



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

April 3, 2018

Dear Kansas Law Enforcement Administrators and Officers, Kansas County and District Attorneys, and Forensic Laboratory Directors and Staff:

As we recognize April as Sexual Assault Awareness Month, I thought it fitting to share with you some important recommendations stemming from the Kansas Sexual Assault Kit Initiative (SAKI) that will positively impact the way sexual assault evidence is handled.

Beginning in the fall of 2015, we engaged all Kansas law enforcement agencies in our effort to determine how many previously unsubmitted sexual assault kits (SAKs) existed in property rooms throughout the state. Since that time, the SAKI state level multidisciplinary working group has worked diligently to identify and evaluate the underlying factors that contributed to the accumulation of more than 2,200 unsubmitted SAKs across Kansas. I think our Executive Officer, Katie Whisman, summed it up nicely when quoted saying, "The issues underlying the accumulation of unsubmitted kits are multi-faceted, complex, and interrelated; they do not belong to any one stakeholder group."

Last July, the Kansas SAKI multidisciplinary working group published their findings and identified four core elements contributing to that accumulation. In no particular order, they are Lack of Training, Lack of Resources, Lack of Policy, and Lack of Societal Awareness. The group also made recommendations to address the underlying issues in a sustainable way. The full publication, entitled *Underlying Factors Contributing to the Accumulation of Unsubmitted Sexual Assault Kits in Kansas* can be found at <http://www.kansas.gov/kbi/saki.shtml>.

Taking into consideration the findings from the Kansas SAKI project and recently released national best practices, it is the recommendation of the multidisciplinary working group that all SAKs be submitted to a forensic laboratory for analysis. This is a recommendation fully endorsed by all members of the working group, as well as the KBI. It is the only way we can be certain to avoid a similar accumulation in the future.

The value of testing SAK evidence and uploading qualifying profiles into the CODIS databank should not be underestimated. While DNA evidence may not always contribute to resolving the immediate case, testing all SAKs ensures we are better able to link cases together and hold offenders accountable for their actions. The long-term result will be preventing additional victimization and improving public safety. **Therefore, it is the recommendation of the multidisciplinary working group that all SAKs submitted to a forensic laboratory for analysis be tested.**

- **Any SAKs your agency possesses that have never been submitted to a forensic laboratory for analysis should be sent for testing by June 1, 2018.**
- **All SAKs your agency collects from this point forward should be sent to forensic laboratory for analysis as soon as practical, but no later than 14 days after collection from a medical facility**

It is recognized by all who have been engaged in the SAKI project that laboratory resources and capacity are limited. By recommending a “submit all/test all” policy, we are not shifting the burden from law enforcement to the laboratories but rather ensuring this evidence can be centrally managed and an assessment of additional resources needed be conducted.

The SAKI multidisciplinary working group conducted extensive research and attempted to develop a method by which incoming cases could be prioritized in an evidence-based way that focused on improving public safety while taking into consideration the uniqueness of each case. They determined the creation of additional checklists and rigidity of a complex prioritization scheme was unlikely to have the desired impact and be sustainable. **Therefore, it is the recommendation of the multidisciplinary working group that a strong focus be placed on case-specific communication among prosecutors, law enforcement, and laboratory professionals.**

While it is important that all SAKs be submitted and tested, it is recognized that each sexual assault case will have unique circumstances that may increase or decrease the urgency for testing. Therefore, it is vital that these circumstances are discussed with the laboratory to facilitate the timely processing of SAKs.

It is critically important to emphasize that sexual assault investigations and the priority of examining the related evidence should not be automatically deprioritized for any of the following reasons:

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| • Victim’s relationship with the assailant | • Victim’s recantation or failure to follow through |
| • Victim’s use of drugs/alcohol | • Discrepancies in victim’s story |
| • Victim’s sexual history | • Failure to identify an assailant |
| • Victim’s uncertainty of events | • Suspect’s claim of consent |

The trauma experienced by a victim of sexual assault may impact their memory and behavior, and a failure to understand the trauma response not only creates barriers to building trust with victims but negatively impacts the viability and progression of a case within the criminal justice system. Consideration should be given to the impact of trauma on victims when discussing the testing prioritization of cases between law enforcement, prosecution and the forensic laboratory.

To assist with the recommended discussions regarding case prioritization, the SAKI multidisciplinary working group has provided contact information for the respective forensic laboratories. Your staff should communicate with the staff at the forensic laboratory to which they routinely submit evidence:

Kansas Bureau of Investigation Forensic Science Laboratory

Great Bend/Kansas City

Lisa Burdett
(620) 603-7123 (desk)
Lisa.Burdett@kbi.state.ks.us

Topeka

Emily Draper
(785) 296-2150 (desk)
Emily.Draper@kbi.state.ks.us

Sedgwick County Regional Forensic Science Center

Shelly Steadman
(316) 660-4800
Shelly.steadman@sedgwick.gov

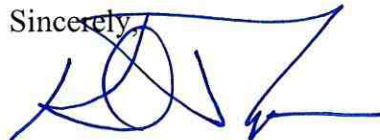
Johnson County Sheriff's Office Criminalistics Laboratory

Bethany Stone
(913) 826-3252
Bethany.stone@jocogov.org

In the near future, the SAKI multidisciplinary working group will be releasing statewide model policies for *Investigating Sexual Assault* and *Sexual Assault Kit Submission, Retention & Disposal*. We will make an announcement when those become available and would encourage you to visit our website for other resources and publications.

In closing, I'd like to sincerely thank you for your support of this important initiative. Together, we will continue to improve our collective response to sexual violence. By doing so, we will identify and hold offenders accountable, prevent additional victimization, and improve the safety of the citizens we serve.

If you have any questions or concerns, please do not hesitate to contact me, Executive Officer Katie Whisman, at (785) 296-8209, or our SAKI Site Coordinator, Megan Roberts, at (785) 296-7135.

Sincerely,


Kirk D. Thompson
Director

Cc: Kansas Association of Chiefs of Police
Kansas Sheriffs' Association
Kansas Peace Officers' Association
Kansas County and District Attorneys Association
Office of the Kansas Attorney General
Kansas Law Enforcement Training Center

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