

The Alaska Sexual Assault Kit Initiative (AK-SAKI) Research Component

A Process Improvement Analysis of the Alaska Department of Public Safety's Sexual Assault Investigation, Prosecution, And Victim-Survivor Engagement And Support Processes

Final Report Executive Summary (Grant #2017-AK-BX-0003)

Submitted to:

U.S. Department of Justice,
Office of Justice Programs,
Bureau of Justice Assistance

by

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April 2022

This project was supported by Grant No. 2017-AK-BX-0003 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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Acknowledgements

This research report is the product of over three years of research design and implementation. This massive effort was generously supported by numerous individuals and organizations:

First, thank you to the Alaska Department of Public Safety for funding this research project and providing access to system professionals' contact information for the interviews and to AST case records. That they were willing to take a hard look at their practices, both successes and failures, along with the Alaska Department of Law, and commit to doing better speaks volumes to their professionalism.

I extend great gratitude to the AK-SAKI Working Group Research Subcommittee members who spent hours reviewing research design notes, IRB applications, interview guides, survey drafts, draft copies of the final report, and more. These individuals include Bryan Barlow, Randi Breager, Michael Burkmire, Angie Ellis, Timothy Flynn, Azucena (Susie) Frenzel, Ariel Herman, Patricia Liss, Rebekah Moras, Lauree Morton, and Katie TePas. A special thank you to Katie TePas for serving as the subcommittee chair and investing many additional hours helping move the project forward behind the scenes, to Randi Breager for championing the entire AK-SAKI for the bulk of its existence, and to Susie Frenzel for pushing everything over the finish line at the end.

My Research Technicians Jacquelyn Frenzl, Hilary Huffman, and Anna Lewald made everything about the stakeholder interviews possible. They conducted outreach all over the state to promote the study: calling and emailing dozens of organizations, printing and laminating flyers, mailing flyer packets, etc. They then tediously cleaned, re-cleaned, and then cleaned again all interview transcripts. They spent dozens of hours working on developing the interview codebook and then coded all 66 interview transcripts, with each transcript being coded by more than one of them. They also served as steady moral support for over a year of the project.

Regarding promotion of the victim-survivor interviews and surveys, I would like to thank all of the organizations and individuals around the state who helped in that process. Extra gratitude is due to the Bering Sea Women's Group in Nome, particularly Barb Amarok, Liz Kugzruk, Tehya Tucker, and Crystal Vaughan, for coordinating my trip to the Bering Sea region in May 2019. Likewise, to SAFE in Dillingham, particularly Marilyn Casteel and Desi Bond for coordinating my trip to the Bristol Bay region in June 2019. The Tundra Women's Coalition (TWC) in Bethel and the Manilliaq Association in Kotzebue also helped tremendously by making phone calls to victim-survivors of sexual assault who they had served to tell them about the study. Numerous statewide and local media outlets supported the interview recruitment process by providing coverage of the effort. Additionally, Molly Dischner, Lisa Ellanna, Barbara Johnson, Kim Kniffen, Lana Knight, and Shellie Mathews helped with distributing and posting flyers across the state.

A number of individuals also provided various support. Ronald Brower Sr. provided free translation of the interview flyers into Inupiaq (see Appendix A). Lisa Smith at the University Center in Anchorage, Ron at Valley Residential Services in Wasilla, Matt at the Alaska Bible College in Palmer, and the Alaska AIDS Assistance Association in Anchorage provided free, private space in Anchorage and the Mat-Su Valley to conduct interviews. My faculty union, United Academics (AAUP/AFT Local 4996), provided a travel grant which I was able to use for the trip to the Bristol Bay region. Dr. Susan Friese provided free consultation on the organization of the Atlas.ti codebook for coding the interview transcripts. Ezekial Kaufman prepared the Alaska Department of Law data and answered numerous queries in how to work with said data. My colleagues Drs. Brad Myrstol and Troy Payne provided regular consultation and guidance on the research, along with immeasurable moral support.

