



Alaska Department of Public Safety

Sexual Assault Kit Initiative

INTERIM REPORT & RECOMMENDATIONS

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Acknowledgments

The Alaska Department of Public Safety (DPS) would like to express genuine appreciation to the Sexual Assault Kit Initiative (SAKI) Working Group. This group of professionals, representing a wide breadth of experience, dedicated nearly three years to the DPS SAKI project's success. Having such incredible expertise and over two hundred years of combined experience, ensured the DPS SAKI project was comprehensive, well-informed, and survivor-focused from start to finish. A list of the Working Group members along with a brief biography can be found in the appendices of this report.

DPS would also like recognize the Working Group and other DPS employees for all the contributions to this report which serves as a culmination of the efforts and hard work during the span of the project. Particular recognition is owed to Dr. Ingrid Johnson, Investigator Michael Burkmire, and Assistant Attorney General Jenna Gruenstein for their role in the report's completion.

This project is supported by Grant No. 2016-AK-BX-K006 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice

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I. Executive Summary

The Alaska SAKI project launched in January 2017. Since its inception, DPS and its partners:

- Assembled a multidisciplinary working group to provide input and assist DPS in meeting grant goals;
- Partnered with the UAA Justice Center to answer research questions about survivor's perception of justice and needs during the course of an investigation;
- Developed sample protocols and forms for law enforcement agencies in Alaska, notably a protocol for survivor notification of kit testing results;
- Outsourced and analyzed all 568 sexual assault kits from cases investigated by the Alaska State Troopers identified for the SAKI project;
- Reviewed 200 cases for potential follow-up investigation;
- Forwarded a total of 4 cases to prosecution for evaluation;
- Indicted and arrested a suspect for a cold case that went unsolved since 2001.

In addition, the SAKI Working Group was tasked to provide recommendations to DPS that would improve outcomes for survivors and the process of sexual assault investigations. Some key recommendations include:

- Procedural improvements around **record keeping, report writing, and supervision** over investigations;
- Best practice recommendations, such as:
 - Implement **SAK tracking software** statewide for all law enforcement including a survivor portal. This would provide real time data and reports on SAK status to ensure compliance with statutory changes under AS 44.41.065 passed through HB49. It would also provide a more victim centered approach to SAK testing notification by allowing the victim to choose if, how, and when, they would like information regarding status updates by selecting preferences in the survivor portal.
 - Evaluate gaps and develop guidelines to implement a statewide program to **track the outcome of CODIS hits**.
 - This should include addressing DNA collection from those who owe a sample and developing a standard of expectations for what law enforcement or Department of Law does with the hit information once they receive it.
 - **Increase access to timely exams** by exploring solutions with additional groups such as village health aides and public health nurses while increasing sexual assault nurse examiner training opportunities for nurses.
 - **Increase specialized assignments** for sexual assault and sexual abuse of minor cases specifically as well as increase training opportunities in those subjects such as interviewing, evidence collection, and corroborating statements.

Further recommendations will be provided at the conclusion of the UAA research study.

II. Sexual Assault in Alaska

Alaska is consistently ranked amongst the highest in the nation for rape, sexual assault, and child sexual abuse per capita, according to the FBI's Uniform Crime Report. To put that in perspective, the Bureau of Justice Statistics (BJS) estimates that nationwide, on average, one out of every 1,000 persons age 12 and over experience one or more rape/sexual assault victimizations annually. Importantly, only about one third of rape/sexual assault victimizations (34.8%) are reported to police.¹

Alaska is not average; its statistics are measurably worse. Annual rates of victimization average 2.5-3.5 times the national average each year.² The Alaska Department of Public Safety's Council on Domestic Violence and Sexual Assault's *Alaska Victimization Survey* has estimated Alaska-specific rates of sexual violence for adult women at 33 per 1,000 over their lifetime.³

Alaska has a number of unique features that may not only contribute to these rates, but also impact the probability of successfully investigating and prosecuting sexual assault cases. This context is important when discussing issues of sexual assault in Alaska. Additionally, for a more complete view, the Alaska Criminal Justice Commission has recently released an in-depth report on sex offenses in Alaska.⁴

Sexual assault is most often perpetrated in isolation and breeds in silence. Alaska is the largest state at 663,268 total square miles, more than twice the size of Texas, and one-fifth the size of the contiguous United States combined. Less than ten percent of the state is connected by a road system and the majority of rural communities in Alaska can only be reached by aircraft, boat, all-terrain vehicle, or snow machine. Alaska communities are separated by natural barriers such as tundra, mountains, and rivers. These infrastructure and natural barriers create a significant degree of physical isolation (among communities) that is not experienced in other states.

Americans have come to rely on emergency services, specifically in the form of law enforcement response as a routine service provided by the government. Across the nation, timely response to calls for service is expected by citizens, and agencies pride themselves in offering the fastest response they can. That response is often touted in ranges of minutes. In Alaska, geography, weather, and staffing challenges prevent rapid response to emergencies in many communities. Alaska State Troopers (AST) responding to sexual assault-related calls in rural Alaska are often unable to reach the scene for several hours or even days. Troopers are dispatched from hub communities to serve over 350 villages and small towns that lack local law enforcement or emergency responders. It is common for a trooper to respond to the scene by boat, snow

¹ Truman, J. L. & Langton, L. (2014). Criminal victimization, 2013. (NCJ 247648). Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

² 2017 Crime in the United States retrieved from: <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/tables/table-4>

³ Rosay, A. B. & Morton, L. (2016). Alaska Victimization Survey: Intimate Partner and Sexual Violence in Alaska – 2010 to 2015. Anchorage, Alaska: University of Alaska Anchorage Justice Center.

⁴ Alaska Criminal Justice Commission (April 2019). Sex Offenses: A Report to the Alaska State Legislature, available at: <http://www.ajc.state.ak.us/acjc/docs/ar/2019ACJCSexOffensesReport.pdf>.

machine, or chartered aircraft when called to respond to a crime in many rural communities. More often than not, the responding Trooper's closest backup is over 100 miles away.

A survivor who knows that there will be no immediate law enforcement response to a call for help may be unlikely to call. Additionally, survivors know that due to the limited services available in most rural communities, any report of a sexual assault will likely require the victim to travel out of his or her community to a hub, further disrupting the survivor's life. This in turn results in reduced reports of sexual assault to the police. Justice for a survivor who is willing to report, comes slowly if at all. All of these challenges highlight the unique situation the Department of Public Safety (DPS) faces as it has increased its focus on improving sexual assault investigation policies and procedures over the last several years, particularly through projects surrounding the issue of previously unsubmitted sexual assault kits (SAKs).

III. Sexual Assault Kit Initiative Overview

Reform efforts regarding the processing of SAKs have been occurring across the country for nearly a decade. The efforts became more organized in 2010 with a handful of cities inventorying and reviewing case processing decisions to gather baseline data on the issue. Most notably, Detroit was one of the first cities to begin reform efforts in partnership with researchers at Michigan State University and advocacy groups. The research from Detroit and other pilot sites led to the development of best practices to assist other communities in addressing untested SAKs.⁵

With more research in hand, BJS moved to further support the reform efforts in 2015 through the National Sexual Assault Kit Initiative (SAKI), a competitive grant program. SAKI “aims to create a coordinated community response that ensures just resolution to sexual assault cases through (1) a comprehensive and survivor-centered approach, (2) jurisdictional capacity building to prevent high numbers of unsubmitted SAKs in the future, and (3) supporting the investigation and prosecution of cases for which SAKs were previously unsubmitted.”⁶ Law enforcement jurisdictions submitted various plans and approaches for addressing the backlog of SAKs that were never submitted to a crime lab for serology or DNA analysis. To guide their work, agencies had to provide a full inventory of previously untested SAKs as well as enlist a multidisciplinary working group to ensure the project was survivor-centered and the evaluation of past and current practices was inclusive of several perspectives.

In 2015, the Alaska Office of the Governor began an inquiry into the status of untested SAKs in the state. The Department of Public Safety was asked to coordinate an effort with all state department and law enforcement agencies charged with the maintenance, storage, collection, and preservation of SAKs to inventory all un-submitted SAKs currently in their possession. An estimate of 3,500 unsubmitted SAKs was identified from that inventory.

⁵ End the Backlog. (n.d.). Retrieved from <http://www.endthebacklog.org/ending-backlog/our-approach>

⁶ Sexual Assault Kit Initiative. (n.d.). Retrieved from <https://sakitta.org/about>

During the inventory process, it was learned that law enforcement in Alaska indicated similar reasons for not submitting SAKs for analysis as other jurisdictions throughout the country.

Reasons for Not Submitting SAKs for Analysis

- Identity of suspect was known
- DNA would not aid a prosecution
- Case was closed, dismissed, or prosecuted
- Survivor was anonymous or otherwise not wishing to participate in the investigation
- Lack of training or understanding about DNA/CODIS
- Inadequate criminal justice resources

Using the results of the preliminary inventory to identify the scope of the issue DPS, in partnership with the Office of the Governor, applied for SAKI funds. The state understood that advances in science and technology can be leveraged to benefit these investigations more today than ever before. Cases may be linked, and serial offenders identified, which may prevent subsequent assaults. The State of Alaska recognized the importance of proactively and objectively evaluating the issue with the initial inventory being the first step.

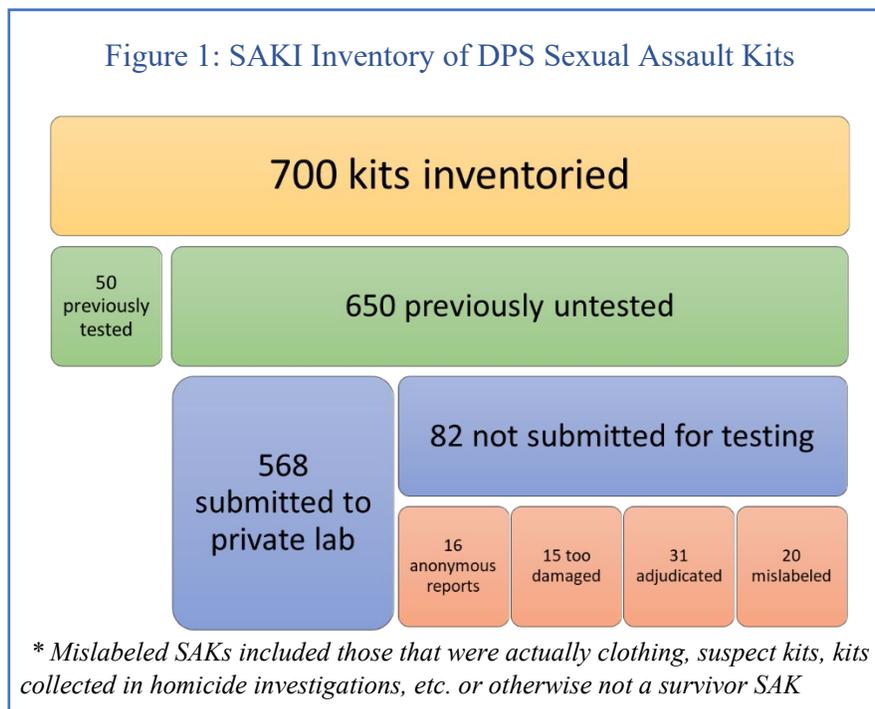
While there are a number of case-specific reasons kits may not have been submitted for testing, Alaska did not have a statewide policy standardizing the inventory or submission of SAKs after collection beyond statutes describing how long biological evidence must be retained by agencies⁷. Therefore, in January 2017, the Alaska SAKI was launched with the goal to analyze previously unsubmitted SAKs and revise policies and practices, with a vision of improving the response to crimes of sexual assault and abuse in a survivor-centered way. Alaska was awarded \$1.5 M in grants to support the efforts between the FY16 and FY17 SAKI funding streams.

