.

Examine the Spread of SAKI Influence

BJA's vision of the SAKI program is that the program and the work of individual sites contribute to the development of national standards in sexual assault case processing. In order to determine whether SAKI programming has influences beyond its grantee jurisdictions, we propose identifying changes in existing accumulations of unsubmitted SAK reduction in local sites and states nationally as well state-level changes (e.g., legislation) that foster reform in processing SAKs. Measuring whether and how SAKI programming influences these changes can provide insights into the program's contribution to national systems change.

Research Questions

The main research questions for the outcome evaluation include the following:

1. **To what extent does participation in BJA's SAKI program reduce existing accumulations of unsubmitted SAKs and aid in the resolution of associated cases?**
 - a. What portion of SAKI sites' existing accumulation of unsubmitted SAKs have been processed at each stage along the case processing continuum? What portion of cases

associated with the SAKs achieve desirable case outcomes, such as convictions or pleas bargains?

- b. Are reductions in these existing accumulations of unsubmitted SAKs for communities with SAKI grants greater than non-SAKI/newly funded sites?
 - c. What site characteristics, local and state-level activities, and system changes influence the reductions in existing backlogs? What patterns can explain why some sites have more improvement in this outcome than others?
 - d. What are the range of costs associated with processing unsubmitted SAKs and implementing system reforms among sites that are especially successful in achieving program outcomes?
- 2. To what extent does participation in BJA’s SAKI program result in system reforms aimed at improving processing of sexual assault cases and preventing new backlogs?**
- a. What is the nature of system reforms that SAKI sites have implemented to improve case processing and prevent the recurrence of a case backlog? To what extent do sites with system reforms prevent backlogs of current cases across the case processing continuum?
 - b. Is progress in system reform among SAKI grantees greater than non-SAKI/newly funded sites?
 - c. What reforms are made in victim engagement? How do victims perceive their system experiences? Are some victim engagement efforts associated with better case outcomes, or better victim experiences? How do victims’ experiences at SAKI grantee sites compare with victims’ experiences in non-SAKI/newly funded sites?
 - d. What site characteristics, local and state-level activities, and systems changes influence the introduction of system reform efforts?
- 3. To what extent does the SAKI program have broader impact on sexual assault case processing?**
- a. To what extent have sites nationally reduced backlogs and implemented key system changes (e.g., legislation)?
 - b. What has been SAKI’s influence in fostering system reform and backlog reductions? How has SAKI had influence?

Study Design

The proposed evaluation design is comprised of three study components that address the research questions:

- a **cross-site comparative study**,
- **in-depth case studies of a sample of sites that have achieved outcomes**, and
- a **national study** of unsubmitted SAK reduction and system reforms that assess the role of SAKI in influencing these outcomes beyond jurisdictions that are funded by the grants.

The evaluation will be executed in a phased approach, with findings from the cross-site comparative component informing the site selection, refinement of data collection tools, analysis questions for the case studies, and national study component. The next sections describe the site selection, data sources, and methods for each of the evaluation's components. Figure 10 summarizes the data sources that will be used in each component to answer the evaluations questions.

Figure 10. Research Questions Answered by Evaluation Study Components

| STUDY COMPONENT | CROSS-SITE COMPARATIVE STUDY* | | | | | | CASE STUDIES | | | NATIONAL STUDY |
|---|--|---|---------------------------|-------------------------------|-------------------------------------|------------------------------|--|------------------------------|--|--|
| Data Source | Documents, legislation, & policy databases | PMT/ unsubmitted SAK case management data | Site leadership interview | Local stakeholders interviews | State-level stakeholders interviews | Victim experience web survey | In-depth program implementers interviews | Current case management data | Grantee cost reporting/ financial data | Web survey/ interview of expert stakeholders |
| RQ1. To what extent does participation in BJA’s SAKI program reduce existing accumulations of unsubmitted SAKs and aid in the resolution of associated cases? | | | | | | | | | | |
| a. What portion of SAKI sites’ existing accumulation of unsubmitted SAKs have been processed at each stage along the case processing continuum? What portion of cases associated with the SAKs achieve desirable case outcomes, such as convictions or plea bargains? | | ● | | | | | | | | |
| b. Are reductions in these existing accumulations of unsubmitted SAKs for communities with SAKI grants greater than non-SAKI/newly funded sites? | | ● | | | | | | | | |
| c. What site characteristics, local- and state-level activities, and systems changes influence the reductions in existing backlogs? What patterns can explain why some sites have more improvement in this outcome than others? | ● | | ● | ● | ● | | ● | | | |
| d. What are the range of costs associated with processing unsubmitted SAKs and implementing system reforms among sites that are especially successful in achieving program outcomes? | | | | | | | ● | | ● | |
| ● = data source will address the research question | | | | | | | | | | |
| *data collected as part of the cross-site system study component may be used in analyses conducted for the other study components | | | | | | | | | | |

