



**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: Process Evaluation and System Reform Assessment Report**

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**Document Number: 300100**

**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

## Process Evaluation and System Reform Assessment Report

**December 2020**

**Submitted to:**

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

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SAKI PROCESS EVALUATION AND SYSTEM REFORM ASSESSMENT 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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# Introduction

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## Overview of the National Sexual Assault Kit Initiative (SAKI) Program and Evaluation Project

The Bureau of Justice Assistance (BJA) established the National Sexual Assault Kit Initiative (SAKI) in 2015 awarding over \$30 million of grant funds to 20 sites across the country 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. Funding may be used to inventory, test, and track previously unsubmitted SAKs, upload all eligible DNA profiles obtained with SAKI funding to the Combined DNA Index System (CODIS), and 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. Sites may also use the funding to assign designated personnel to pursue new investigative leads and prosecutions that result from evidence and CODIS hits produced by tested SAKs and to support victims throughout the investigation and prosecution process (U.S. Department of Justice, FY 2015 Competitive Grant Announcement, 2015).

In 2016, the National Institute of Justice (NIJ) awarded the Westat Team (hereafter referred to as Westat) a contract to conduct an initial evaluation of sites funded in FY 2015 to inform plans for a long-term outcome evaluation of the SAKI program. This report summarizes findings from the process evaluation and system reform assessment study component, for which Westat documented the range of approaches SAKI sites employed to address unsubmitted SAKs and prevent future backlogs.

## Purpose and Research Questions

The Westat Team conducted a process evaluation and system reform assessment with 17 (of 20) FY 2015 SAKI grantees (or sites). Focused on the four research questions shown in Figure 1, the process evaluation and system reform assessment was designed to understand and gain perspective on two aspects of Sexual Assault Kit Initiative (SAKI) program implementation: (1) the strategies SAKI sites employed to address each stage (both discrete and iterative) of the unsubmitted sexual assault kit (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 1. 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

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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, and 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 that need to be measured. The Sexual Assault Kit Initiative Site-Level Site Model is provided in Appendix A.

## Case Study Methodology

The Westat Team implemented a two-stage sampling approach to identify five FY 2015 SAKI case study sites to supplement findings from the process evaluation and system reform assessment. The case study sites were intended to provide examples of successful SAKI strategies and activities, as well as lessons learned, to guide other SAKI sites in addressing their backlog of unsubmitted SAKs and preventing a new one.

The sampling approach was grounded in the information collected and analyzed as part of the 2018 evaluability assessment site visits. For the first stage, an initial sample of sites was identified that met the following criteria: (1) the SAKI grant was the primary framework under which the site operated and organized its reform efforts; (2) the site created a regularly convened multidisciplinary team (MDT) or working group that met grant criteria and standards; and (3) the site met standards for overall evaluability of SAKI and/or current sexual assault case reform. For the second stage, those sites with stronger evaluability assessments (e.g., met more criteria for evaluability than other sites) were prioritized. Finally, from this pool, five sites were selected that both met the criteria and

adequately represented the 17 FY 2015 SAKI sites across several key factors (e.g., site level, site size, SAK testing approach).

The sections below present findings from the process evaluation, followed by a discussion of the system reform assessment results. The information from both sections are supplemented with case study examples, where appropriate.

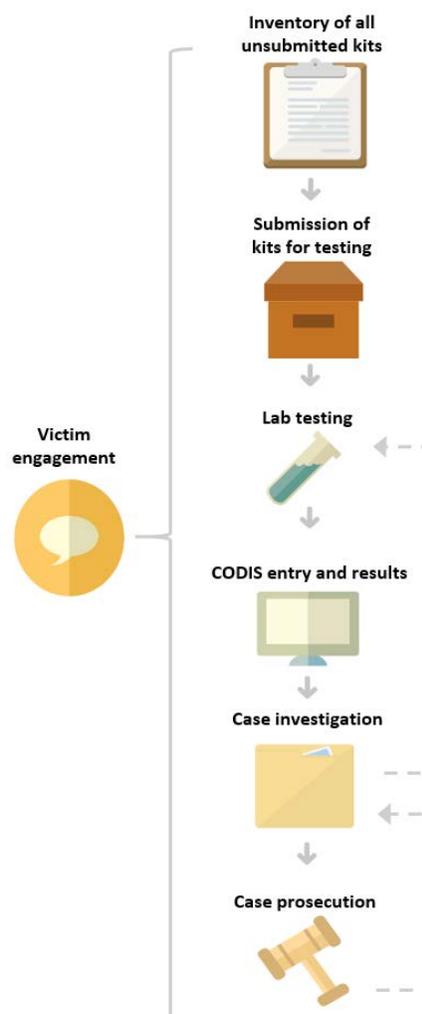
# Process Evaluation Findings

## 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 SAK 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 2 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 2. 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 SAK collection date, and incident number). Sites were to include only unsubmitted SAKs 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 SAKs (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.