A. SAK Inventory

In 2017, DPS completed and submitted an initial inventory of all unsubmitted SAKs within their jurisdiction regardless of where they were stored. 700 SAKs were inventoried from 16 AST posts statewide, collected between 1984 and 2016. Each of these unsubmitted SAKs, regardless of the probability to effective prosecution, was transferred to the Alaska Scientific Crime

⁷ AS 12.36.200

Detection Laboratory (SCDL) as one of the first steps in this project. At the SCDL, they were evaluated by a multidisciplinary team to determine which SAKs would be eligible for analysis.



It was decided by DPS leadership and working group members that certain SAKs would not be tested as part of the Alaska SAKI project:

- Anonymous SAKs were removed from consideration, in alignment with the stance of the national Office on Violence Against Women (OVW)⁸. It was important to the working group to honor the wishes of survivors to remain anonymous at the time of their report.
- SAKs that were too damaged to be viable for analysis were removed from consideration. Several SAKs received at the lab were moldy, wet, or had broken seals on items, such as blood vials, that compromised the remaining evidence pieces. These SAKs would not have been safe for DNA analysts to be exposed to, nor would they have resulted in useable data.

This evaluation did not include a determination as to whether testing a particular SAK would assist in prosecution. Additionally, there were some SAKs collected in homicide cases as a standard course of evidence collection. SAKs were not tested in homicide cases that were determined later not to have involved a sexual assault.

⁸ Sexual Assault Kit Testing Initiatives and Non-Investigative Kits White Paper (January 2017). U.S. Department of Justice, Office on Violence Against Women. Full document can be found here: <https://www.justice.gov/ovw/page/file/931391/download>

B. Project Design

When developing the Alaska SAKI project, it was decided the focus would be on DPS cases as the pilot for the reform efforts around SAKs in the state. DPS is the only state-operated police agency in Alaska and it also operates the SCDL, the state's only full-service crime lab. Focusing on DPS enabled greater oversight by the Governor's Office and the Legislature. While municipal police agencies may follow recommendations, the State has little direct authority over policy and procedures of those agencies unless established through state statute.

DPS provides leadership and guidance to municipal agencies for technical, investigative, and financial assistance. DPS often offers its policies and procedures for use as templates and additionally delivers dozens of training courses a year on sexual assault investigation, evidence collection, and many other related topics which are open to all municipal police officers. This training at times, comes with funding support to cover travel and lodging costs to encourage departments to support their officers' attendance. Because of DPS' leadership role amongst law enforcement in the state, the goal was to leverage those relationships in order to encourage municipal police departments to implement recommendations and policies identified through AST's SAKI project. This direct benefit will include improved sample policies, procedures, and other recommendations, without the municipal agencies having to deplete their already underfunded resources on that development process.

Alaska's challenges are unique and required resources to improve the overall processes by which sexual assault cases are handled in this vast and rural state. To do this, all steps along the life of a case were considered in the project design:

Comprehensive Approach

- Cases and procedures were evaluated from a multidisciplinary perspective including those from advocacy, medical, forensic science, law enforcement, and legal.
- Order of testing developed considering age of the survivor, whether the suspect was identified, whether the case was adjudicated, and criminal history of the suspect.
- Survivor notification protocols developed in partnership with key disciplines and agencies.
- Dedicated and experienced investigative and prosecutorial positions hired to maximize the ability to move forward with cases.

The goals of the AK SAKI project included:

Closure for survivors

Prosecution/ Increased public safety

- Possible links or identification through CODIS
- Additional investigative leads

Policy evaluation

- Areas to improve
 - How can we do better?
- Improvements previously made
 - What has worked?
- Recommendations going forward
 - Legislative and policies within agencies

Training

- Law Enforcement Officers
- Prosecutors
- Multidisciplinary teams

C. Multidisciplinary Working Group

At the start of the Alaska SAKI project, stakeholders from across the state were identified by the Governor's Office and DPS to serve on the working group. It was important to have a variety of perspectives represented, including from differing disciplines and geographic locations. The working group ensured the recommendations and procedures set forth during the life of the project were survivor-centered and trauma-informed.

DPS recognized that the work needed to successfully address untested SAKs required a full multi-disciplinary collaboration. The SAKI working group was comprised of both standing members who participated in each working meeting, as well as ad hoc members who attended and provided input as needed, particularly on subcommittees. Standing members of the working group included those representing:

- ✓ DPS Alaska State Troopers
- ✓ Anchorage Police Department
- ✓ Standing Together Against Rape
- ✓ Department of Law, Criminal Division
- ✓ AK Native Tribal Health Consortium
- ✓ Council on Domestic Violence and Sexual Assault
- ✓ Office of the Governor
- ✓ DPS Scientific Crime Detection Laboratory
- ✓ UAA Justice Center
- ✓ Forensic Nurse Examiners
- ✓ Office of Victims Rights

The working group participated in monthly meetings between April 2017 and February 2019, after which meetings moved to a quarterly basis. In addition to monthly telephonic meetings, the working group met in person twice a year for full day work sessions. The working group was tasked with several goals, the primary of which was to ensure that project implementation maintained a survivor-centered focus. During this time, the working group developed survivor notification protocols, approved by BJA⁹; setting an order of priority for DNA testing based on case type (although the budget ended up allowing for all SAKs to be analyzed in the end); brochures and other survivor-focused resources; participated in case reviews as needed; and developed a final set of recommendations for policy improvements for sexual assault investigations. Additionally, several working group members participated in additional subcommittee functions. Ad hoc members, such as additional representatives from the Alaska Network on Domestic Violence and Sexual Assault, were invited to participate at specific points.

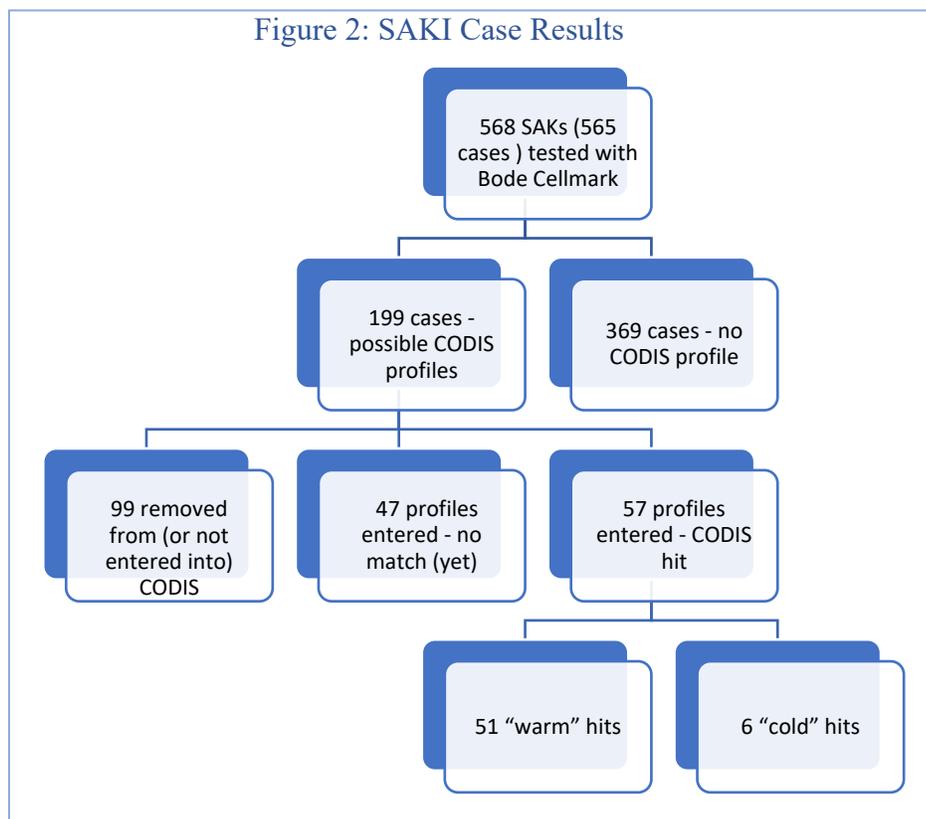
IV. Results of Analysis

Analysis on all 568 eligible AST SAKs was completed in spring of 2019, a little over two years after the start of the Alaska SAKI project. Out of those tested SAKs, 199 possible CODIS eligible profiles were generated, with 57 of these profiles resulting in database matches and an additional 47 profiles that were entered in CODIS but have not received a match. Matches could take days or years and can occur as new DNA profiles get uploaded to CODIS. In some cases, a suspect was previously identified, and a known reference sample was collected from the suspect. When suspect reference samples were available, they were analyzed and compared directly to the corresponding SAK results. However, in many cases, there was no identified suspect, or no suspect reference sample was collected. In those cases, the CODIS database can be used to make comparisons between a forensic profile (in these cases, swabs taken from a survivor's body) and known reference sample profiles stored in the database. These known DNA profiles can come from a variety of sources:

- From a known reference sample collected from the named suspect by police during the course of the investigation, either voluntarily or through a search warrant;
- From a sample collected from an arrestee of a qualifying offense described in AS 44.41.035;
- From a sample collected from a convicted offender of a qualifying offense described in AS 44.41.035;
- From a sample collected from a suspect or offender outside of Alaska and entered into the CODIS database;
- From individuals that voluntarily provide a sample as described in AS 44.41.935.