Lastly, but absolutely most importantly, are the interview and survey participants, particularly the victim-survivors who came forward to share their experiences to make a better system and society for future victim-survivors. Thank you for truly making this a victim-survivor centered research project. I hope that I have done your experiences justice.

The Alaska Sexual Assault Kit Initiative (AK-SAKI) Research Component

A Process Improvement Analysis of the Alaska Department of Public Safety's Sexual Assault Investigation, Prosecution, And Victim-Survivor Engagement And Support Processes

Executive Summary

Purpose of Report

Between 2006 and 2016, approximately one-third of sexual assault kits (SAKs) collected by the Alaska State Troopers (AST) were not submitted to the laboratory for forensic testing. In light of the national problem of untested kits¹ and this local SAK submission gap, the Alaska legislature passed Senate Bill 55 in 2017 requiring testing of all previously unsubmitted SAKs, signaling a shift to a “test all” policy in the near future. Indeed, in 2019, the Alaska legislature passed House Bill 49 enacting Alaska Statute 44.41.065 which requires testing of all SAKs within one year of submission to the State Crime Lab.² It is within this context that the Alaska Department of Public Safety (DPS; the parent agency of AST) and their organizational partners (hereafter referred to as the Alaska Sexual Assault Kit Initiative or AK-SAKI working group) sought to understand and improve their policies and procedures related to sexual assault (SA) investigations, prosecutions, and victim-survivor engagement and support.³

¹ Campbell, R., Feeney, H., Fehler-Cabral, G., Shaw, J., & Horsford, S. (2017). The national problem of untested sexual assault kits (SAKs): Scope, causes, and future directions for research, policy and practice. *Trauma, Violence, & Abuse, 18*(4) 363-276.

² There are some exceptions to this testing requirement. If the case is resolved before the SAK has been tested, the SAK does not have to be tested within one year. Additionally, a SAK is ineligible for testing if it is scientifically unviable; it does not meet eligibility requirements for inclusion in the Combined DNA Index System (CODIS; a national DNA database where forensic profiles of known sexual assault and other perpetrators are collected and available for use by law enforcement agencies for investigating sexual assault cases and identifying suspect-perpetrators); or it was collected from a person who reported their sexual assault anonymously. The full text of AS 44.41.065 can be found at <https://www.akleg.gov/basis/statutes.asp#44.41.065>.

³ Cravez, P. (2018). Sexual assault kit initiative: Alaska making progress. *Alaska Justice Forum, 34*(4), 1-2. For more information on DPS sexual assault kit projects, visit <https://dps.alaska.gov/Comm/SAK/Home>.

A Note on Terminology

Throughout this report, those who have experienced an SA are referred to as *victim-survivors* to capture the often complex identity of these individuals. Exceptions to the use of *victim-survivor* are made when referring to *victim advocates* or *victim advocacy*, as the commonly used language for referring to these professionals and their work does not include the use of term *survivor*; when referring to *victim impact statements*, as again the commonly used language does not include the term *survivor*; when direct quoting interview participants (interview participants used a variety of different terms such as *patients*, *clients*, *victims*, *survivors*, *complaining witnesses* depending on their position and/or professional role in the criminal justice system); and when quoting definitions of justice and other language that was shared with both interview and survey participants that used just the term *victim*. Those who have been accused of committing an SA are referred to interchangeably as *suspect-perpetrators*, *suspects*, and *perpetrators*, depending on the context in which the term is being used, to acknowledge the balance of innocence until proven guilty in the eyes of the law with many victim-survivors' conviction and certainty in knowing they have been victimized by someone, identity known or not. Some tables use the terms *victim* and *suspect* only for space/brevity concerns.