Figure 10. Research Questions Answered by Evaluation Study Components (Continued)

| STUDY COMPONENT | CROSS-SITE COMPARATIVE STUDY* | | | | | | CASE STUDIES | | | NATIONAL STUDY |
|---|--|---|---------------------------|-------------------------------|-------------------------------------|------------------------------|--|------------------------------|--|--|
| | Documents, legislation, & policy databases | PMT/ unsubmitted SAK case management data | Site leadership interview | Local stakeholders interviews | State-level stakeholders interviews | Victim experience web survey | In-depth program implementers interviews | Current case management data | Grantee cost reporting/ financial data | Web survey/ interview of expert stakeholders |
| RQ2: To what extent does participation in BJA’s SAKI program result in system reforms aimed at improving processing of sexual assault cases and preventing new backlogs? | | | | | | | | | | |
| a. What is the nature of system reform that SAKI sites have implemented to improve case processing and prevent the recurrence of a case backlog? To what extent do sites with system reforms prevent backlogs of current cases across the case processing continuum? | | ● | | ● | ● | | | ● | | |
| b. Is progress in system reform among SAKI grantees greater than non-SAKI funded/newly funded sites? | | | | ● | ● | | | | | |
| d. What reforms are made in victim engagement? What is the victim’s perception of the system response? Are some victim engagement efforts associated with better case outcomes, or better victim experiences? How do victims’ experiences at SAKI grantee sites compare with victims’ experiences in non-SAKI/newly funded sites? | | | | ● | ● | ● | | | | |
| e. What site characteristics, local- and state-level activities, and systems changes influence the introduction of system reform efforts? | ● | | ● | ● | ● | | ● | ● | | |
| ● = data source will address the research question *data collected as part of the cross-site study component may be used in analyses conducted for the other study components | | | | | | | | | | |

Figure 10. Research Questions Answered by Evaluation Study Components (Continued)

| STUDY COMPONENT | CROSS-SITE COMPARATIVE STUDY* | | | | | | CASE STUDIES | | | NATIONAL STUDY |
|--|--|---|---------------------------|-------------------------------|-------------------------------------|------------------------------|--|------------------------------|--|--|
| <i>Data Source</i> | Documents, legislation, & policy databases | PMT/ unsubmitted SAK case management data | Site leadership interview | Local stakeholders interviews | State-level stakeholders interviews | Victim experience web survey | In-depth program implementers interviews | Current case management data | Grantee cost reporting/ financial data | Web survey/ interview of expert stakeholders |
| RQ3. To what extent does the SAKI program have broader impact on sexual assault case processing? | | | | | | | | | | |
| a. To what extent have sites nationally reduced backlogs and implemented key changes (e.g., legislation)? | ● | | | | | | | | | ● |
| b. What has been SAKI's influence in fostering system reform and backlog reductions? How has SAKI had influence? | ● | | | | | | | | | ● |
| ●= data source will address the research question *data collected as part of the cross-site system study component may be used in analyses conducted for the other study components | | | | | | | | | | |

Cross-Site Comparative Study

The cross-site comparative study is the core component of the evaluation, aimed at assessing the extent to which SAKI funded sites, representing the national program, realize backlog reduction and system reform outcomes compared to comparable non-SAKI sites, and the role that other factors play in facilitating or inhibiting the outcomes.

Site Selection

Two groups of sites will be selected for the first study component.

