



Kansas Bureau of Investigation

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EXECUTIVE SUMMARY

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The Kansas Sexual Assault Kit Initiative (SAKI): *Defining the Cross-Sectional Sample and Data Collection* September 28, 2017

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Background

In March 2017, the Kansas Bureau of Investigation (KBI) completed a preliminary statewide inventory of 2,220 previously unsubmitted sexual assault kits (SAKs) throughout the state (Kansas Bureau of Investigation, 2017). This statewide inventory is five times the number of SAKs currently tested by the KBI Forensic Science Laboratory annually. Based on available resources and the recommendation of prior research (Campbell et al., 2015; Wells et al., 2016), the SAKI multidisciplinary working group has decided to “start small.” By gathering comprehensive information and analyzing a sample of the statewide inventory, we utilized the results to develop an evidence-based plan to reduce the full inventory.

Defining the Cross-Sectional Sample

A total of 86 local law enforcement agencies reported having previously unsubmitted SAKs in their possession. In order to establish a large enough sample size for analysis, the SAKI multidisciplinary working group identified 12 local law enforcement agencies that collectively accounted for approximately 20% of the total inventory. These 12 agencies became known as the “pilot agencies.”

Of these 12 agencies, six reported 50 or fewer SAKs in their possession and were asked to submit all of these SAKs to the forensic laboratory. The other six agencies that reported more than 50 previously unsubmitted SAKs were asked to randomly select a portion of their inventory to submit to the lab. In total, the pilot agencies were expected to submit 496 SAKs known as the “cross-sectional sample.”

When determining a testing plan for the cross-sectional sample, the multidisciplinary working group contemplated several factors, including case adjudication, statute of limitations, and SAKs collected as part of a death investigation. Ultimately, a “test-all” approach of the sample was determined to be the best approach to ensure objective data collection and analysis to identify an evidence-based plan to address the remaining statewide inventory (see *Figure 1*).

Figure 1: Kansas SAKI Approach to Reducing the Statewide Inventory

Data Collection

Based on previous studies of unsubmitted SAKs, it is important to understand the process flow from the medical forensic exam at the medical facility, to law enforcement collection, to submission to the laboratory (Campbell et al. 2015; Lovell et al., 2016). In other words, the SAKI project is more than just testing SAKs to clear the statewide inventory. A true solution to identifying best practices and model policy recommendations to prevent a future accumulation requires a broader collection of data. Therefore, in addition to the forensic analysis, the SAKI project collected data for each SAK in the cross-sectional sample from law enforcement, prosecution, the sexual assault medical examination and criminal history data on suspects. In total, the KBI collected approximately 150 data points for each SAK (see *Figure 2*). The type of data and method of collection are as follows:

Law Enforcement

The multidisciplinary working group assisted in the development of a one-page survey that sought to identify the specific reasons why the SAK was not originally submitted at the time it was reported. To avoid influencing the responses, the survey was open-ended to allow for law enforcement to articulate the reasons in their own words. Each pilot law enforcement agency was asked to complete a survey for each SAK in the cross-sectional sample. The responses to this survey were compiled and aggregate data was evaluated to identify commonalities and opportunities for future recommendations.

Prosecution

The multidisciplinary working group assisted in the development of a one-page survey that sought similar information as the law enforcement survey. The intent of this prosecution survey was to identify prior court dispositions that were related and determine the factors considered by prosecution when declining a case. These declination factors include investigative needs, such as insufficient evidence to establish a crime, as well as case specific factors, such as a victim not cooperating or suspect claimed consent. Each prosecutor's office associated with the pilot law enforcement agency was sent a survey corresponding to the SAKs in the cross-sectional sample. This data has assisted the multidisciplinary working group in

understanding potential gaps¹ between law enforcement and prosecutorial case reviews and has been utilized to determine future recommendations and best practices.

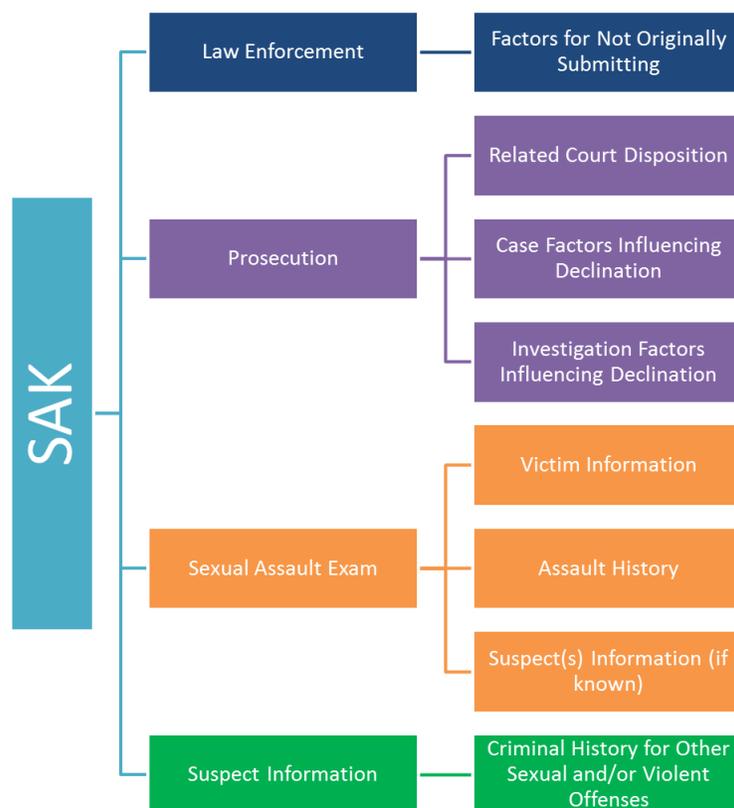
Sexual Assault Exam

Each SAK contains paperwork that is completed by the medical professional conducting the sexual assault medical forensic examination. This paperwork contains information regarding victim information and specific details regarding the assault. This form was collected at the time of SAK submission to the KBI Forensic Science Laboratory.

Suspect Information

The SAKI Research Analyst collected data for cases where the victim identified the suspect at the time of reporting (i.e., a victim-identified suspect) by performing a comprehensive criminal history record search and collecting offense information from the Kansas Incident Based Reporting System. A matrix was developed to score the offenses committed based on the statute definitions for felony sexual and other violent offenses. Criminal histories were tracked for suspects who have been arrested for, convicted of, or named as a suspect for other violent and/or sexual offenses. This information was utilized to assess suspects' course of conduct and is intended to encourage the pilot law enforcement agencies to conduct offender focused follow-up investigation.

Figure 2: Data Collection for Each SAK in the Cross-Sectional Sample



¹ Gaps between law enforcement and prosecutorial review include, but are not limited to, a lack of trauma informed training, a lack of a formal referral process, and the absence of follow-up/additional information provided to prosecution after requested.

Next Steps

Forensic analysis for all SAKs in the cross-sectional sample was completed regardless of the case circumstances or reasons for not originally submitting the case to the laboratory. As data from the cross-sectional sample was collected, the KBI SAKI team compiled and analyzed the information to identify evidence-based recommendations and collaborate with the multidisciplinary working group to develop best-practices and model policies to prevent a future accumulation of SAKs in Kansas. The results of this analysis will be compiled and discussed in a final SAKI project report.

References

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