### **Case Study: Conducting an Efficient Statewide Inventory**

Faced with conducting a statewide inventory in a state with hundreds of local jurisdictions, this case study site developed and implemented several strategies to conduct the inventory in a rigorous and timely manner. First, the site team (lead agency and stakeholders) developed a list of data elements to be collected by law enforcement agencies statewide during the inventory process. They then integrated these into an “inventory form” that was disseminated, along with detailed implementation instructions, to law enforcement agencies statewide to complete and return. Confronted with missing submissions (approximately 60% of law enforcement agencies failed to submit their form initially) and data quality issues for submitted forms, the site hired two investigative agents (members of the MDT) to follow up with both types of agencies (i.e., those that failed to submit and those that submitted, but with data quality issues). Recognizing the time this follow up effort would take, the site team went one step further and created (and received approval for) a plan to approach the inventory systematically from a geographic (or regional) perspective; as a “phased approach,” it would save time by allowing kits to be inventoried and submitted one region at a time rather than submitting kits after a full state-wide inventory had been completed. The approach had several steps. First, after receiving a completed inventory form, the site team would conduct an in-depth review of it to identify data quality issues and inform, based on case characteristics, kit testing criteria. During the inventory, local law enforcement could reach out to the site team for guidance, as needed. Next, once forms were submitted, the site team conducted multiple rounds of follow up (by phone, email, and sometimes site visits) to approve the inventory form, including testing determination for each kit in the inventory. Once final, the form was returned to each agency so the kit submission and testing process could begin. Even though this phased approach took approximately six months longer to complete than planned, the site team felt inventorying kits from all jurisdictions simultaneously would have taken even more time. In addition, 65% of kits identified during the inventory process were designated for testing. Finally, site leaders agreed that the approach helped to organize the inventory effort and improve its efficiency.

## **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 SAKs 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 SAKs that could hold up case processing at investigation, push SAKI cases towards 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 Federal Bureau of Investigation's (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.

### Case Study: Kit Testing Decision Making

As with all SAKI sites, one case study site's inventory activities overlapped extensively with those related to kit submission and testing. Some sites chose to make decisions about which kits to test after the inventory was complete. Others, like this case study site, chose to establish kit testing criteria during the inventory process. Specifically, site stakeholders reported using information gathered during the inventory to develop criteria or situations for which a kit *would not* be submitted for testing; for example, those cases where the offender already had convictions related to the case and DNA on file; the suspect was acquitted or found not guilty of the sexual assault; or the victim did not consent to having their kit tested. These criteria were further refined as local law enforcement agencies submitted their inventory forms to the site, as part of the statewide inventory, and the site team reviewed them extensively for quality and in relation to testing criteria. They then returned the forms to the local agencies with final recommendations for kits to be tested. Local law enforcement agencies were then responsible for coordinating SAKI kit submission and testing with the state crime lab.

## 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. For example, sites considered whether to notify families of deceased victims who may be unaware of the perpetrated crime or victims of cases with low investigative and prosecutorial potential. In addition, when considering how to notify victims – by phone, letter, or in-person – concern for the victims' privacy and potential need for psychological support were weighed heavily. For example, for most in-person notifications, a victim advocate was assigned to accompany the law enforcement officer to ensure victims had immediate access to emotional support; however, in-person visits also posed the risk of

exposing victims to spouses, families or friends that were not aware of the assault or causing victims to feel threatened or embarrassed upon the officers' arrival at their home. Finally, multiple sites reported concerns about how to rebuild victims' trust in law enforcement and the system, as well as the potential legal ramifications of admitting prior mishandling of unsubmitted SAKs. 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 pre-trial 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.