⁹ All resources for multidisciplinary teams statewide developed by the Working group can be found at <https://dps.alaska.gov/Comm/SAK/Home>

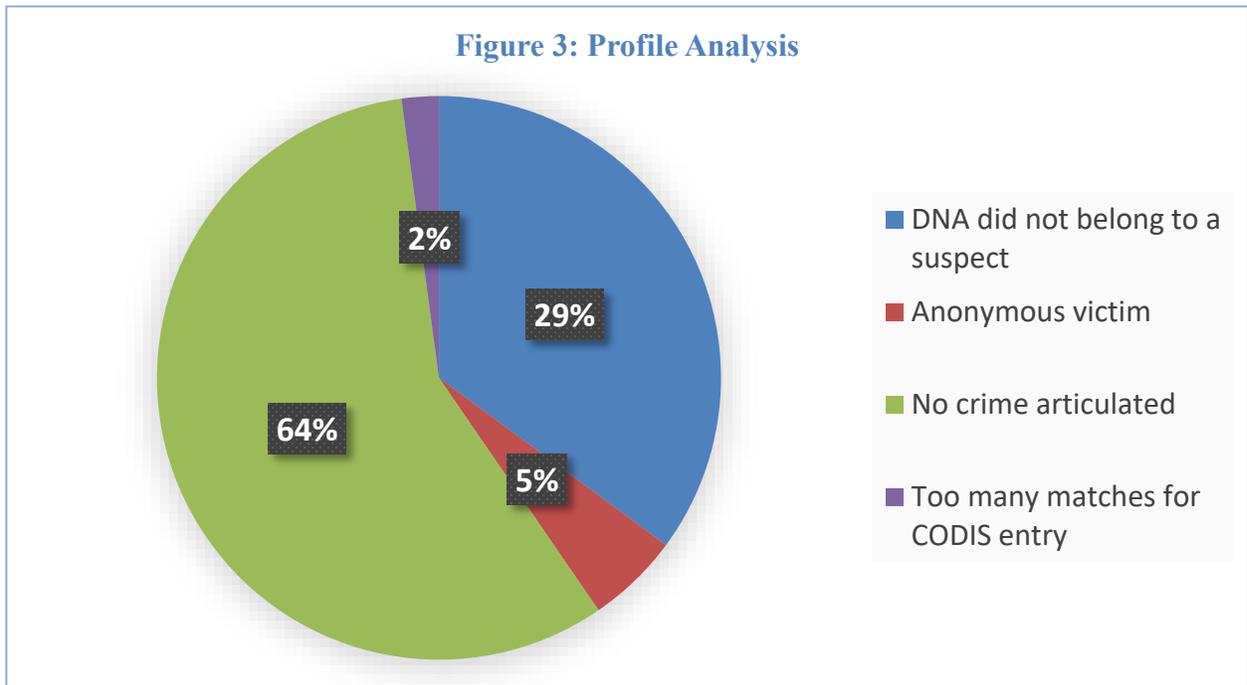
Of the 57 CODIS matches, 51 were warm hits and 6 were cold hits. Warm hits occur when the forensic sample (in these cases swabs from the survivor’s body) matches the DNA provided by the named suspect. Warm hits generally do not provide new information in the investigation, though they can confirm the information received from the survivor such as the identity of the suspect and link suspects across cases. Cold hits occur when there was not a named suspect and provide new leads for the investigation. Of the six cold hits, three profiles hit to the SAKI case as well as at least one additional sexual assault case investigated by AST or another police department.



There were 99 profiles that were either removed or withheld from CODIS. Profiles are removed or withheld from CODIS if they are determined to be ineligible. This could be due to a number of reasons:

- The profile does not belong to the suspect who the survivor named (in cases where the survivor was conscious and reports who committed the assault) (e.g. the profile matches a consensual sexual partner);
- A determination that no crime was committed was made or the circumstances did not fit the statutory definition of a sexual assault;
- The report was meant to be anonymous but the documentation of such was not in the police report and not clear in the information initially received by the testing lab;

- The profile was partial and matched to many other possible profiles to narrow down a match.



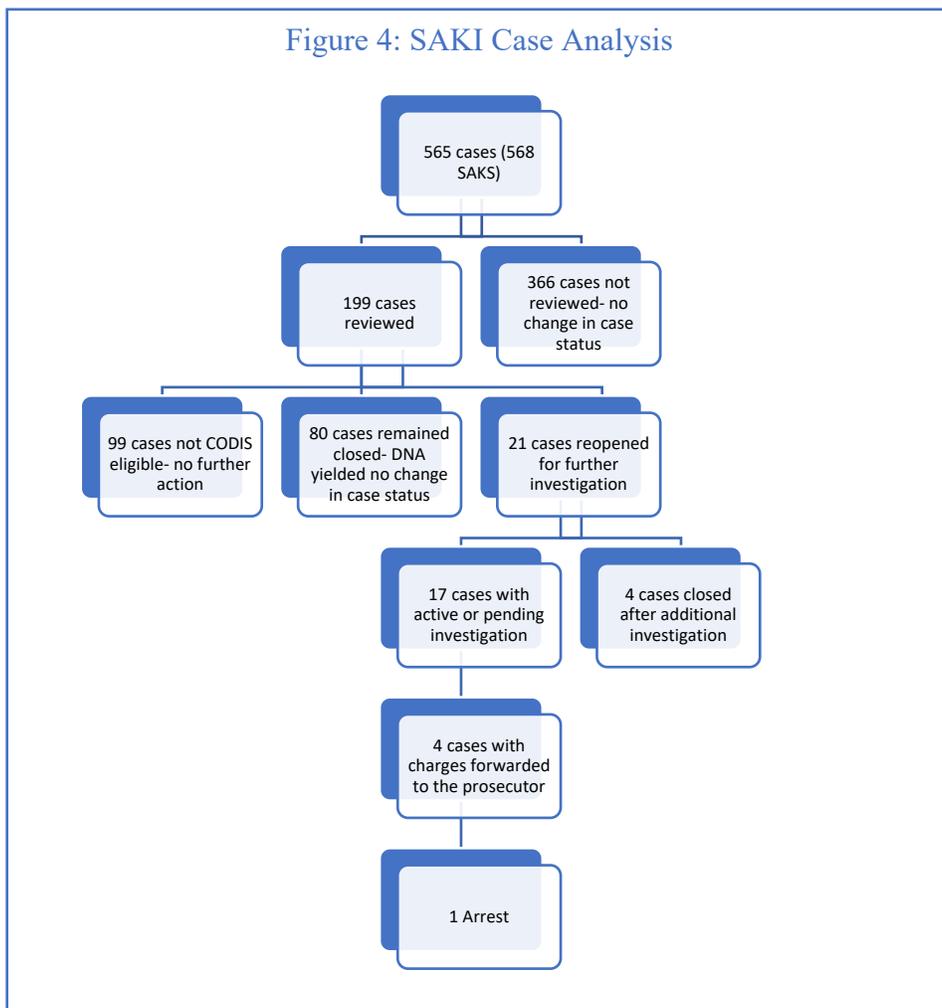
V. Investigation & Prosecution

The funding awarded for the Alaska SAKI project afforded the benefit of hiring dedicated positions for the investigation and prosecution of DPS SAKI cases. Designed as a pilot project, DPS understood this level of reserved resource would not be attainable by most law enforcement agencies, or even for DPS itself on active cases.

A. Case Review Process

Alaska SAKI cases were comprised of cases that had previously been investigated and closed by the original investigating trooper. SAKs that generated possible CODIS profiles were reassigned to the SAKI cold case investigator for review. The investigator pulled copies of all police reports and criminal history records for all persons involved and reviewed those materials with the prosecutor. The investigator and prosecutor chose to first review each case independently and then meet to discuss the assessments. A large number of cases stopped at this initial review due to the profiles being ineligible for CODIS. The most common reasons cases stopped at review were because: the survivor wished to remain anonymous when the original incident was reported; the incident reported did not meet the legal criteria of a crime; or the profile generated belonged to a consensual sexual partner. The SCDL removed or withheld these cases from CODIS.

Figure 4: SAKI Case Analysis



In 80 incidents, the DNA profiles did not change the status of the original case investigation. In these cases, the DNA profile did not provide new or additional information to the previously closed investigation. Of the remaining cases, 21 were reopened for further investigation based on the review of the case or on the DNA results. The investigator and prosecutor team utilized survivor advocates and a forensic nurse as needed according to the survivor notification protocol or based on case specific needs. The advice from those team members helped formulate investigative questions and strategies. They also provided input on how to best present the survivors with the new information related to their cases.

In addition to potentially identifying and developing cases for prosecution, the goals of reviewing the selected cases included identifying:

- Deficiencies or patterns in investigations that could be narrowed down, e.g. by unit, location, region or type of offense;
- Areas of training that needed improvement;

- Investigations that would benefit from advancements in technology or other best practices;
- Recommendations for policy or practice changes to improve investigative outcomes.

The age of the case often resulted in additional barriers when determining if a case should be reopened. At times additional investigative steps that would have been beneficial at the time of the original investigation would no longer be viable years later (e.g. certain additional evidence collected, additional witnesses being interviewed, etc.). When reviewing such cases, the availability of additional evidence (including witness memories) often impacted the ability to reconsider the case.

B. Investigation Results

At the time of this report, of the 21 cases reopened upon the case review and results of the DNA analysis, 17 cases are in various stages of active investigation including several pending contacts with the survivors; not all of these will be viable cases even with survivor contact. Four cases have been closed again. Survivors have requested cases to be closed in 10 of the cases that the investigator made victim contact in. These requests are considered if it is determined there is not an ongoing public safety threat in order to honor the wishes of the survivor.

Reasons survivors requested SAKI investigations to be reclosed

- Have moved on with their lives and reached a point of recovery
- Did not want to revisit and reengage with the trauma
- DNA results clarified event for the survivor
- Did not have recollection of the event occurring or being reported

Of the cases still open, one quarter are still in the *pending contact* stage. The age of the cases results in several investigative steps occurring to obtain best known current contact information and whereabouts of the survivors. Per the survivor notification protocol, not all survivors were notified or attempted to be notified; victim contact was made only in those cases where testing revealed “new” information, or where further review of the case file determined that the case could potentially be successfully reopened. Based on the specifics of the case, the investigator attempted to notify survivors in a number of ways including by letter, by phone, through advocacy agencies, etc. If those attempts failed, depending on the case scenario and the results of

the testing, the investigator may attempt contact through family members or a direct in-person notification.

The investigator and prosecutor team additionally paid attention to patterns amongst suspects, particularly looking for suspects that were connected to multiple cases or were previously unnamed in the investigation (cold hits). There were 5 cases with cold hits (one case had two cold hits) and two of those cases had hits to suspects who were also connected to another sexual assault. Three of these cases are still being investigated. One has been subsequently closed due to the suspect being deceased and the remaining case has been closed pending survivor participation.