Methodological Overview

The philosophy driving this research design was to start with questioning basic assumptions about justice. Before DPS can consider where and how to make changes to better achieve justice, they first need to know to what extent and in what ways they are already achieving justice. Before they could assess their current effectiveness in achieving justice, they must know which metrics count as “justice.” In the spirit of being victim-centered, conceptions of justice must come, at least in part, from the perspectives of sexual assault victim-survivors themselves. Therefore, this research project sought to answer the following three primary questions with the objective of generating policy and practice recommendations for DPS to improve their policies and procedures related to sexual assault investigations, prosecutions, and victim-survivor engagement and support:

1. What are key stakeholders' experiences with sexual assault investigations, prosecutions, and victim-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 shape the likelihood of achieving those just outcomes?

Research question 1. What is Justice?

The first research question was answered by conducting 66 semi-structured interviews with key stakeholders in the Alaska State Trooper sexual assault case process (40 system professionals and 26 victim-survivors who had reported to AST) and then qualitatively identifying key themes and concepts from the transcripts of these interviews. These interviews were conducted in 2019. The objectives were to understand the range of stakeholders' perceptions of policies, procedures, and practices; the range of stakeholders' perceptions of justice (including both processes and resolutions); potential intersections and conflicts between individual stakeholders' experiences and their own perceptions of justice; and potential intersections and conflicts across different stakeholders' perceptions of justice.

Research Question 2. Is Justice Done?

The second research question was answered using three data sources:

1. Quantitative data from a self-administered, online survey of 117 victim-survivors of adult SA in Alaska (who may or may not have reported to AST) collected in 2020;
2. A random sample of 995 case records selected from all adult SA and sexual abuse of a minor (SAM) incidents reported to AST from 2012 through 2016; and
3. Excerpts from the 2019 qualitative interviews to give context to the survey and agency record data.

Although some variables needed to answer this research question were available through DPS and Department of Law (Law) agency records (e.g., what percent of cases make it through each stage of the criminal justice process), other variables that came out of the stakeholder interviews were not

available in those records (e.g., victim-survivors' harm being acknowledged by criminal justice system actors and being treated with belief). Therefore, a self-administered, online survey was implemented in 2020 to collect quantitative data from 117 victim-survivors of adult SA in Alaska on their experiences with SA and reporting (or not) and their perceptions and priorities of justice.⁴

The random sample of 995 incidents was selected from all adult SA and sexual abuse of a minor (SAM) incidents reported to AST from 2012 through 2016 (N = 2741), and data on relevant case processing variables for those 995 incidents was provided by the Alaska Departments of Public Safety and Law in 2021. These records provide insight into traditional case processing outcomes such as the percentages of cases referred to Law and accepted for prosecution.

The qualitative interview participants also provided insight into whether they believe justice is done in SA cases reported to AST and potential factors they believed could shape whether justice is done.

Research Question 3. What Increases the Likelihood of Achieving Justice?

The third and final research question was answered by extracting reasons given by the interview participants as to which factors they believe shape justice, as well as by examining bivariate relationships between variables in the agency case records. The qualitative interview participants were also asked for their recommendations for improvement, and these recommendations are organized in this report into twenty different topic areas, although some recommendations fit into multiple topic areas.⁵

⁴ Although many of the 117 survey participants did not report to any law enforcement, and among those who did report many reported to law enforcement other than the Alaska State Troopers, their perspectives are valuable and can still inform on the justice needs and expectations of victim-survivors.

⁵ Survey participants were also asked for their recommendations but because of limited time and resources at that point in the study implementation, those recommendations were not coded and synthesized and are therefore not included in this report.

Key Findings

Research question 1. What is Justice?

In response to the question, “What does justice mean to you?” (regarding cases of sexual assault), the qualitative interview participants gave a variety of answers that were classified into 24 different definitions of justice. These definitions included “standard” criminal justice system functions such as incarceration, guilty verdicts, forensic testing of the sexual assault kit, monitoring perpetrators, arrest, due process, trial, quick resolution, restitution/compensation, and rehabilitation or treatment for perpetrators. These definitions also involved not-so-standard functions of the criminal justice system, but that are still tied to the functions of system professionals as the definitions centered on how others view and treat victim-survivors: belief, acknowledgement, compassionate treatment, professionals doing their best, and giving victim-survivors voice and choice. Further, some of the definitions of justice were broader than what the criminal justice system alone can offer- or could perhaps result without the criminal justice system altogether- such as healing, consequences for perpetrators, prevention of sexual assault, dialogue around sexual assault, public education, apology, and retribution.