- **SAKI grantees:** The group of sites representing the national SAKI program will include all SAKI grantee sites with sufficient time (3+ years) to achieve the unsubmitted and system reform progress outcomes. The pool of sites would consist of 42 grantee sites from the FY 2015, FY 2016, and FY 2017 funding cycles. The sites represent a mix of both state- and local-level funded sites and comprise nearly two-thirds of the 64 grantee sites that have been funded with SAKI grants to-date. As noted, a site would be a funded local community or a funded state, but the inquiry in all sites would include both the state- and local-level changes. For states funded at the state level, a local jurisdiction will be identified to include in the evaluation as part of the site recruitment process. Similarly, when local jurisdictions are funded, a state-level partner(s) will be identified to participate in identifying state factors in the local site's programming. Evaluators will reach out to site coordinators at the start of evaluation activities to help build relationships and promote site participation in advance of site recruitment for data collection.
- **Comparison Sites:** The comparison site group would include approximately eight to 10 sites matched to one or more of the SAKI grantee sites based on local-level characteristics that could influence the outcomes, such as geographic size of jurisdiction, the size of the unsubmitted SAK inventory that the site is managing, and the agency type where responsibility for backlog reduction and system reform effort rests, among others. The comparison sites may be selected from a combined pool of SAKI applicant sites that were unfunded in FY 2015-2017 and/or funded by SAKI in later years (i.e., FY 2018-2020), or sites who have reported existing backlogs but do not have SAKI program involvement (i.e., one of the 19 states or localities therein, that do not have SAKI funding). Including more newly funded SAKI sites as well as the range of unfunded applicant sites provides a pool of sites that may be more feasibly recruited for participation in the study, and yet, still offer a sufficient range of sites that together can inform whether and to what degree SAKI program participation can be associated with grantees' achievement of different outcomes. Though newly funded sites may potentially show less contrast with more mature SAKI grantees than non-funded sites and may be on a trajectory of change due to their SAKI participation, the limited time they have participated in SAKI reduces the likelihood that SAKI participation has yet

had impact on system reforms or the backlog. Comparison sites will be matched to the SAKI sites on local community characteristics, but as with the SAKI sites, comparison sites will be assessed at both the state and local levels.

Data Sources & Methods

Document and Legislation Review

Document and legislation review will be fundamental in characterizing grantee sites' contexts, identifying comparison sites, and measuring backlog reduction and system reform outcomes and as part of the cross-site study component of the evaluation. Documents such as program narratives for grantee sites, site documentation about backlog reduction and sexual assault system reform efforts (e.g., protocols, trainings, and websites), and pertinent jurisdictional legislation affecting sites' case processing (e.g., laws mandating SAK submission or statutes of limitation) will serve as rich sources of data about site characteristics, context, and implementation processes.

These documents may be acquired via BJA, publicly available websites and databases, and/or the sites themselves during site recruitment, and will be reviewed for all participating SAKI grantee sites at the start of the evaluation. Document contents will be thematically coded into a site characteristic database in order to provide an understanding of the scope and nature of the sites included in the evaluation.

Documents also will be used to identify comparison sites, matched to the degree possible to SAKI grantees on key characteristics (i.e., jurisdiction-level, unsubmitted SAK inventory size, jurisdiction's statute of limitations for sexual assault crimes, etc.). Upon their engagement in the study, comparison sites' documents and legislation will be reviewed and coded in similar manner to those of the SAKI grantee sites, with site characteristics documented in the same database.

Throughout the evaluation, documents will be sought for all sites participating in the cross-site study component to substantiate and triangulate system reform outcomes identified in interviews with key stakeholders. These will include protocols, trainings, and legislation and regulations.

PMT and Backlogged Case Management Data Analysis

Backlog reduction will be operationalized as the proportion of sites' unsubmitted SAK inventories at the local-level jurisdiction that progress along the case processing continuum over a 5-year period

(or as much of that period as there exists data within the site). For SAKI sites, the measures will be based on the most recent cumulative counts reported in the grantee PMT data, at each case processing stage (i.e., “number of SAKs inventoried,” “number of SAKs determined to need DNA testing,” “number of SAKs tested to completion,” etc.). For each site, two key types of calculations will be generated:

- the percent of all inventoried cases that are processed to achieve a final case outcome (i.e., result in a conviction, plea bargain, acquittal, mistrial or are dismissed), with variations highlighting some outcomes (e.g., those resulting in a conviction) considered more desirable outcomes than others (e.g., those being dismissed)
- the percent of cases that are processed from one stage to the next (i.e., the percent of SAKs determined to need testing that are tested to completion, or the percent of cases with SAKs tested [and not tested, per sites’ policies] that were forwarded for prosecution, etc.).