C. Prosecution

The SAKI prosecutor participated in case reviews throughout the project, providing guidance as to the follow up investigation they would like to see to potentially build a prosecutable case. Four cases have been officially referred for prosecution to date and three of those cases have subsequently been declined. In two cases, the survivors did not want to move forward with the case and in one the suspect was deceased. Though no cases have been prosecuted to date, one case has been indicted and the suspect arrested. In addition to the indicted case, there are potential positive outcomes for the 48 remaining profiles that have yet to be matched to an offender in the CODIS database. As matches occur, the case can be reevaluated in light of new DNA evidence.

It is also important to consider the high return of investment, or the net benefit to society, for convicting even one sexual assault case. The project costs and increased costs in analyzing SAKs are more than made up for by the cost savings to the state and to society. Additionally, bringing closure to survivors whether through prosecution or simply communication about the status of their case can have lasting impacts on their lives.

VI. Research Partnership

The University of Alaska Anchorage (UAA) Justice Center is a respected, independent resource for research in the state of Alaska. DPS has a long-standing relationship with the UAA Justice Center, collaborating on numerous research projects in efforts to both inform criminal justice policy and to help DPS improve its own practices. It was a priority for DPS to have the UAA Justice Center to conduct comprehensive research to answer the overarching research question:

How can Alaska DPS and partners improve their practices related to sexual assault investigation, prosecution, and survivor engagement and support?

A. Project Overview

The Alaska SAKI research project seeks to answer three research questions:

1. What are the key stakeholders' experiences with Alaska State Trooper (AST) sexual assault investigations, prosecutions, and survivor engagement and support, and how do those experiences compare to their perceptions of just outcomes?

2. How common are the experiences and just outcomes identified by key stakeholders?
3. What factors (including sexual assault kit collection and submission) shape the likelihood of achieving those just outcomes?

The first research question will be answered by conducting 1 to 2-hour, semi-structured interviews with key stakeholders in the DPS sexual assault case process and then qualitatively identifying key themes from the transcripts. The objective in answering the first research question is to provide findings that will allow the Alaska Department of Public Safety and the Alaska-SAKI working group to understand:

- a. How policies and procedures are being implemented at the ground level (i.e., in practice);
- b. Potentially unintended implications of policies, procedures, and/or practices;
- c. The range of stakeholders' perceptions of policies, procedures, and practices;
- d. The range of stakeholders' perceptions of just outcomes (including both processes and resolutions);
- e. Potential intersections and conflicts between stakeholders' experiences; and
- f. Potential intersections and conflicts across stakeholders' perceptions of just outcomes.

Findings from the first research question will be used to determine which factors and outcomes to measure and assess for the second and third research questions. Some of these variables will be available through DPS electronic records of incident reports, such as the relationship between the survivor and suspect, survivor demographics (e.g., gender, age, race/ethnicity), and incident location. Other variables, however, such as survivors' harm being recognized by criminal justice system actors and being treated with dignity (identified by sexual violence survivors as justice in other qualitative interviews), would not be available through official system databases and would instead need to be garnered through surveys of sexual assault survivors who have sought help from the criminal justice system. The objective of using both the official case files and the survivor surveys to answer the second research question is to allow the Alaska SAKI working group to understand how common the different experiences are (including survivors perception of a just outcomes) identified in the stakeholder interviews; and how commonly valued the different just outcomes identified in the stakeholder interviews are.

Upon answering the second research question, the electronic records and survivor surveys will be used to answer the third research question, the findings for which will be used to direct the Alaska SAKI working group toward areas to be addressed in improving the effectiveness of sexual assault investigation, prosecution, and survivor engagement and support processes.

Key research questions	Useful for	Data sources
<p>1. What are key stakeholders' experiences with sexual assault investigations and prosecutions and how do those experiences compare to their perceptions of just resolutions? Key stakeholders include:</p> <ul style="list-style-type: none"> • Sexual assault survivors • SANE/SART first responders • Investigating officers • Prosecutors 	<p>Identifying key stakeholder experiences and priorities</p> <p>Identifying conflicts in priorities</p>	<p>Interview transcripts (Qualitative data)</p>
<p>2. How common are the just resolutions identified by key stakeholders?</p>	<p>Assessing effectiveness of current system</p>	<p>Survivor surveys and/or DPS electronic records (Depends on which just resolutions are identified by stakeholders in interviews)</p>
<p>3. What factors (including SAK submission and/or results) shape the likelihood of achieving those just resolutions?</p>	<p>Identifying areas for improvement in current system</p>	

B. Progress to Date

As of July 2020, significant progress has been made in answering the first research question. Interviews have been conducted with 40 system stakeholders who have professional work experience across the state, including Alaska State Troopers, survivor advocates, forensic nurse examiners, sexual assault response team coordinators, prosecutors, public defenders, judges, forensic analysts with the SCDL, village public safety officers (VPSOs). Data collection for this portion is complete and the research team is finalizing the codebook for coding these transcripts.

In addition to the 40 stakeholder interviews, 26 victim-survivor interviews have been conducted and transcribed. The victim-survivor interviews have been coded and the data is currently being analyzed.

Regarding data collection and analyses for the second and third research questions, it is anticipated that the research team will obtain electronic records from the Department of Public Safety and the Department of Law by the end of October 2020, at which point cleaning and analyses of those data may begin.

The survey questionnaire was developed and deployed. University of Alaska Anchorage Institutional Review Board approved the questionnaire in October 2019, and UAA ran collection in Spring 2020, adding in flexibility to the timeline due to the COVID-19 pandemic.

The original research timeline allowed for near completion in line with the due date of the final report. Due to a number of factors outside the control of the UAA Justice Center, the timeline had to be reevaluated. Ideally, the results of the study would have directly informed the recommendations of the working group. Though the results will still be used in that manner, there is value in issuing an interim report with the working group's recommendations thus far to prevent any delay in DPS evaluating their processes. The report will be updated with additional findings at the conclusion of the Alaska SAKI research project.

VII. Procedural Considerations

The Alaska SAKI project created the need and opportunity for a number of changes in DPS procedures, particularly surrounding record keeping and report writing. It additionally highlighted shortcomings in some existing practices, such as supervision of investigations and review of reports.

A. Record Keeping

SAKI prompted a data project that DPS had been interested in for a number of years. When moving away from paper reports, and into the Alaska Records Management System (ARMS), very little information was converted from paper and electronic data residing in Alaska Public Safety Information Network (APSIN), and thus that data remained unavailable within ARMS. This created gaps in available information as troopers would have to reference three different information sources when pulling together case information.

With the onset of SAKI requirements to review older cases, identify criminal history of suspects, and look at patterns between cases, it was decided that APSIN based case information would be migrated into ARMS. Additionally, using SAKI funds, every paper case file associated with cases related to SAKI or the UAA study was uploaded into ARMS. This successfully brought the three information sources together, allowing not only the SAKI investigator, but any future trooper, the ability to have a more complete picture of the investigations in one central location.

It is recommended that DPS continue to work through its archiving project which includes digitizing other case reports that were not needed for this project. Due to the nature of criminal offenders, there are often several incidents attached to a suspect and/or victim; while seemingly unrelated, knowledge of each of an offender's incidents may have critical value to an investigation. Having this information available to all troopers in an electronic format not only frees up physical storage space but helps them do their jobs more completely and efficiently.

It is also recommended that DPS explore ways to improve real time data entry into APSIN when there is information that all law enforcement agencies need to access. For example, there is not an easily accessible location to obtain information whether an individual has had a known DNA sample collected because the time between collection, analysis, and records being updated in APSIN spans upwards of a year. Arrestees of certain crimes are required by law to provide a DNA sample upon arrest; however, this is rarely being done by troopers and other law enforcement officers at many police departments across the state.

A dispatcher and/or police officer should have the ability to see if a person has had their DNA collected for CODIS entry or if the person owes their DNA to the system due to a previous conviction or arrest. APSIN shows sex offender registration compliance, handgun permit information, Domestic Violence Protective Orders, and other readily available warnings and notes. There is a field for DNA on file, yet the current entry system does not appear to be current enough for officers to rely on when deciding to take samples. Anchorage Police Department has recently adjusted its policies to allow officers to collect missing DNA samples upon eligible arrests. As more law enforcement agencies begin to assist with this, the need for having current information reflected in APSIN will be very useful.

B. Report Writing

There is inconsistency in report writing amongst troopers and trooper posts. Currently there are no set of standards that identify how to consistently use initial call coding and closure codes, which also impacts statistics pulled according to crime type. Due to the SAKI project, DPS has completed the DPS Sex Assault Investigation, Report of Harm, and Anonymous Victim Reporting chapters for the ARMS Report Writing Manual. This will help ensure data is entered accurately and consistently.

Additionally, policies should be updated to compliment the chapter specifically addressing:

- Codes and data points that can be altered by a trooper versus a supervisor
- Parameters around supervisor reviews
- External documents to be attached to report
- Guidelines on supplemental reports

It is also recommended that ongoing training occur on report writing specific to the narrative. Though the SAKI regional training will be a start, the concepts of introducing non-consensual language and observations of trauma more consistently into reports should be an ongoing training effort and an area of review for supervisors.

C. Investigation Supervision

Immediate supervisors are responsible for reviewing and signing off reports generated by their employees. However, many supervisors are not familiar with using ARMS to audit their employees' activities. Supervisors should not approve reports if additional investigative steps should be conducted. They should also account for missing documents, missing information, and follow-up steps prior to approval. The reporting officer should never have the ability to approve their own incident reports. Every incident needs to have a review and approval process.

There were five SAKI cases that received cold hits, which by definition means a potential suspect was identified through DNA testing that the troopers were not aware of at the time. This is common in cases where the survivor cannot identify the person who sexually assaulted or abused him or her. Though new statutory requirements will close this gap, troopers should understand the scenarios in which DNA may assist in their investigation. Cases in which the victim cannot identify a suspect may be prime candidates for DNA analysis. Supervisors should

review the evidence for training opportunities as well as to ensure evidence gets submitted for testing appropriately.

It is recommended that appropriate workflows be developed for supervisors indicating what should be accounted for in the report. They should also be trained on how to conduct case audits for their troopers. As this is a key job function, properly reviewing and auditing cases should be a performance measure for their own annual reviews.