To present these different definitions systematically, they are sorted by the priorities assigned to them by the participants in the victim-survivor survey. More specifically, they are presented in order of most often prioritized as within victim-survivors’ top three justice definitions (see Figure 1).

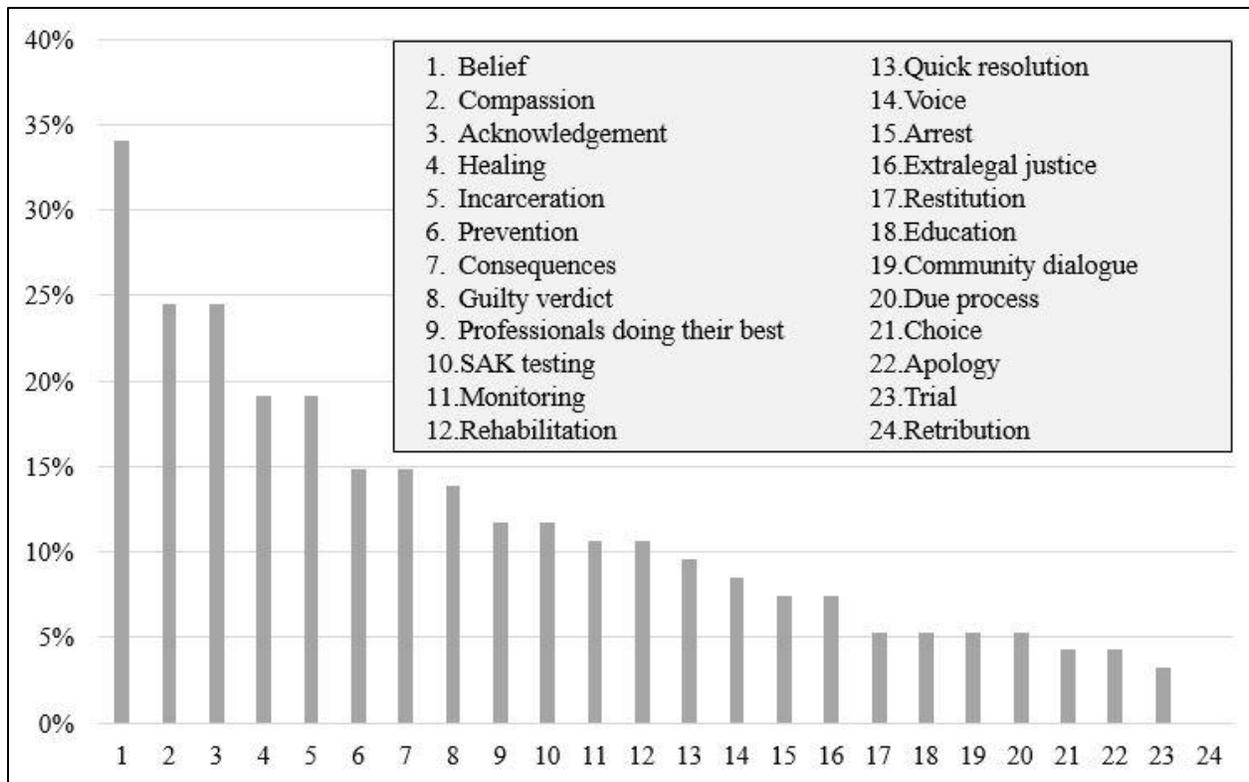


Figure 1. Prevalence of each justice outcome as being among adult sexual assault victim-survivors top three justice priorities (N = 94).