Sites where the highest proportion of cases result in final case outcomes, in more desirable case outcomes, and/or in stage-specific case outcomes will be considered especially successful in backlog reduction and associated case resolution outcomes. For comparison sites, case-level data on documented SAK backlogs at these sites will be collected from law enforcement, lab, and/or prosecutorial case management systems to make analogous calculations about backlog reduction and case resolution outcomes for each site’s inventoried cohort of unsubmitted SAKs. In the selection of comparison sites, access to and feasibility of collecting these data will be an eligibility criterion to provide for a comparable backlog reduction analysis.

Interviews

Leadership interviews: Following all grantee and comparison sites’ recruitment for participation in the cross-site study component, researchers will conduct interviews with site coordinators or equivalent leadership in each site. For SAKI sites, the grantee leadership (at either the state or local level) will be conducted. For comparison sites, the leadership contact(s) identified during recruitment will be interviewed. The aim of initial leadership interviews will be to understand the structure of agencies and organizations at the state and local jurisdictions responsible for the physical processing sexual assault cases, and its administration. The interviews will seek to identify key state- and local-level stakeholders to include in the evaluation, documents to review, data that are available, and verify key findings from initial reviews of documents and data received about the

site from BJA, where applicable. Data from these interviews will help develop site profiles for analysis, as well as aid in structuring subsequent interviews and gathering additional data.

Local stakeholder interview: Interviews will be conducted with a range leaders and members of site's multidisciplinary (or equivalent strategy) team members who are responsible for implementing unsubmitted SAK reduction and system reform efforts at local sites (including investigators, prosecutors, SANEs, laboratory managers, and other local leadership such as community-based Sexual Assault Response Team members at non-funded comparison sites). The designated individuals will be invited to participate in group or individual interviews focused on identifying and measuring backlog reduction and system reform programming that has occurred at the local site level.

Local stakeholder interviews will be tailored to sites' organizational structures and context based on data collected through documents and other sources. An interview preparation guide that outlines key case processing stages will be shared with interviewees in advance of the interview so that respondents have opportunity to gather information about the range of program elements as needed.

The interview will include qualitative, categorical, and ordinal measures of each type of SAK reduction strategy and system reform constructed based on the findings from Westat's study of FY 2015 sites. The measure will not only capture what change is introduced to the case processing system by the implementation of any reform, but the extent to which a reform affects all cases, the stages of processing that the reform touches, whether it is consistently implemented (e.g., if protocol implementation is monitored, etc.), how robust the reform is (e.g., if there sufficient staffing to execute the reform), and whether the reform is fully institutionalized (either through internal policies, regulations, etc.).

Interview questions will also assess the facilitators and challenges sites face in processing SAKS at the local level, including the role of SAKI (if applicable) and other funding, the role of the state, and other contextual factors.

State stakeholder interview: Stakeholders at the state level who are responsible for orchestrating state-level backlog reduction and system reform efforts will be interviewed at all sites. Interviewees likely will include representatives of state-level agencies (e.g., the state's Department of Public Safety,

Department of Justice, State Police, Attorney General's Office, or relevant state Commission). Interviews will be conducted in a manner similar to those conducted at the local level (using an advanced tool to structure and streamline each interview). The focus will be on identifying and measuring state-level system reforms that affect the local site's unsubmitted and current case processing efforts, and the facilitators and challenges faced at sites that have affected them.

Victim Experience Survey

Given the prominence and importance of victim engagement in SAKI, the outcome evaluation plan includes a focused look at the extent to which victims are engaged in the case process, and the nature of that engagement. In the study of FY 2015 SAKI sites, Westat documented a number of mechanisms aimed at improving the system engagement experiences of victims' of sexual assault, for example, via the delivery of victim-centeredness trainings to law enforcement, policies integrating victim advocates into interview processes, and the implementation of victim-accessible kit tracking systems. In addition to measuring the system reform in this area, we propose assessing victims' perspectives on their experiences as an additional program outcome by using an anonymized, confidential, voluntary survey developed in partnership with a trusted, national advocacy organization (such as the Joyful Heart Foundation).