It is also recommended that DPS consider developing a specialized position to further assist with quality assurance of sexual assault and sexual abuse of minors cases. It would be most effective for this position to be held by someone with investigative experience and training in order to recognize deficiencies in an investigation or patterns in regions or specific troopers that may be addressed by training or policy. Additionally, a specialized position could assist in tracking CODIS hits and verifying follow up on the hits the department receives. This position would be an asset to the department by improving overall consistency of investigations, helping increase the overall skillset of troopers to investigate sex crimes (child and adult), and perhaps improving prosecutorial outcomes.

VIII. Best Practice Recommendations

The SAKI working group chose to first approach recommendation discussions using the National Institute of Justice's (NIJ) best practices guide for sexual assault kits as a foundation.¹⁰ The National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach publication was put out through the U.S. Department of Justice in late 2016 and was developed by a working group created in response to the Sexual Assault Forensic Evidence Reporting (SAFER) Act in 2013. One key goal the group was tasked with was to develop recommendations "appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence."¹¹ The recommendations addressed issues such as prioritizing sexual assault kits (SAKs) to be tested, identifying testing timeframes, and discuss ways subsequent information regarding testing should be shared with partners and the public. This also included evaluating SAKs that had never been submitted to a laboratory for testing.

Much like the Alaska SAKI working group, the SAFER working group was comprised of multidisciplinary experts who met over the course of two years. Starting with these recommendations, which were vetted nationally and supported by the NIJ, was the most appropriate foundation to build the state level recommendations.

¹⁰ National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach; U.S. Department of Justice, National Institute of Justice. Full report may be found here: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>

¹¹ The Sexual Assault Forensic Evidence Reporting Act of 2013 (SAFER Act), P.L. 113-4, § 1002 (o)(1).

A. 35 National Best Practices

The *Best Practices for Sexual Assault Kits* guide is divided into six recommendation subject areas:

- Multidisciplinary Approach
- The Medical-Forensic Exam and Sexual Assault Evidence Collection
- Transparency and Accountability of Law Enforcement for SAKs
- Investigative Considerations
- Processing Sexual Assault Kits in the Laboratory
- Post-Analysis Communication and Policy Considerations

According to the working group's assessment, Alaska currently meets the standards identified in 17 of the 35 recommendations. Another seven recommendations are in progress, largely due to recently passed legislation signed in July 2019. Of the remaining recommendations in the guide, they were viewed as works in progress and/ or ongoing training issues.

i. Multidisciplinary Approach

1. *NIJ Recommendation: A collaborative multidisciplinary approach should be implemented for sexual assault cases.*

Current Practices: There are currently over two dozen SART and CAC's located around the state. Both types of programs utilize a multidisciplinary approach to investigating sexual assault cases and supporting survivors. CDVSA is in the process of establishing a technical assistance protocol for any community needing to develop a sexual assault response plan.

AK SAKI Recommendations: It is recommended that DPS continue to explore and fully utilize first responder resources (health aides, VPSOs, etc.). CDVSA should continue work in developing technical assistance protocols as well as a model Memorandum of Understanding (MOU) and protocols for SART teams. MOUs and protocols should address which agency will take lead for coordination in the community, what performance metrics the team would like to track, and how to meaningfully seek and incorporate feedback from survivors, especially those from underserved populations

2. *NIJ Recommendation: Sexual assault responders should use a survivor-centered and trauma-informed approach when engaging with survivors of sexual assault.*

Current Practices: All law enforcement trained at the Alaska Law Enforcement Academy (ALET) receive training on trauma-informed investigations. Additionally, DPS brought in national trainers on three occasions to train responders in trauma informed interviewing techniques, offering eight course opportunities to both state and local law enforcement officers. With the passing of HB 31 in 2018, AS 18.65.240(a) now requires every new police officer to receive 12 hours of sexual assault training.

AK SAKI Recommendations: While this training is being addressed consistently at the state level academy and SART training, it should continue to be meaningfully and consistently offered in an ongoing manner. It is recommended that DPS explore developing train-the-trainer model for trauma informed interviewing to develop internal capacity in Alaska to sustain the training. The course should also include historical trauma perspectives to ensure it is most relevant to Alaskan populations. It is also recommended that SART teams increase local level multidisciplinary training opportunities. It is equally important that prosecutors receive this training consistently.

3. ***NIJ Recommendation: Agencies should collaborate and involve survivor advocates early in the process to create a more survivor-centered approach to the criminal justice process.***

Current Practices: Advocates are standard responders in a SART call out in acute cases. Use of advocates outside of the SART process is inconsistent.

AK SAKI Recommendations: It is recommended that officers utilize advocates more consistently in interviews regardless of whether an exam is conducted or not. Local agencies should develop protocols for use of advocates and possibly consider advocacy positions within their departments either as a systems-based advocate or partnering with a local advocacy agency to have office space in their department. Advocacy services outside of acute cases should be outlined in the SART MOU.

4. ***NIJ Recommendation: The multidisciplinary approach should seek out and include voices from underserved or vulnerable populations in the community's response to sexual assault cases.***

Current Practices: Though advocate responders are trained in serving a variety of underserved and vulnerable populations, few programs have methods to systematically collect feedback from survivors or other service providers. Few programs have language access plans. CDVSA engages in a wide spread consultation process with Alaska Native Tribes and other stakeholders when developing the required four-year plan for the VAWA STOP grant.

AK SAKI Recommendations: It is recommended that DPS explore creating a language access plan as the Department of Law has. This could include contracts with language interpreter services and increased training for law enforcement. Additionally, when opportunities to proactively seek input from underserved and vulnerable populations present themselves such as with strategic planning efforts, DPS should engage in the opportunity.

ii. Medical-Forensic Exam and Sexual Assault Evidence Collection

1. *NIJ Recommendation: Establish minimum standards for a national sexual assault kit (SAK); until that time, states and territories should create a standardized SAK for sexual assault cases that addresses the minimum criteria in the National Adults/ Adolescents Protocol*

Current Practices: The current adult (pubescent) SART kit (revised 2020) and pediatric (pre-pubescent) SART kit (2020) were developed with input from multidisciplinary experts and meet or exceed the criteria set forth in the National/ Adolescents Protocol. Revisions are evaluated regularly and informed by developments in research and scientific technologies.

AK SAKI Recommendations: The state currently satisfies this standard and the working group encourages the Alaska Scientific Crime Detection Laboratory to continue to utilize multidisciplinary experts to update the kits as necessary.

2. *NIJ Recommendation: The medical-forensic exam should be performed by a health care professional specifically trained in the collection of evidence relating to sexual assault cases such as a sexual assault nurse examiner or other appropriately trained medical professional.*

Current Practices: Law enforcement in Alaska consistently utilizes trained health care professionals to conduct exams. Maintaining this standard (despite the kit being designed to be utilized by any medical professional), often results in survivors being transported long distances to receive an exam and delays in evidence collection.

CDVSA is exploring new partnerships to increase the number of trained medical providers as well, one example being through the Alaska Comprehensive Forensic Training Academy (ACFTA). ACFTA is a pilot program that promotes forensic training for nurses and health care providers to build capacity for communities to respond to all types of violence. ACFTA is a partnership between the CDVSA, the UAA College of Health, and the Alaska Nurses Association (AaNA).

AK SAKI Recommendations: It is recommended that DPS continue to engage in discussions around the use of tele-medicine to improve timely access to medical care post assault as well as evidence collection. Many communities have access to paraprofessional medical staff such as health aides. More fully utilizing local resources in conjunction with tele-medicine technology could provide better service to survivors in some cases that are impacted by weather, time of reporting, and survivor reluctance to travel outside their home community. It is also recommended that DPS resurrect conversations with Division of Public Health about increasing the use of public health nurses to conduct SART exams to reduce the reliance on private industry that can inconsistently maintain programs and fill

the needs. This can be in conjunction with current efforts to continue to build the availability of trained forensic medical providers.

3. ***NIJ Recommendation: Guided by the survivor history, sexual assault samples should be collected from any survivor seeking care as soon as possible and up to five (5) days or longer post-assault. Regardless of the time frame, reimbursement should be provided for the medical-forensic exam.***

Current Practices: As of September 2018, DPS recommended new guidelines calling for collection up to 7 days post-assault, in certain circumstances. DPS agrees that reimbursement should be provided for all authorized medical-forensic exams conducted. Currently, the responsibility for the cost for the forensic portions of the exams fall to the law enforcement agency of jurisdiction. To help alleviate some of this financial burden, DPS created a small funding stream to reimburse local law enforcement for the exams, however, requests exceed available funds each year. Survivors are responsible for the medical portions of their exam including injuries sustained as a result of the assault as well as prophylactic medication.

AK SAKI Recommendations: It is recommended that DPS reengage in discussions with Violent Crimes Compensation Board (VCCB) about how best to consistently ensure statewide cost coverage. It is both a state and federal requirement under VAWA to ensure forensic costs are not passed on to survivors, however it does not feel reasonable to survivors to be saddled with other medical costs related to an assault. This financial burden may be a barrier to reporting. Additionally, creating a direct mechanism for hospitals to recover the full costs of the exam may encourage more providers to perform the exams. More review and discussion are needed to develop further recommendations for future consideration.

4. ***NIJ Recommendation: Examiners should concentrate the collection of evidentiary samples by using no more than two swabs per collection area so as not to dilute the biological sample.***

Current Practices: These changes were implemented with the 2013 kit redesign. The SCDL trained nearly 400 professionals on this new technique in 16 regionally held courses when the change was implemented. The SCDL additionally trains between 80-100 professionals each year during biannual Sexual Assault Response Team courses on proper collection of biological samples. All forensic training for medical providers has been updated to include this technique.

AK SAKI Recommendations: It is recommended that ongoing training continue to occur.

5. ***NIJ Recommendation: Sample collection should be an option for all sexual assault survivors who present for a medical-forensic exam, including those who choose not to report (unreported) or report anonymously.***

Current Practices: Law enforcement authorizes exams on a basic level of criteria based on state provided training. HB31 passed in 2018, AS 18.68.020(a) now requires all police departments and medical facilities providing exams to additionally offer anonymous reporting options. Prior, survivors could still get an exam without participating in the criminal justice system but survivors in communities without anonymous reporting policies had to provide identifying information. Examination kit protocols reflect the modified statutory requirements.

AK SAKI Recommendations: The model MOU and protocols that CDVSA is developing should reflect anonymous reporting requirements.

6. ***NIJ Recommendation: Suspect sample collection should ideally be completed by a medical-forensic examiner or appropriately trained individual.***

Current Practices: Suspect sample collection varies by jurisdiction. Some utilize forensic examiners, some utilize trained law enforcement officers. Law enforcement officers should not collect samples without appropriate training. Any internal collection (other than from the mouth) from a suspect (male or female) would be done by a medical professional.

AK SAKI Recommendations: It is recommended that DPS continues to meet this standard with ongoing training on the existing policy.