Note. See full definitions of each justice definition in Appendix D. The N for the top 3 justice priorities is 94 because 23 survey participants selected more than one priority for their first, second, and/or third choice, making their data unusable for this particular calculation.

When sorted into top priorities using the quantitative victim-survivor surveys, *belief* (“*Believing the person who was sexually assaulted. This belief could come from the criminal justice system, friends and family, or the community.*”) was far and away the most commonly valued justice outcome with over one-third of survey participants selecting this definition. *Belief* was followed by a tie between *acknowledgement* [“*Acknowledgement of the harm done to the person who was sexually assaulted. This acknowledgement (acceptance of the truth or existence of something) could come from the criminal*

*justice system, friends and family, the community, and/or the perpetrator.”]⁶ and *compassionate treatment* (“*Compassionate treatment of the person who was sexually assaulted by the professionals in and around the criminal justice system. This could include the police, victim advocates, medical professionals, etc.*”), each selected by almost one-quarter of survey participants as being one of their top justice priorities. These top three justice priorities have direct implications for professionals interfacing with victim-survivors: belief, acknowledgement, and compassionate treatment can all be demonstrated and expressed to validate the victim-survivors experiences when they are disclosed.*

The next top priorities were again a tie between *incarceration* (“*Jail or prison time for the perpetrator, regardless of whether this changes their behavior.*”) and *healing* (“*Healing for the person who was sexually assaulted. This healing could come over time, through therapy and/or individual resiliency, and could sometimes involves moving from an identity of “victim” to that of “survivor.”*”), each selected by almost one-fifth of survey participants as being one of their top justice priorities. Instead of incarceration as a method to achieve retribution (which was ranked last as a priority for victim-survivors), both victim-survivor and system stakeholder interviewees more often spoke of incarceration as a method of deterrence, prevention/incapacitation, monitoring perpetrators, rehabilitation, and/or acknowledgement. Incarceration is a primary form of justice that the criminal justice system administers, and thus this justice priority of victim-survivors is in line with that priority. Regarding healing, although this may be seen as an outcome that is outside the responsibility of the criminal justice system, as will be explored in subsequent findings section, the actions and outcomes of the criminal justice system can facilitate healing for victim-survivors in a variety of ways.

⁶ Acknowledgement and belief are very similar conceptually, but acknowledgement includes the implication of an understanding and/or knowledge of *the harm done* to a victim, whereas belief is more centered on simply believing that a sexual assault occurred. Acknowledgement also often included more overt action, whereas belief was more passive.

Research Question 2. Is Justice Done?

To answer the question of whether justice is done in cases of sexual assault reported to AST, all three data sources provided some perspective. Because of the extensive and varied definitions of justice for which there are no agency records (i.e., *belief, acknowledgement, compassionate treatment*), and because of low participation in the victim-survivor survey among victim-survivors who reported to law enforcement (specifically, to the Alaska State Troopers), there was very little quantitative information to determine whether most of the types of justice are or were actually achieved. The data presented to answer this question are therefore preliminary and exploratory, and should be interpreted as giving a somewhat limited view of whether justice is done.

With this acknowledgement that the victim-survivor survey data is exploratory, this data suggests that there is progress to be made in achieving most types of justice definitions, including those most prioritized by victim-survivors: belief, acknowledgement, compassion, incarceration, and healing. The data also show that when considering justice as an overall concept, over half of victim-survivors see no justice being done for them.

Indeed, when considering criminal justice case processing stages as definitions of justice, the agency records also indicate that, typically, fewer than half of cases at each stage in the process make it through to the next stage (see Figure 2). Of the 995 cases reported, 524 included SA cases and 490 included SAM cases (a handful of cases included both). Of the 524 SA cases, 32.8% were referred for prosecution, 22.7% of those referred were accepted for prosecution (7.4% of all SA cases reported), and 41% of those accepted resulted in a guilty plea or conviction for an SA/SAM offense (3.1% of all SA cases reported). Of the 490 SAM cases, 32.7% were referred for prosecution, 42.5% of those referred were accepted for prosecution (13.9% of all SAM cases reported), and 60.3% of those accepted resulted in a guilty plea or conviction for an SA/SAM offense (8.4% of all SAM cases reported).