This survey will be developed in partnership with victim services experts and will be hosted on the advocacy partner's website. The evaluation team will collaborate with the national victim advocacy partner, as well as with the victim advocates at a selection of SAKI sites, to develop the survey protocol and instrument items so that the tool is secure, confidential, sensitive to victims' experiences, and encourages participation with as little burden as possible. Pilot tests limited to a subset of volunteer sites will identify any potential recruitment or instrument issues, and will help retool the survey for dissemination across SAKI and comparison sites. The survey will be made available to victims of both current cases and those associated with unsubmitted SAKs in all sites via secure, jurisdiction-specific web links that allow researchers to tie victims' responses to a specific evaluation site for analysis. The web links will be disseminated directly to victims of unsubmitted SAK and current sexual assault cases by the victim advocates and community service providers at each study site as part of their routine victim engagement practices, or as part of follow-up engagement. By engaging the victims' advocates in the recruitment process, researchers can maintain distance from the victims in an assurance of anonymity. Recognizing that recruitment for this

important study component may be challenging, researchers will work to implement the survey across sites as early as possible to allow ample time for responses.

Items included on the brief survey will aim to describe and measure victims' system experiences during the processing of their cases. The survey will also ask the approximate date of the offense (e.g., prior to or after the site's inventory's range), so that responses can be associated with either the sites' unsubmitted SAKs or their current caseload. Victims' experiences will be measured as a function of the type and nature of contact they had, the timing of their contact(s) along the case processing continuum, their perceived sense of agency in decision making about their case, and their overall satisfaction with their engagement process.

Victims' self-reported experiences at grantee sites will be compared with the experiences of victims at comparison sites, and examined in relation to the sites' victim engagement programming efforts. In addition to assessing the role of SAKI program involvement in developing victim-centered sexual assault case processing approaches, analysis will determine the relative impact of specific victim engagement strategies and system reforms (including access to case tracking services or variations in victim engagement protocols) on victims' system experiences.

In-Depth Case Studies

In-depth case studies will be conducted with a small sample (six to eight) of SAKI and (three to four) comparison sites that were especially successful in achieving backlog reduction and/or system reform program outcomes. The case studies will provide more detailed understanding of the strategies used to reach these outcomes, validating sites' reform efforts through an assessment of current case processing progress, as well as assessing the costs associated with these outcomes.

Site selection

Analysis of unsubmitted SAK reduction and system reform outcomes measured in the cross-site system component study will identify SAKI grantee and comparison sites that are especially effective (relative to their peers) in achieving backlog reduction and/or system reform outcomes.

Approximately six to eight especially effective SAKI sites will be recruited for participation in the in-depth case studies component of the evaluation, as will three to four effective comparison sites. The final selection of sites will be determined by sites' willingness and ability to participate in further

interviews, and the existence and accessibility of current case-level data within the site. Because of the extra time and effort that will be required from case study sites to participate in case study data collection tasks, sites selected for the case study will be compensated with the payment of overtime funds.

Data Sources & Methods

In-Depth Interviews

In-depth interviews with key stakeholders involved with implementing the site's fundamental unsubmitted SAK reduction and system reform programming elements, as identified in the cross-site study component interviews, will be individually interviewed to understand the stage-specific implementation reform strategies and drivers of change within those efforts in more detail. These interviews will emphasize the perspectives of local stage-specific stakeholders across the case processing continuum within case study sites, as well as the stakeholders responsible for developing and executing activities associated with state-level reforms. Potential interview participants include unsubmitted SAK and current case investigators, prosecutors, victims' advocates, lab staff, evidence technicians, training moderators, and legislation committee members. Virtual interviews with these stakeholders will focus on describing in more detail the stage-specific implementation of backlog reduction and system reform efforts documented in the cross-site study component. These interviews will aim to qualitatively measure the program components, stakeholder involvement, and decisions-making process at these sites, in order to learn more about how they contribute to sites' outcome achievement.

Current Case Management Data

Data from several sources will be triangulated to assess and validate the existence of the system reform efforts among case study sites. Current case-level data from a cohort of recent sexual assault cases will be analyzed across the case study sites to validate the sites' system changes aimed at preventing a new case backlog by determining how effective sites have been at reducing the cohort of current cases. Evaluators will work with the local law enforcement agency associated with each case study site to identify all cases forwarded for investigation to the agency's sex crimes unit during a specified time period (e.g., a 6-month period, such as January 1, 2019 to May 31, 2019).

Compensated administrators at the site will examine each case's associated records, to-date, to

measure the case's trajectory across the processing continuum over time. When case outcomes over this period are examined cumulatively within each site, analyses will demonstrate how effective sites have been at reducing current caseloads and obtaining final case outcomes.