7. ***NIJ Recommendation: Due to increased sensitivity in DNA technologies, masks and gloves should be used by all medical-forensic care providers and others in the collection and packaging of evidence, especially during the collection of intimate samples.***

Current Practices: Gloves are consistently worn during evidence collection. Masks are not.

AK SAKI Recommendations: It is recommended that training is updated to reflect use of masks as well as include masks in the kit contents, to include both medical-forensic care providers and law enforcement officers collecting suspect samples.

8. ***NIJ Recommendation: Policies for medical-forensic record retention should be created in accordance with statutes of limitations and other criminal justice needs rather than with traditional parameters for medical record keeping, storage, retention, and destruction.***

Current Practices: All law enforcement agencies receive a copy of the medical-forensic records to add to the police report. This ensures that all records are kept

in accordance to law while copies that remain with hospitals would be subject to their record keeping rules.

AK SAKI Recommendations: It is recommended that model MOU and protocols include guidance on records policies. MOUs that do not address law enforcement receiving needed documents should not be approved by the law enforcement agency until it is addressed properly. It is further recommended that law enforcement agencies include requirements of ensuring they receive copies of the medical-forensic paperwork in their workflows and policies, and that these policies include timeframes within which the recommendations should be collected.

iii. Transparency and Accountability of Law Enforcement for SAKs

1. *NIJ Recommendation: Law enforcement agencies and laboratories should partner to use one evidence tracking system.*

Current Practices: The SCDL coordinates evidence submission and testing with nearly 50 police agencies across the state. Each police agency utilizes an evidence tracking system of their choice with little overlap in choice software. The SCDL has researched and heard proposals from multiple tracking software companies and will continue to evaluate the potential to implement a SAK tracking system within realistic budgetary parameters.

AK SAKI Recommendations: It is recommended that DPS explore plans for implementing SAK tracking software as well as legislative support to ensure the efficacy of the program by requiring participation by local law enforcement and medical facilities. DPS has applied for federal funding to support this effort with anticipated notification in fall 2020 about whether the proposal was accepted.

2. *NIJ Recommendation: The federal government should develop an Electronic Evidence Exchange Standard for the data standards associated with physical forensic evidence.*

Current Practices: Not within state level execution.

AK SAKI Recommendations: Continue to monitor.

3. *NIJ Recommendation: SAKs should be received by the local law enforcement agency from the hospital or clinic as soon as possible, ideally, no later than three (3) business days from the collection of the kit, or as specified by statute.*

Current Practices: There is no statute mandating collection time from the medical facility. DPS' s current policy states troopers must collect SAKs within 5 business days, but the policy is not consistently adhered to due to medical facilities not having SAKs ready to pick up within that time frame. This is due to a number of factors including on-call schedules versus full time SANE nurses, redundancy in paperwork causing delays, and drying times.

AK SAKI Recommendations: It is recommended that DPS's DVSA Office and CDVSA work with local hospitals to identify and remove barriers to timely kit collection. The working group feels that five days is reasonable to have a kit completed and packaged and picked up by law enforcement.

4. ***NIJ Recommendation: Law enforcement agencies should submit the SAK to the laboratory for analysis as soon as possible, ideally, no later than seven (7) business days from the collection of the SAK, or as specified by statute. Current***

Practices: HB 49, enacted July 8, 2019, now requires all SAKs to be submitted to the SCDL for testing or storage (in limited circumstances) within 30 days of the law enforcement agency collecting the SAK.¹²

AK SAKI Recommendations: As this is a newly enacted law, it is recommended that DPS and the SCDL provided notice and training to law enforcement agencies on the new requirements.

5. ***NIJ Recommendation: Law enforcement or laboratories should be responsible for the long-term storage of all SAKs, unless applicable law provides otherwise.***

Current Practices: The laboratory recognizes that in the State of Alaska, the optimal solution is for the SCDL to store all sexual assault kits and has been methodically migrating to this practice. In June 2012, the SCDL started retaining all sexual assault kits submitted to the laboratory. In February 2015, the laboratory started retaining all collected kits submitted from DPS, whether for storage or testing. As of November 2017, the SCDL has moved to storing all SAKs for police agencies and in May 2018, the SCDL asked for all departments to submit their inventories of untested SAKs. HB 49, enacted July 8, 2019, now requires all SAKs to be submitted to the SCDL for testing or storage (in limited circumstances) within 30 days of the law enforcement agency collecting the SAK where the SCDL will retain them according to biological retention laws.

AK SAKI Recommendations: As this is a newly enacted law, it is recommended that DPS and the SCDL provided notice and training to law enforcement agencies on the new requirements.

6. ***NIJ Recommendation: A comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information (e.g., unique kit identifier, date collected) for all SAKs.***

Current Practices: Inventories have been conducted for untested kits in 2017, 2018, and 2019. Under HB 49, this inventory remains an annual requirement. Reports are published publicly.

AK SAKI Recommendations: None

¹² The full text of HB 49 can be reviewed at <http://www.akleg.gov/basis/Bill/Text/31?Hsid=HB0049Z>

7. ***NIJ Recommendation: Law enforcement agencies should perform an annual audit verifying that all SAKs in the property room are present and in their specified location.***

Current Practices: Inventories have been conducted for untested kits in 2017, 2018, and 2019. Under HB 49, this inventory remains an annual requirement.

AK SAKI Recommendations: It is recommended that DPS explore implementing a SAK tracking program. By implementing this software, the SCDL will be able to obtain regular inventory lists. This will also reduce the strain on small municipal police departments, as well as complying with various state requests for data and information which has personnel resource impacts.

iv. **Investigative Considerations**

1. ***NIJ Recommendation: All SAKs that the survivor has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis.***

Current Practices: HB 49, enacted July 8, 2019, requires all SAKs to be submitted to the SCDL for testing or storage (in limited circumstances) within 30 days of the law enforcement agency collecting the SAK.

AK SAKI Recommendations: None

2. ***NIJ Recommendation: Law enforcement agencies should establish a system of accountability to ensure the timely follow-up on CODIS hits.***

Current Practices: The SCDL notifies the investigating officer and Alaska Department of Law.

AK SAKI Recommendations: It is recommended that both DPS and Department of Law address CODIS hit follow up in policy. The policy should outline expectations of follow-up steps, documentation, and supplemental reports being added to the police report, including the CODIS hit letter and documentation of any follow up investigation, or reasons for not conducting follow up. It is also recommended that a department is identified that will take lead on ensuring CODIS hit accountability and tracking on a statewide level. The working group identified Department of Law as the agency that may make most sense to take lead as they have jurisdiction statewide and may have influence over local law enforcement to help ensure compliance and reporting.

3. ***NIJ Recommendation: All law enforcement personnel involved in sexual assault investigations should receive training in the neurobiology of trauma and specialized skills for interviewing sexual assault survivors.***

Current Practices: All law enforcement trained at ALET receive training on the neurobiology of trauma and trauma-informed interviewing. Additionally, DPS

brought in national trainers on three occasions to train responders in trauma informed interviewing techniques, which included neurobiology of trauma, offering eight course opportunities to both state and local law enforcement officers. The Alaska Children's Alliance offers 1-2 ChildFirst Forensic Interviewing courses annually for sexual abuse of minor investigations. Additionally, with the passing of HB 31 in 2018, AS 18.65.240(a) now requires every new police officer to receive 12 hours of sexual assault training. As part of that requirement ALET dedicates hours to those topics

AK SAKI Recommendations: It is recommended that all new investigators receive a full trauma informed interviewing course upon assignment as well as a follow-up or advanced course at a later time. It is recommended that prosecutors attend this course as well. It is further recommended that investigators of child sex crimes also attend an accredited course on child forensic interviewing (e.g. ChildFirst) upon assignment.

4. ***NIJ Recommendation: Law enforcement agencies should implement electronic records management systems that incorporate investigative workflows to improve case investigations and communication.***

Current Practices: DPS utilizes an electronic records management system and is working to bring other agencies on with ARMS as well. An investigative workflow has been developed and resides in the sex crimes policy. A report writing chapter for ARMS for sexual assault investigations, reports of harm, and anonymous sexual assault reporting has been completed and will instruct how to document workflow requirements in the record management system.

AK SAKI Recommendations: It is recommended that DPS move forward with implementing these report chapters and train troopers on how to use it.

v. **Processing Sexual Assault Kits in the Laboratory**

1. ***NIJ Recommendation: With the goal of generating a CODIS-eligible DNA profile, if a laboratory is unable to obtain an autosomal CODIS-eligible DNA profile, the laboratory should evaluate the case to determine if any other DNA-typing results could be used for investigative purposes.***

Current Practices: This is the current practice of the SCDL.

AK SAKI Recommendations: None

2. ***NIJ Recommendation: Forensic laboratories should have an evidence submission policy/protocol that includes prioritization of evidentiary items.***

Current Practices: Cases submitted for biological screening and/or DNA testing are prioritized for analysis. Crimes against a person are given priority over property crimes, with the most severe offenses being placed ahead of other cases. Within a case, items are prioritized based on probative value and likelihood of

yielding a DNA profile. The laboratory collaborates with the Department of Law to ensure that analysis is completed in a timely manner for cases with pending court dates/deadlines or where there is an immediate threat to public safety.

AK SAKI Recommendations: None

- 3. *NIJ Recommendation: Laboratories should consider the volume of sexual assault cases and use business process improvement tools to review their input/output, identify where bottlenecks occur, and determine if a high-throughput approach to processing will achieve efficiencies.***

Current Practices: The SCDL continually engages in process improvement. In September 2013, two experts from other state laboratory systems were consulted to assess current processes and recommend improvements. Those recommendations were implemented. Participation in the SAKI program has also provided opportunities to assess improvements in processes, such as Direct to DNA.

AK SAKI Recommendations: Continue to engage in process improvement.

- 4. *NIJ Recommendation: Laboratories should consider changing the order of processing the evidence by going to Direct to DNA and then, only if needed, proceed to serology.***

Current Practices: The SCDL implemented the Direct to DNA process in February 2018. As DNA testing has become more sensitive than biological screening tests, some samples can be taken directly to DNA analysis (bypassing screening), allowing for faster processing and potentially more CODIS eligible profiles.

AK SAKI Recommendations: None

- 5. *NIJ Recommendation: Laboratories should consider incorporating robotics and/or automation at each step of the DNA process for the most efficient high-throughput approach.***

Current Practices: The laboratory has already implemented a number of robotics and automation at various stages of the analysis.