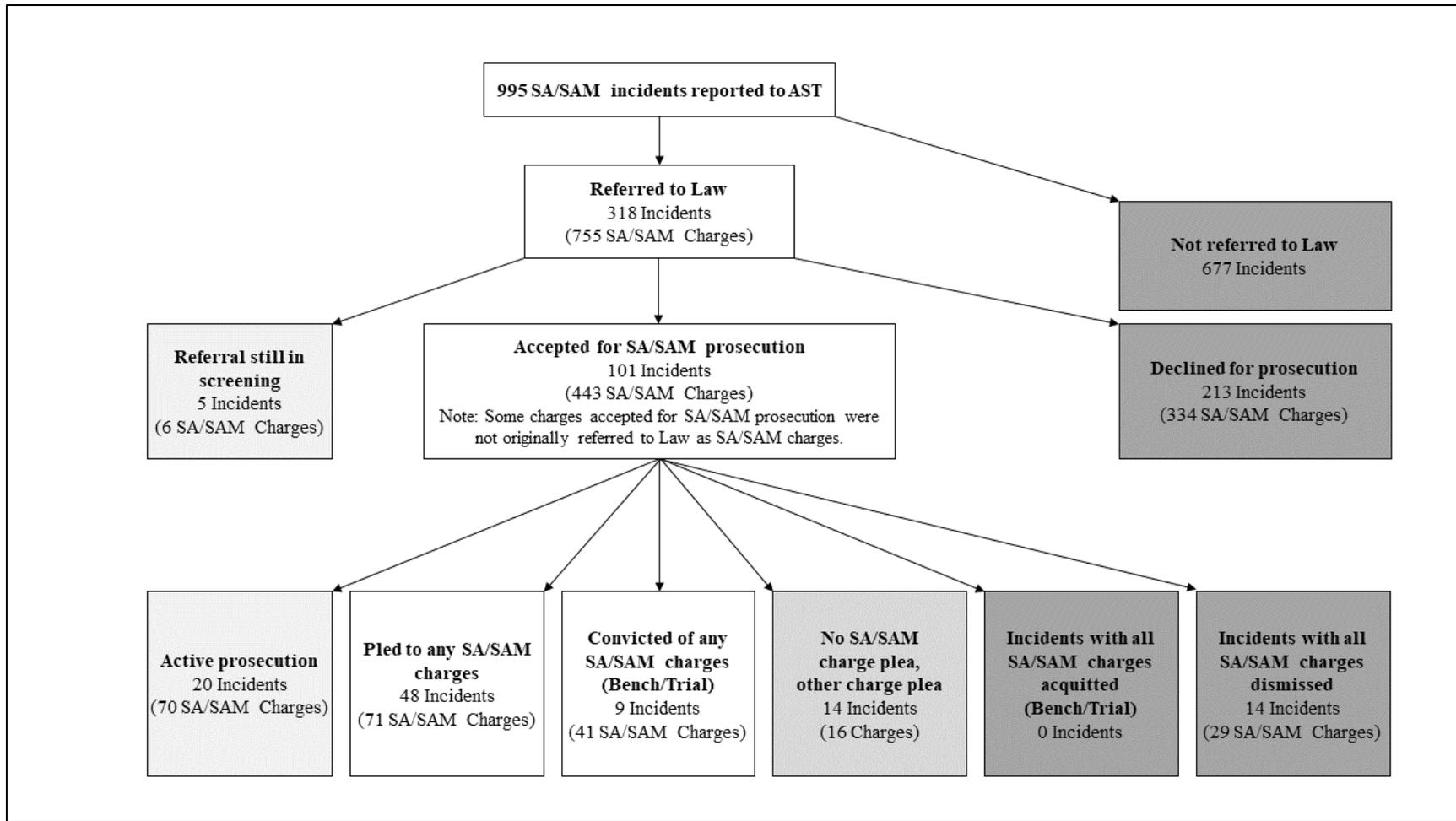


Figure 2. Case outcomes for a random sample of 995 sexual assault (SA) and/or sexual abuse of a minor (SAM) cases reported to the Alaska State Troopers between 2012 and 2016.