Data recorded from these case files will be limited to elements commonly captured in the discrete fields of a single agency's case management software to avoid some of the challenges experienced in Westat's prior case analysis study. For example, details to be recorded for each case might include the date of the alleged crime, the date the crime was reported, whether and when a SAK was collected, whether and when a SAK was submitted for testing, whether and when the results of the SAK were returned to the investigative agency, whether a case was investigated (as determined through the documentation of victim and/or suspect interviews), and whether and when arrests were made and/or charges filed. Information from these fields will allow researchers to determine the average turnaround time of cases between processing stages (e.g., the length of time between a crime's report and the submission of any associated SAKs for testing or the time from submission to receipt of results for that test), as well as the proportion of the cohort of cases that progress across processing stages over time (i.e., what percent of the identified cases have been submitted for testing? what percent of the identified cases have had testing results returned? what percent of the identified cases have had victim and/or suspects interviewed?).

Measures of SAKI sites' current case outcomes will be examined along with data from other sources, measuring sites' system reform efforts for their validation (e.g., cases at sites that have mandated submission timelines should meet those criteria within the cohort, and sites with high levels of victim engagement programming may see higher percentages of cases with victim interviews).

Cost Analysis

Case studies will include a feasibility assessment based on the available financial data at grantee and comparison sites, to determine whether these sites can support participation in a cost-analysis study. A cost study may help understand how spend patterns at these highly effective sites are associated with their program implementation efforts. Where available, sites' expenditures in implementing unsubmitted SAK reduction and/or system reform efforts will be examined to understand the range of costs associated with different programming components. For SAKI grantee sites, one potential

source of financial data includes the grantee cost reporting data reported quarterly to BJA. These data include information about the amount of funds spent in a preceding quarter on different aspects of sites' unsubmitted case reduction and system reform efforts. Coupled with the sites' PMT data, these cost reports can be used to determine the average amount of resources spent by sites relative to the number of cases that progressed from one stage to the next during each reporting quarter. Furthermore, patterns in how money was spent (i.e., for testing, staffing, equipment) relative to the overall proportion of cases that achieve different outcomes can provide valuable insights as to when and how certain funded activities may best influence sites' overall backlog reduction efforts.

For all sites, and particularly comparison sites, multiple funding streams likely finance their programming. Efforts will be made to take into account all key sources amounts of funds and how they are applied.

National Study

Overview

The third study component of the evaluation, a national study of SAKI impact, aims to understand whether sexual assault case processing reforms are happening more broadly beyond the funded SAKI grantee jurisdictions and to what degree SAKI has contributed to the adoption or development of improved case processing standards at jurisdictions across the country.

Site Selection and Data Collection

An initial landscape assessment will entail gathering information about the current status of reform efforts (particularly legislative reforms) among SAKI sites as well as unfunded jurisdictions performing relevant work across the U.S. The landscape assessment will be conducted using the Rape, Abuse & Incest National Network (RAINN)'s public policy database and the End the Backlog State Response database. Content analysis of these databases will provide a full understanding of the state legislative and other relevant sexual assault reforms occurring in jurisdictions across the United States, including SAKI grantee sites. Examples of legislation or reforms to be documented in the landscape assessment include legislation requiring a regular inventory of untested SAKs, mandatory testing of backlogged SAKs and/or newly collected kits,

the mandated implementation of SAK tracking systems, victims' right to notice laws, adjustment of sex crimes definitions and associated penalties, expanded statutes of limitation, refined consent laws, mandated collection of lawfully owed DNA, and state budget appropriation bills that fund SAK testing or other components of sexual assault case processing.

Based on this landscape assessment, the evaluators will conduct a national web survey of experts in sexual assault case processing across the U.S. to understand more about the origin of reforms identified, as well as identify additional reforms that are not legislatively mandated or otherwise captured in the policy databases. This survey will include questions about the scope of accumulations of unsubmitted SAKs within the experts' own jurisdictions or others that they are aware of, the status of efforts to process those unsubmitted kit cases (legislatively mandated or otherwise), and whether and how they perceive SAKI to have influenced these reform efforts. Additionally, the survey will prompt respondents to identify the key organizations or individuals responsible for the jurisdiction's legislation and reform development, to provide the research team with points of contact for potentially additional in-depth interviews. Examples of experts to be surveyed include members of the state associations of chiefs of police, and representatives from advocacy organizations that are members of state coalitions against sexual assault.

