

FAQs for Victim Advocates, Law Enforcement, & Other Service Providers: Previously unsubmitted sexual assault kits

How many unsubmitted sexual assault kits (SAKs) are there around the state?

The legislature required a statewide inventory be conducted and results submitted November 2017. At the time, 48 police departments reported a total of 3,484 sexual assault kits in their possession that had never been submitted to the crime lab for DNA analysis. These SAKs are from cases ranging from 1980's through current. This count will be updated November 2018 to account for SAKs collected since the last inventory.

Why weren't the SAKs tested before?

Police departments cited a variety of reasons SAKs were not submitted at the time of investigation, including, but not limited to:

- Identity of suspect was known; suspect was alleging consent
- DNA would not aid a prosecution
- The case has already been adjudicated (found guilty or acquitted)
- Lack of training or understanding about DNA/ CODIS
- Inadequate criminal justice resources

Though there have been improvements in policies and investigative techniques over the years, we recognize there is still a need for significant improvement to criminal justice processes.

Why are they being tested now?

Until very recently, when making decisions about forensic evidence, the mindset was solving that specific case. With advancements in science and the CODIS database becoming more robust each day, forensic evidence is taking on a new role in the criminal justice system, to include the goal of using it to solve additional crimes. Research shows that in many cases of sexual assault, the offender may have committed other crimes and tends to have multiple victims. It is now known there is value in testing SAKs to connect offenders to those other crimes even if it is not necessary in the immediate case.

Furthermore, there are now funds dedicated to go back and test previously unsubmitted SAKs. Department of Public Safety has received both federal and state funds to facilitate the testing of the SAKs. This includes two federal grants from the Sexual Assault Kit Initiative (SAKI) that focused on SAKs collected in Alaska State Troopers' cases. The state legislature then approved an appropriation to test additional SAKs in the possession of municipal police agencies.

Are all the SAKs being tested?

With the multiple funding sources, eligible, previously unsubmitted victim SAKs will be tested. If a report was made to law enforcement, consent was received at the time of the exam. If the survivor did not report to law enforcement (anonymous report), the SAK will not be tested until such time that the survivor decides to report to law enforcement. These funds are a one-time disbursement; once these kits are tested, newly collected kits will be assessed using current procedures unless changes in statute occur and ongoing funding is secured.

What will the testing process look like? What is the timeline?

Police departments are already starting to send their previously unsubmitted SAKs to the Crime Lab. Once at the crime lab, they will be inventoried. The eligible SAKs will then be submitted to a private lab for analysis. Due to high volumes of kits being submitted to private labs, it will take a couple of years for all the kits to be analyzed and for the results to be technically reviewed. Though time consuming, these steps are necessary to meet federal requirements to enter DNA profiles into CODIS.

A survivor I am working with wants to know where their SAK is in the process- how do they find out?

Please assist them in contacting the law enforcement agency they reported to. The local law enforcement agency will be able to contact the lab for updates on a specific case.

How are survivors being notified of the results of testing?

A victim-centered, trauma-informed protocol was developed by the DPS SAKI working group to guide law enforcement in the survivor notification process for cold cases. The protocols recommend a multidisciplinary team review each case as DNA results come back and determine the best approach for survivor notification. After the team reviews the case, survivor notification can either be by letter (allowing the survivor to make the choice to contact law enforcement or not), by phone, or in-person.

- **What do the results mean?**

There could be several possible outcomes. We encourage you to learn more about the uses of DNA in investigations. The SAKI website is a great resource to start and has many webinars that may be useful in your professional development. Please visit: www.sakitta.org.

- **How do the results help the investigation?**

DNA analysis is only one tool in a sexual assault investigation but can provide an investigative lead that law enforcement did not have before. This could include confirming identity of a known suspect, identifying an unknown suspect, or linking multiple crimes together.