AK SAKI Recommendations: None

- 6. *NIJ Recommendation: Laboratories should consider the use of standardized reporting templates, a paperless system, and specialized software to assist in the interpretation of DNA mixtures, to streamline interpretation and reporting of DNA results.***

Current Practices: Specialized software to assist in the interpretation of DNA mixtures has been purchased and is waiting for validation before implementation.

The SCDL utilizes Laboratory Information Management System (LIMS) to ensure standardized reporting.

AK SAKI Recommendations: It is recommended that the SCDL continue validation to implement the software.

vi. **Post-Analysis Communication and Policy Considerations**

1. ***NIJ Recommendation: Jurisdictions should have a survivor notification protocol for informing survivors of the status of their sexual assault cases, including cases where SAKs are analyzed after many years.***

Current Practices: HB 49, enacted July 8, 2019, now requires law enforcement to notify survivors within two weeks of receiving results of SAK analysis from the SCDL. The SAKI working group has developed notification protocols for historical cases and has provided it publicly on the DPS website. These protocols are available for all jurisdictions to adopt and revise to fit their local communities.

AK SAKI Recommendations: If the state does not implement SAK tracking software, it is recommended that law enforcement partner with advocacy agencies on notification in cases where SAKs were analyzed after many years. Ideally, however, a more survivor-centered approach will be adopted by implementing SAK tracking software with a survivor portal attached. This will allow the survivor to opt in to notifications about the status of their kit or decline any further notification. This would put the decision in the hands of the survivor rather than law enforcement attempting to contact survivors who many not wish to be contacted.

2. ***NIJ Recommendation: Jurisdictions that do not have evidence retention laws should adopt biological evidence retention policies/protocols that are survivor-centered and preserve evidence from uncharged or unsolved reported cases for 50 years or the length of the statute of limitations, whichever is greater.***

Current Practices: Alaska Statute 12.36.200 requires the preservation and retention of biological evidence collected in connection with the investigation of sexual assault in the first degree and sexual abuse of a minor in the first-degree offenses for the period of time the case “remains unsolved” or 50 years.

AK SAKI Recommendations: None

3. ***NIJ Recommendation: Unreported SAKs should be retained for at least the statute of limitations or a maximum of 20 years.***

Current Practices: Unreported SAKs are held in accordance to biological retention laws in the state, the same as reported SAKs.

AK SAKI Recommendations: None

4. *NIJ Recommendation: States that have not already done so should consider eliminating the statute of limitations for sexual assaults.*

Current Practices: There is no statute of limitations for unclassified and Class B felony sex crimes in Alaska.

AK SAKI Recommendations: None

5. *NIJ Recommendation: Jurisdictions should develop a communication strategy to increase transparency and accountability to stakeholders within their communities regarding the response to sexual violence.*

Current Practices: DPS publishes annual felony sex offense report and posts them publicly on the website. Additionally, a webpage outlining the efforts for sexual assault kits is available. DPS has participated in a number of interviews with local media to increase access to information and data.

AK SAKI Recommendations: Along with the recommendation to explore establishing a SAK tracking program, a community campaign would need to accompany the implementation and launch to inform the public and survivors of its availability. Further recommendations may be developed after being informed by the UAA SAKI study.

6. *NIJ Recommendation: Mandatory training for those responding to sexual assault should be incorporated into every agency's strategic plan.*

Current Practices: HB 31 now requires every newly hired law enforcement officer to receive 12 hours in sexual assault investigation training. This bill does not address training requirements for existing law enforcement officers. Law enforcement agencies vary in their requirements for training.

AK SAKI Recommendations: It is recommended that local SART teams incorporate training plans in their protocol. It is additionally recommended, that each law enforcement agency, including DPS, address sexual assault training for existing law enforcement officers in their strategic plans, including training requirements for officers as first responders as well as those that become investigators.

B. Additional Recommendations

1. CODIS sample collection

Recommendations for CODIS follow-up were discussed previously. There is also a need to evaluate gaps in the number of qualifying samples that are collected to begin with. It is recommended that DPS identify a working group to evaluate ways to improve collaboration with the court system, local law enforcement, Department of Law, and Department of Corrections to increase timely samples collected from qualifying individuals. This may include discussions around the timing of collection

and by what entity. The working group would be tasked with identifying and providing recommendations for gaps along the entire spectrum of CODIS sample collection from the point of collect, to analysis, to distribution and follow-up.

2. Multidisciplinary Review & Oversight

Upon case review, a wide spectrum in the quality of investigations and report writing was identified. Additionally, officers experience a high turnover in Alaska, requiring constant training and retraining opportunities. Perhaps, more important than training is the opportunity to work with and watch more experienced investigators, be mentored and to receive timely feedback on how officer's investigation can be improved to increase likelihood of successful prosecution. Complimentary to the previously described recommendation of DPS having a dedicated position to ensure quality assurance on sexual assault investigations, it is recommended for DPS in partnership with Department of Law, consider a multidisciplinary approach by creating a panel of 1-2 experienced law enforcement officers and 1-2 prosecutors, consulting with advocacy and forensic nurses as needed. They would be tasked with reviewing cases from across the state. This group could evaluate both open and closed investigations and could offer suggestions (or in some cases, directives) as to potential additional investigative steps to be taken, and review whether a case has been appropriately closed. This would require additional resources but could improve statewide consistency and could provide a very valuable tool to less experienced officers, prosecutors, and smaller agencies, in that they could reach out to get advice and recommendations from experienced officers and prosecutors.

3. Specialized Assignments

Investigating sexual assaults and sexual abuse of a minor cases require advanced and specialized training. There were some differences in reports based on experience, duty assignment, and unit identified in the case reviews. It is a broad recommendation, that departments that cannot support an investigative unit, identify an officer to be point of contact for sexual assault and sexual abuse of a minor investigations. These officers should receive additional training and policies should allow for them to either take over as case officer on these cases or be a second officer assigned. Questions about attitudes and perspective should be included for promotional investigative positions.

4. Streamline SART Paperwork

DPS is statutorily responsible for designing the SAK protocol and utilizes a standard kit and paperwork to help create consistency. That may create barriers for timely completion for medical providers. It is recommended that the SCDL engage in discussions with medical facilities on how to remove barriers to the paperwork such as double entry of all information.

IX. Conclusion

Since the start of Alaska SAKI in January 2017, the state has made substantial strides in instituting significant reform efforts regarding not only sexual assault kits but sexual assault investigations in general. As efforts continue, Joyful Heart Foundation's End the Backlog provides a useful template to guide legislative reform.¹³

Joyful Heart's Six Pillars of Legislative Rape Kit Reform

- Annual statewide inventory of untested kits: A recurring count of all untested rape kits enables stakeholders to understand the scope of the problem and monitor progress.
- Mandatory testing of backlogged kits: Eliminate the existing backlog by requiring law enforcement agencies to submit all previously untested kits to the lab and requiring the kits to be tested.
- Mandatory testing of new kits: Prevent future backlogs by requiring law enforcement agencies to promptly submit all newly collected kits to the lab and requiring the lab to test these kits within a specific timeframe.
- Statewide tracking system: Ensure that hospitals, law enforcement, and labs are using the same system to track rape kits. Build in a mechanism for survivors to check the status of their kits throughout the process, from collection to analysis.
- Survivors' rights to notice: Grant survivors the right to receive information about the status and location of their rape kit and require that survivors be informed if their kit will not be tested.
- Funding for reform: Appropriate state funding to address these issues.

With recently enacted legislation and capital fund appropriations 5 of the 6 pillars of reform are underway. Though a number of recommendations were brought forward by the working group, implementing a SAK tracking program would address a number of them simultaneously as well as move the state much closer to addressing all six pillars of reform.

Joyful Heart Foundation¹³ Retrieved from <http://www.joyfulheartfoundation.org/>

X. Appendices

Appendix A

Definitions of Key Terms

Throughout discussions about untested, or sometimes referred to as unsubmitted sexual assault kits, several terms or acronyms are used. Below you will find some of those commonly used and an explanation for each.

[Sexual Assault Kit \(SAK\)](#)

A sexual assault kit (SAK), also referred to as a SART Kit, is a set of items used by medical personnel or trained professionals for the preservation of physical evidence collected from a person, living or deceased, following an allegation or suspicion of sexual assault; they may come in a packaged box in more recent years or in bags or as individual swabs in the past.

[Unsubmitted SAK](#)

Unsubmitted sexual assault kits are kits that have never been submitted to a forensic laboratory for testing and analysis.

[Backlog](#)

A backlog generally refers to evidence that was submitted to a crime lab and that remains untested after 30 days.

[DNA profile](#)

A DNA profile carries genetic material and is unique to an individual like a fingerprint but uses a person's DNA instead of the ridges on their fingertips to identify the person. DNA is the same throughout a person's body.

[CODIS](#)

The Combined DNA Index System (CODIS) is a system of federal, state and local databases that contain DNA profiles from both known offenders and crime scenes. CODIS is used to generate investigative leads.

[CODIS Hit](#)

When a DNA profile is uploaded into CODIS and finds a matching DNA profile from a separate unsolved criminal offense or a possible suspect, it is referred to as a "*CODIS Hit*" and can be used as an investigative lead by law enforcement.

[Warm Hit](#)

Warm hits in the CODIS system occur when a named suspect in a case is linked to a DNA profile from the evidence in that criminal offense. A warm hit confirms what was already learned during the investigation.

[Cold Hit](#)

Cold hits in the CODIS system occur when a DNA profile from the evidence in an unsolved criminal offense is linked to a profile from a known offender in the CODIS database, and that offender was not a named suspect in the offense. A cold hit provides new information in an investigation.

Appendix B

Alaska SAKI Working Group Member Biographies

Barb (QasuGlana) Amarok, Ph.D., Bering Sea Women's Group

Dr. Barb (QasuGlana) Amarok has been the executive director of Bering Sea Women's Group (BSWG) located in Nome, AK since 2014. She has previously held positions of relief advocate, children's services coordinator and acting executive director. Barb served on the Board of Directors soon after BSWG was incorporated as a 501(c)(3) charitable organization in 1979.

Major Brian Barlow, Alaska State Troopers

Major Barlow began his career with the Department of Public Safety (DPS) in 1999. Major Barlow continued his career taking on various assignments around the state, promoting to Sergeant in 2005, then to Lieutenant in 2012. During his tenure as Lieutenant, he supervised the Recruitment Unit, Office of Professional Standards, and then as the Commander of the Aircraft Section for the Alaska Wildlife Troopers. During his career, he was a DPS Pilot, served on the Special Emergency Reaction Team (SERT), has been a Crisis Negotiator and the Statewide Crisis Negotiator Coordinator, a DPS Firearms Instructor, a Department Ethics Instructor and graduated as a Dean's Scholar from the Southern Police Institute's 132nd Administrative Offices Course in November 2014. His vast and varied experience in law enforcement prepared him to take on the position of deputy director of the Alaska State Troopers in 2017. Prior to his career with DPS, he served as a US Marine from 1990 to 1994.