Methodology

For each piece of legislation or reform observed within a site, the date at which the reforms were enacted (i.e., before or after 2015) will determine whether there is some plausibility that SAKI might have contributed to their implementation. Researchers will disseminate a web survey to the state's police chiefs, sexual assault coalition organizations, and other expert groups asking about their awareness of SAKI, whether and how SAKI was an influential factor in the development of the legislation or in the implementation of reform efforts within their or other jurisdictions, and who within those sites drove the reforms' development. Responses about efforts occurring within SAKI-funded jurisdictions will enrich the findings about reforms occurring at SAKI sites. Special attention will be paid to responses by experts in states where recent legislation or reform efforts exist but there were no state-level SAKI grants awarded. Responses from experts at these sites will determine whether and how awareness of SAKI has contributed to SAKI-relevant efforts and identify key contacts who can speak to the development and implementation of those reforms. The evaluation team will conduct virtual interviews of the individuals identified as driving reform development to

understand what factors served as catalysts for the reforms, how long they took to implement, what challenges were faced in their implementation, and the ways that SAKI might have been influential in the reforms' development (e.g., referencing SAKI reform activities, using SAKI TTA materials, or consulting with SAKI-funded sites).

Survey and interview responses will document the status of unsubmitted SAK reduction and system reform efforts in unfunded states and communities that have participated in reforms that align with SAKI objectives, as well as demonstrate the range of knowledge about SAKI possessed by associated stakeholders, and provide additional depth in the understanding of how SAKI may have contributed to reforms of unfunded sites' sexual assault case processing standards.

Summary of Analysis

Analyses will be conducted within each study component, informed by one another, and synthesized into the main findings. Analyses of the cross-site data from the first component will be aimed at examining the patterns of outcome between the SAKI and comparison sites at both the state and local levels to identify any outcome differences between the two groups of sites, as well as examine within group differences to understand the role that other factors play in facilitating or inhibiting outcomes.

A special focus of the analysis will be placed on determining if victim engagement is fostered to a greater degree in SAKI than in comparison sites, and the extent to which these reforms relate to victims' perceptions of being engaged and involved in decision making.

The in-depth studies will build on the cross-site findings and highlight lessons learned in the specific mechanisms that facilitate change at different stages in case processing at the local level and the range of costs incurred in bringing these changes about.

Finally, the national component will provide a descriptive analysis of the work occurring across the states and in selected communities without SAKI funding. The work will provide a detailed understanding of the state reforms, how they are similar and different, and whether there are areas of change that are more or less possible to make given the experiences thus far. In addition to the landscape analysis, qualitative analyses will be conducted to understand if and how SAKI has had influence on these changes, especially in states that are not funded by SAKI.

Anticipated Challenges

Several challenges anticipated in the execution of the evaluation plan, with proposed solutions, are described below.

- The first expected challenge pertains to the recruitment of participant sites. There is likely to be variation in sites' willingness to participate in an evaluation of SAKI. Reluctance may be tied to challenges with resources and time constraints, more limited investment in the program's success (especially for non-grantee sites and those no longer funded by SAKI), and political concerns, among others. Although site-level burden for the cross-site systems study is expected to be low (approximately 5 total hours of virtual interviews across site leaders), participation in the case studies component will require additional participation from a wider range of stakeholders, particularly for the reporting of current case data for the study of backlog prevention and current case processing.

The evaluation plan includes recommendations to incentivize and compensate sites' participation in various study elements, including funding victims' advocates follow-up of SAKI victims for the victim experience survey, as well as the overtime payments to support data reporting activities involved for comparison and case study sites, in order to offset associated staffing costs. Furthermore, efforts will be made to streamline all sites' involvement by leveraging existing data where available. Finally, if some grantee sites do decline to participate in the streamlined tool-assisted interviews component of the study, data from their PMT, program narratives, relevant legislation, and other documents can still be included in the cross-site analysis.

- Identifying data sources for comparison sites that are comparable to SAKI-specific program elements (such as the PMT data) is another expected challenge of SAK program evaluation. In order to measure the reduction of unsubmitted SAK inventories at comparison sites, the site must have identified a comparable inventory of unsubmitted kits, and subsequently tracked their processing progress over time. Findings from Westat's evaluability assessment of the FY 2015 sites about case tracking and data management systems will inform the participation criteria that will be used to select comparison sites so that backlog reduction outcomes can be measured. Recognizing that data tracking systems at comparison sites may not reflect the exact case-level criteria recorded as part of the PMT, evaluators will work closely with site administrators to produce comparable reports for analysis from which meaningful comparisons can be made.
- Victim response rates for the victim experience survey are an additional concern. Partnering with victim advocates and community victim service organizations at each

site to disseminate the survey link streamlines the survey into sites' existing victim engagement protocols; however, if a site does not have a strong victim engagement component it may be difficult to obtain victims' involvement. Survey results will be examined in consideration of this sampling bias, though there are several alternative design approaches to consider.