When considering all justice outcomes with the context of system and victim-survivor stakeholder perspectives and experiences from the qualitative interviews, the answers varied from confident ‘yesses’ to resounding ‘nos,’ and everywhere in between when asked whether justice was done or is done. These discussions of justice done also indicate that one’s perceptions of whether justice is done is contingent on the totality of one’s experience with a number of factors, and that no one event, experience, or interaction wholly shapes one’s perceptions.

Research Question 3. What Increases the Likelihood of Achieving Justice?

To answer the question of what increases the likelihood of achieving justice in cases of sexual assault reported to AST, the qualitative stakeholder interview data and the quantitative agency records provided some perspective. Because quantitative data was only available for analyzing which variables were related to specific criminal justice outcomes in the agency records (incidents being referred for prosecution and incidents being accepted for prosecution), much of the data presented in this section comes from the qualitative interviews and represents stakeholders’ perceptions of why they think different just outcomes do or do not happen. The data presented to answer this question are therefore preliminary and exploratory, and should be interpreted as giving a somewhat limited view of what increases the likelihood of achieving justice. Stakeholder interview participants’ recommendations for improvements are also included in this section.

Factors Shaping Justice Outcomes from Stakeholder Interviews

The factors suggested by stakeholders in the qualitative interviews that might shape the likelihood of achieving justice outcomes are summarized in Table 1.

Table 1. Summary of factors suggested by system professional and victim-survivor stakeholders in qualitative interviews that might shape the likelihood of achieving justice outcomes.

Justice outcome	Possibly shaped, influenced, and/or facilitated by...
Belief / Acknowledgement / Compassion	<ul style="list-style-type: none"> • Troopers prioritizing fact gathering vs. providing empathetic, belief-centered responses • Victim-survivor behavior (e.g., alcohol use)
Consequences / Arrest / Trial / Guilty verdicts / Incarceration	<ul style="list-style-type: none"> • Trooper investigative techniques and skills • Availability and quality of evidence • Forensic technology • Other victim-survivors reporting common suspect-perpetrator • Ability to prove case beyond a reasonable doubt • Potential for victim-blaming • Law workload • Victim-survivor willingness to proceed and proactivity • Racism toward Alaska Native victim-survivors
Healing	<ul style="list-style-type: none"> • Access to healing services such as therapy, treatment, victim-survivor services, and healing techniques • Referral to treatment and services • Dialogue with others about one’s experiences with SA • Moving past self-blame • Belief and acknowledgement by system professionals • Tone and content of initial system professionals’ responses to SA • Victim-centered, trauma-informed responses • Being heard by perpetrator • Resolution of case in criminal justice process • Speed of resolution of case in criminal justice process
Prevention	<ul style="list-style-type: none"> • Meaningful consequences through the criminal justice system • Incapacitation of those convicted of sexual offenses (through incarceration and monitoring) • Swift responses from the criminal justice system • Treatment and rehabilitation for those who are sexually abused • Community dialogue and public safety ads • Educating community members about victimization risks^a • Educating and empowering victim-survivors when responding to reports of victimization^a
SAK testing	<ul style="list-style-type: none"> • Victim-survivors choosing to have SAK collected • Quality or existence of other evidence in case when case would not depend on SAK testing outcomes <p><i>*Note: As of 2019, all SAKs will be tested within one year of submission to the State Crime Lab (with some exceptions – see Footnote 2)</i></p>
Professionals doing their best	<ul style="list-style-type: none"> • Criminal justice professionals’ <ul style="list-style-type: none"> ○ Workload ○ Burnout / Self-care ○ Amount of experience ○ Training ○ Personal investment in each case

Table continued on next page...