Randi Breager, Alaska Scientific Crime Detection Laboratory

Ms. Breager has been in the domestic violence and sexual assault (DVSA) field for over 12 years. She is currently the Criminal Justice Planner for the Alaska Scientific Crime Detection Laboratory, recently transitioning from the Alaska State Troopers as their statewide DVSA Coordinator where she was responsible for providing training and technical assistance in domestic violence, child abuse, sexual assault, and stalking for state and municipal police officers. In her current role, she works on special projects for the crime lab, including coordination of the Sexual Assault Kit Initiative. Prior, she worked in the survivor advocacy field for several years both in direct service provision and in program management. She has bachelors' degrees in Psychology and Sociology, and a master's degree in Public Administration, specializing in Criminology and Criminal Justice from University of Nebraska.

Investigator Michael Burkmire, Alaska State Troopers

Investigator Burkmire retired from the Alaska State Troopers (AST) in March of 2017 after a 25-year career with the State of Alaska. The last eleven years of his career were spent supervising the Mat-Su Child Abuse Investigation Unit. In April 2018, Investigator Burkmire left retirement to utilize his expertise as the Cold Case Investigator for the Sexual Assault Kit Initiative (SAKI) grant program. In addition to his assigned duties of investigating unsolved cases of sexual assault and child sexual abuse, he was tasked with analyzing the department's policies and procedures that pertain to these types of investigations.

L. Diane Casto, MPA, Council on Domestic Violence & Sexual Assault

Ms. Casto, MPA, is the executive director for the Council on Domestic Violence and Sexual Assault. She is a lifelong advocate for children, parents, families and healthy communities, having worked in the areas of child abuse and neglect, youth services, fetal alcohol syndrome, substance abuse prevention, mental wellness, criminal justice and healthy families and communities since 1978. Diane's philosophy is that partnerships, coalitions, and collaboration are always better than working in isolation. Working toward a collective impact and population health has been her life's work. Diane has a bachelor's degree in Anthropology from Central Washington University and a Master of Public Administration from the University of Washington, Daniel J. Evans School of Public Affairs.

Michelle Collins, Alaska Scientific Crime Detection Laboratory

Ms. Collins has been a Forensic DNA analyst for over 22 years. She began her career at the North Louisiana Crime Lab in Shreveport, LA and has been with the Alaska Scientific Crime Detection Laboratory since 2003. She has supervised the DNA unit of the laboratory for over a decade and currently manages the sexual assault caseload, including the analysis of the previously unsubmitted kits through the Sexual Assault Kit Initiative and the Capital Project. Ms. Collins is also the liaison with the FBI for the DNA database, CODIS (Combined DNA Index System). Ms. Collins works closely with law enforcement and the Department of Law in an ongoing effort to ensure the DNA laboratory is effectively and efficiently fulfilling its role in public safety. She is a graduate of Clarkson University in Potsdam, NY and the University of Alabama, Birmingham, and holds a Bachelor of Science in Chemistry and a Master of Science in Forensic Science.

Debbie M. Demientieff, Alaska Native Tribal Health Consortium

Ms. Demientieff is the Special Projects Coordinator for Alaska Native Tribal Health Consortium (ANTHC) in the Wellness and Prevention department. She has worked as the project coordinator for the Domestic Violence Prevention Initiative (DVPI) program with ANTHC for the past nine years. In that role she works directly with DVPI tribal partners in collaboration with a partnership team to promote education and awareness addressing domestic violence and sexual assault with the DVPI tribal communities. Ms. Demientieff holds a bachelor's degree in Rural Development.

Cheryl Duda, Alaska Scientific Crime Detection Laboratory

Ms. Duda earned her bachelor's degree in Biochemistry at Wellesley College, and her Master of Science in Biochemistry from the Ohio State University. She has been a member of the Forensic Biology discipline at the Alaska Scientific Crime Detection Laboratory since 2001 and has served as DNA Technical Manager since 2012.

Angie Ellis, MSN, RN, SANE-A, SANE-P, Forensic Nursing Services of Providence

Ms. Ellis graduated from the University of Mary Hardin Baylor in Belton, TX with a Bachelor of Science in Nursing and a minor in psychology and she received a Master of Nursing Degree from Grand Canyon University. She holds her national certification as both a SANE-A and SANE-P. Having nearly 30 years of experience, Ms. Ellis helped establish and manage the Forensic Nursing Department at Fairbanks Memorial Hospital, establish the Child Advocacy Center for the North Slope Borough Police Department, and is currently employed as a forensic nurse examiner with Forensic Nursing Services of Providence and with the Mat-Su Regional Hospital SART Program. She is also an adjunct faculty member for the University of Alaska Anchorage School of Nursing and the owner of the consulting business, ADE Forensic Nurse Consultant. She recently accepted the position as the medical forensic expert for the Alaska Network on Domestic Violence & Sexual Assault, providing training and technical assistance throughout the state. Ms. Ellis is part of the statewide SART training team, and Alaska SART Leadership Team with the Council on Domestic Violence and Sexual Assault.

Jenna Gruenstein, Department of Law

Jenna Gruenstein is an Assistant Attorney General in the Alaska State Department of Law's Office of Special Prosecutions. Jenna handles matters related to the Sexual Assault Kit Initiative and other cases across the state, with a focus on sexual offenses and homicides. Jenna joined the Department of Law as an Assistant District Attorney in the Anchorage District Attorney's Office in 2010. During her seven years at the Anchorage District Attorney's office, Jenna was a trial team supervisor and an attorney in the Special Assaults Unit, where she specialized in prosecution of sexual crimes committed against adults and children. Jenna also spent a year in the Office of Special Prosecutions' Medicaid Fraud Control Unit. Jenna got her law degree from the University of Washington School of Law and her undergraduate degree from Occidental College.

Lieutenant Shaun Henry, Anchorage Police Department

Lieutenant Henry is the commander of the detective units at the Anchorage Police Department (APD) including the Special Survivors Unit, Crimes Against Children Unit, and the Cyber Crimes Unit. Lieutenant Henry started his law enforcement career at the San Diego Police Department in 1994 serving as a patrol officer, SWAT officer, and an academy instructor. He came to back to Alaska in 2006, where he was born and raised, to join APD. While at APD, he has held several roles including patrol, SWAT, field training officer, Sergeant, and is an instructor in several topics including firearms, less lethal weapons, and officer survival.

Ingrid Diane Johnson, PhD, University of Alaska Anchorage

Dr. Johnson is an assistant professor in the University of Alaska Anchorage Justice Center. The focus of much of Dr. Johnson's research is on help-seeking among survivors of sexual assault and intimate partner violence, and how formal and informal networks can improve those processes. She is currently working in partnership with the Alaska Department of Public Safety as the principal investigator for the Alaska Sexual Assault Kit Initiative (AK-SAKI) research component and in partnership with the Alaska Council on Domestic Violence and Sexual Assault as the principal investigator for the 2020 Alaska Victimization Survey (AVS). She also teaches classes at UAA on research methods, rural justice issues, and victimization.

Brad Myrstol, PhD, University of Alaska Anchorage

Dr. Myrstol is an Associate Professor of Justice at the University of Alaska Anchorage (UAA) and serves as the director of the UAA Justice Center, as well as the Alaska Justice Information Center. He holds a Ph.D. in Criminal Justice from Indiana University. Dr. Myrstol's research is focused in two areas: the factors impacting the processing of domestic violence and sexual violence cases (with a focus on police decision making), and procedural justice and public perceptions of criminal justice system legitimacy (with a focus on policing). Dr. Myrstol's recent research has focused on the contributions Alaska's Village Public Safety Officer (VPSO) program makes to the criminal justice response to sexual violence as well as sex offender recidivism. He is currently leading a research project examining sexual violence survivorization among University of Alaska students, and another project examining missing and murdered indigenous women in Alaska.

Captain Josh Nolder, Anchorage Police Department

Captain Nolder has been a member of the Anchorage Police Department (APD) since 2002. He currently oversees the Detective Division of APD and the department's Crime Lab. Previously Captain Nolder served as the Lieutenant over the Special Survivors Unit, Crimes Against Children Unit and the Cyber Crimes Unit. As a lifelong Alaskan and the father of five children, Captain Nolder feels there is no better way to serve the city of Anchorage than to be a part of the State of Alaska's SAKI Working Group. He feels it is vital to prevent sexual assaults if at all possible, aggressively utilize law enforcements resources to bring suspects to justice when sexual assaults do occur, and collaborate with our local, state, and federal partners to serve the citizens of the city and state to develop best practices, training, and coordination.

Keeley Olson, Standing Together Against Rape

Ms. Olson serves as the executive director of Standing Together Against Rape (STAR) in Anchorage. She was raised with a healthy appreciation for hard work, helping others, and respecting native people and their cultures. Ms. Olson graduated with a Bachelor of Arts in Social Work from the University of Montana and has primarily worked in the field of crime victim advocacy and homicide cases and murder/suicides – with a special focus on domestic and sexual violence – for 25 years.

Katherine TePas, MA, Alaska State Troopers

Ms. TePas has worked in the field of intimate partner and sexual violence and child exploitation for over two decades. She currently manages the Alaska State Troopers Domestic Violence and Sexual Assault (DVSA) training section and is responsible for the development, coordination, and training for law enforcement officers and agencies across Alaska related to DVSA.

Taylor E. Winston, Alaska Office of Survivors' Rights

Ms. Winston is the executive director of the Alaska Office of Survivors' Rights. She has bachelor's degrees in political science, journalism, and business from Southern Methodist University, as well as a Master of International Affairs from Columbia University. After working as a TV news reporter in Texas and an international trade analyst at the U.S. Government Accountability Office in Washington D.C., she earned her Juris Doctorate from Georgetown University. Upon graduation, she moved to Alaska to begin her legal career. She clerked for a superior court judge, was an associate at the law firm of Atkinson, Conway and Gagnon before becoming an assistant district attorney for the State of Alaska in 1999. Ms. Winston primarily prosecuted domestic violence assaults, sexual assaults, sexual abuse of minors, and homicide cases. As an assistant district attorney, she served two years in the Bethel DA's Office, and 11 years in the Anchorage DA's Office, where she supervised the Special Assaults Unit for six years. Ms. Winston became the executive director of the Alaska Office of Survivors' Rights in 2012. She has been a member of the Alaska Bar since 1997 and is also a member of the U.S. District Court of Alaska and the U.S. Supreme Court.