One strategy is to limit the victim survey for distribution among SAKI sites or within the in-depth case study sites only, where victim services are expected to be stronger. Although this would limit the ability to make inferences in the evaluation about SAKI programming's relative effectiveness in fostering victim-centered communities, summarizing victims' feedback would still yield valuable program information. Alternate dissemination strategies may be considered as well, including the posting of a publicly accessible version of the confidential survey on national advocacy providers' websites, supplementing the site-specific dissemination by victim advocates. Determinations about the best approach can be made following a pilot test of the victim survey among a small subset of sites.

- Access to quality data may present challenges for certain components of the evaluation, even among sites that are especially effective in achieving program outcomes. Sites with more comprehensive and accessible current case data management systems will be prioritized for inclusion in the case studies. Accessing financial data from case study sites will likely be more challenging. Although grantees supply BJA with financial reports about how they use SAKI funds, many sites supplement their efforts with other local, state, federal, or private funding sources that may not be comparably tracked. This will limit evaluators' ability to measure and link sites' overall programming costs to specific activities or outcomes, and make it difficult to isolate the specific contributions of SAKI funds in sites' efforts. Likewise, comparison sites may not have any comparably tracked funding sources.

In light of the challenges expected in accessing comprehensive financial data, Westat proposes conducting an initial cost-analysis feasibility study among the sites that are selected for case study participation. If access to comparison sites' financial data proves too challenging, a cost-analysis may be limited to studying the grantee sites' financial reporting data, qualitatively factoring in the presence of other data sources.

- The national study component involves the survey and interview of stakeholders at sites unaffiliated with SAKI, potentially posing some challenges to their recruitment. It is possible that selection biases may influence the results of this component, as jurisdictions familiar with SAKI may be more likely to participate. If recruitment is a concern, however, evaluators may instead take a more in-depth look at how reforms develop at these sites and consider interviewing multiple stakeholders across the jurisdiction to ascertain if SAKI is more commonly recognized and/or referenced

among certain stakeholder types (e.g., representatives from victim services organizations, law enforcement, or prosecutorial agencies).

In addition, the national study relies on publicly available information to determine whether reforms are occurring in non-SAKI jurisdictions; the most visible reform efforts will be observed via enacted state legislation. As such, the national study may focus largely on unfunded state-level sites, and underrepresent reforms occurring at unfunded local sites. If the landscape assessment does not capture a range of local jurisdictions' efforts within the publicly available documentation, evaluators may consider asking expert state-level stakeholders to identify local jurisdictions from within their sites that could be included in the study.

- The comparative study design proposed in the evaluation will be unlikely to determine SAKI as a uniquely causative, lone contributor to sites' outcomes. Sites efforts often reflect a patchwork of funding streams, with some sites having started similar efforts prior to SAKI program enrollment. However, by using a combination of within-grantee and SAKI vs. comparison site analyses, especially looking for patterns of outcome and patterns of influence, it will be possible to draw inferences about SAKI program contributions in sites' backlog reduction and system implementation efforts relative to comparable efforts by unfunded sites, as well as the effectiveness of certain program implementation approaches or site factors in achieving program goals.
- COVID-19 response efforts will likely impact sites' implementation efforts, though the exact manner and nature of these response effects are still uncertain. Some of the case processes identified in Westat's study of FY 2015 sites may see significant delays due to COVID management protocols; for example, sites with in-person victim notifications may have stalled their efforts. There may be delays at evidence testing facilities where labs are prioritizing machinery for viral testing, and court dates may be postponed as in-person gatherings remained barred in some areas. Prior to performing an evaluation, BJA might consider performing a COVID impact study among a small sample of sites that helps determine the range of effects to be expected and potentially delay the evaluation until a normal pace of activities is resumed. As part of the evaluation plan, researchers may also consider integrating measures in interviews to understand how each sites' initiative is affected, for another level of analysis. Regardless, as planned within all elements of the proposed evaluation, researchers should prepare for data collection activities to be conducted virtually.

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