### Case Studies: Strategies for Developing Prosecutable Sexual Assault Cases

Prosecuting and convicting sexual offenders is a central tenet of most sites' SAKI activities. Many sites, including those that had successfully prosecuted substantial numbers of cases, reported prosecutorial challenges related to *statutes of limitation*. To address these, one site focused on its state's criminal code, which included an exception to the statute of limitations for certain sexual offenses based on the discovery of DNA evidence. Specifically, if DNA is collected at the time of a crime and is later used to identify a perpetrator *and* the case's original statute of limitations had expired, this DNA *exception* restarts a one-year statute of limitations from the time the perpetrator was identified. This allowed prosecutors to "revive" certain cases for an additional year, allowing for more time to build a case for prosecution.

In another case study site, prosecutors implemented *several strategies* to develop prosecutable cases. First, they conducted strategic case reviews during which they identified specific details to maximize the prosecutorial potential of cases and subsequent penalties associated with conviction. Such case characteristics as whether the victim was incapacitated, intoxicated, or physically assaulted during the time of their sexual assault; whether the victim or someone else had been credibly threatened (e.g., with a weapon); or whether the victim had been moved to a new location against their will during the crime (i.e., kidnapped) can help change the case classification from a second or first degree felony to a life felony, thereby increasing the potential to prosecute the case. They then reviewed case file notes, and where possible, re-interviewed victims to gather additional or confirm existing case details that could strengthen the court narrative. Stakeholders at this site felt strongly that these strategies allowed prosecutors to try more cases and pursue harsher sentencing for those convicted.

## 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 – to 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

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## 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 2). 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.

### Case Study: Overcoming Challenges to Building a Strong MDT

In one case study site, the MDT was beset by communication issues, including tension among leadership and disagreements about case processing practices. For example, some stakeholders expressed concerns that cases involving especially vulnerable victims (e.g., minority, lower socioeconomic status) were disproportionately overlooked during the case review process and the associated kits did not move on to testing. To address the dissension and realign the group's priorities, MDT leadership implemented *several strategies*, including: (1) traveling to and attending a SAKI conference *together* to encourage cohesion and learn how other SAKI MDTs were operating; (2) developing what they considered a more *equitable case review process* in which they would review 30 cases per month, 15 of which held great promise for prosecution, and another 15 at random; (3) inviting a *local media presence* to MDT meetings to hold them publicly accountable to a victim-centered approach to their work; and (4) implementing a *new decision making process* where disagreements were resolved through a standardized form, circulated to and completed by each MDT member, to capture their opinion and rationale for it. The forms were then reviewed and the issues were discussed until a consensus was reached. The form not only ensured that every member's voice was heard, but it also introduced an additional level of accountability by documenting each member's contribution. In the end, the MDT evolved into a stable and productive cross-functional team with the capacity to resolve differences and achieve their goals.

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.

### Case Study: MDT Representation, Including the Victim Perspective

In one case study site, the MDT raised concerns about how to ensure their work consistently included the victims' perspectives. Though the MDT included a victim advocate, most stakeholders did not think that voice alone was enough. Instead, they spent time engaging a SANE nurse, who could provide information about the evidence collection process and their experiences with victims, and a victim representative (i.e., a victim) who could present a firsthand perspective.

In another case study site, a victim representative was included as a MDT member from inception. At this site, stakeholders reported how valuable the victim's perspective was to the group, especially as they updated policies and procedures and worked through case reviews. Many MDT members noted that having a victim present forced them to grapple with difficult issues relative to victim engagement and their victim centered approach that they otherwise would not have considered. They also reported that the group's victim representative pushed them to reconsider cases that some MDT members initially did not believe should move forward to prosecution.

## 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 un-submitted. 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.

## Summary

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The Westat Team conducted a process evaluation and system reform assessment with 17 FY 2015 SAKI grantees (or sites). Focused on four research questions, the process evaluation and system reform assessment were designed to understand and gain perspective on: (1) the strategies SAKI sites employed to address each stage of the unsubmitted SAK case process, and (2) the system reform strategies sites implemented and the extent to which they result in intended (or unintended) consequences.

Process evaluation findings showed that sites employed a range of approaches to addressing each SAKI stage, including SAK inventory, submission, testing, CODIS population, investigation, and prosecution, sometimes changing their strategies over time due to resource constraints or new knowledge about best practices.

Within each stage of the case process, the process evaluation uncovered common strategies across SAKI stakeholders as they worked to decrease the number of unsubmitted SAKs, improve evidence processing and victim engagement, and address issues specific to case investigation and prosecution. There was also some variability in strategies, as sites were responsible for defining their own general processes and protocols for each stage. For example, the process evaluation uncovered three general approaches to the submission and testing stage – prioritized, forklift, or a combination of the two. While some sites implemented the prioritized or forklift option, most sites opted to implement the combination approach. Similarly, most sites had defined victim engagement and notification processes, with some including multiple options (phone, letter, or in-person). Across sites, the best option was chosen based on the circumstances of the case and the timing of victim re-engagement. With regard to prosecution, one common strategy across several sites was to convict serial offenders by linking and trying the cases together. This often proved to strengthen individual cases and ensure harsher sentencing for the offender. Other sites focused on preemptive jury education to ensure a jury that understood the circumstances of SAKI cases and anticipate the defense’s criticism of case processing. Finally, to keep the public apprised of SAKI activities and progress, sites implemented a range of creative media engagement activities. From press conferences to websites to awareness campaigns and documentaries, sites implemented these media engagement activities to ensure an

educated and informed public, but even more importantly, to demonstrate support to survivors by committing time and effort to their cases.

The process evaluation also revealed challenges sites encountered along the way. Locating unsubmitted SAKs and tracking data elements associated with them was a commonly reported challenge. Sites engaged in a variety of investigative activities, but experienced numerous challenges. For example, cases were often hindered by incomplete documentation or the fact that the original officer on the case was no longer available to provide context for case facts and decisions. Choosing which cases to prosecute could also be challenging as such factors as the sufficiency of the evidence and the desires of the victim had to be weighed against the potential for conviction. Finally, sites' relationship with the media was also a frequently cited challenge. Given their position in the community, the media could significantly affect how SAKI efforts were perceived depending on whether the coverage was positive or negative. Some sites addressed this proactively by alerting the media about SAKI and their plans to address the situation.

The system reform assessment examined the mechanisms through which SAKI sites are attempting systems change and the potential impact they can have on sexual assault response and SAK processing. In 2015, 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 mechanisms (or types) and confirmed by cross-site analysis of SAKI sites: (1) resource enhancements; (2) organizational structures; (3) legislation; (4) policies and procedures; (5) training; (6) data management and tracking; (7) community and victim engagement; and (8) research efforts. Most sites chose several of these mechanism, but no one site addressed all eight.

Within each mechanism, there were a variety of strategies developed and implemented. For example, resource enhancements were found around funding, staffing, and facilities and equipment, whereas policies and procedures were developed or changed to address such issues as annual SAK inventories, victim experiences, clearly defined advocate roles, and SAK collection practices. Community and victim engagement strategies frequently included public awareness campaigns and victim outreach efforts. One particularly effective strategy is for victim advocates and law enforcement to conduct outreach activities together. Sites that did this reported two perceived

impacts — increased reports of sexual assault and the development of trusting relationships between the community and law enforcement.

Finally, BJA recommends that SAKI sites engage a research partner as part of their programming efforts, so that they can help sites address identify reasons for their unsubmitted case accumulations, track elements of their program implementation progress, or find other ways to make data-driven insights about how to improve case processing within the site. While some sites had established relationships with academic partners, others were just getting started. Where they existed, these partnerships were making inroads around identifying reasons for unsubmitted case accumulation, using testing process efficiencies to reduce unsubmitted cases, and measuring new case victims' experiences with SANEs. In addition, these efforts were being leveraged across grantees, an important feature of systems reform.

Taken together, the process evaluation and system reform findings indicate that successfully addressing unsubmitted SAKs across the six stages and designing and implementing system reform efforts requires appropriate and timely training, financial and other resources, and ongoing and targeted support across multiple levels (state, county, local). Although implementing both SAKI and system reforms introduced challenges, sites developed strategies to overcome them, and in doing so, demonstrated that they can address the pressing and immediate problem of unsubmitted SAKs, while implementing local reforms that will ensure improved responses to sexual assault.

## References

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U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. (2015, March 9). *The Sexual Assault Kit Initiative: National Training and Technical Assistance FY 2015 Competitive Grant Announcement* (BJA-2015-4155, OMB No. 1121-0329) [Grant solicitation].

# Appendices

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## Appendix A. Sexual Assault Kit Initiative Site-Level Site Model