Table 1 continued...

Justice outcome	Possibly shaped, influenced, and/or facilitated by...
Monitoring	<ul style="list-style-type: none"> • Sexual assault being reported by victim-survivor • Forensic evidence being entered into the Combined DNA Index System (CODIS) • Sex offender registration laws
Rehabilitation	<ul style="list-style-type: none"> • Belief in rehabilitation for sex offenders • Opportunities for rehabilitation for sex offenders • Criminal justice system priorities
Quick resolution	<ul style="list-style-type: none"> • Complexity of investigations • Rotating AST shifts in rural locations • Delay of assignment of defense attorneys to suspect-perpetrator
Voice	<ul style="list-style-type: none"> • Trauma-informed sexual assault response team (SART) interview process • Victim impact statements • Options for ways to deliver victim impact statements • The MeToo movement
Extralegal justice	<ul style="list-style-type: none"> • Community priorities and actions • Community attachment/detachment from justice process • Availability of alternatives to criminal justice system
Restitution	<ul style="list-style-type: none"> • Victim-survivors awareness about compensation options • Assistance for victim-survivors in applying for compensation/restitution • Availability of other financial assistance • Suspect-perpetrator resources to pay restitution
Dialogue around sexual assault	<ul style="list-style-type: none"> • Acceptability and safety of speaking out about sexual assault • Beliefs about victim-survivors' strength to engage in discussions
Public education	<ul style="list-style-type: none"> • Costs of responding to sexual assault and providing victim-survivor compensation • Controversy around sex education
Apology	<ul style="list-style-type: none"> • Suspect-perpetrators' acknowledgement of their actions • Criminal justice investigation process
Choice	<ul style="list-style-type: none"> • SART exam procedures • Law's ability to contact victim-survivor • Amount of time to settle on a plea deal • Victim-survivor expressing opinion about plea deal to judge
Retribution	<ul style="list-style-type: none"> • Victim-survivor desire for retribution • Criminal justice system priorities

Note. The factors listed in this table are not recommendations made by the interview participants, but in many cases are related to recommendations that were made.

The justice outcome “due process” is not included in this table because it is ensured through a set of constitutionally guaranteed rights.

^a Educating community members about victimization risks was suggested by at least one interview participant as a way of effectively preventing victimization from happening. It is acknowledged here that this type of suggestion places some of the onus of preventing victimization on potential victim-survivors themselves, which to some connotes victim blaming. It should therefore be emphasized that this table is meant to comprehensively represent the findings of what was shared during the interviews, and not the perspectives of the authors and funders of this report, and there is *no* intent to place the blame of victimization on sexual assault victim-survivors.

Factors Shaping Justice Outcomes from Agency Records

The agency case records provided by DPS and Law also provided some insight into whether certain factors were related to case processing outcomes. Based on what was shared by system stakeholders in the qualitative interview data as shaping justice outcomes (see Table 1), available and relevant victim-survivor, perpetrator, and incident characteristics in the agency case records database were analyzed using bivariate analyses (testing whether two variables are statistically related to each other). These available and relevant victim-survivor and incident characteristics included the geographic location of the assault; alcohol or drug involvement; whether or not forensic evidence was collected for a case; the victim-offender relationship; victim-survivor racial identity, gender, and age; and time between the assault and the report. The two case processing outcomes examined were:

- 1) Reports of SA/SAM resulting in SA/SAM charges being referred for prosecution or not, and
- 2) Incidents referred for prosecution resulting in SA/SAM charges being accepted for prosecution or not.

There were not enough cases in the stages of the process after being accepted for prosecution (such as cases dismissed, in active prosecution, etc.) to conduct analyses. It is important to emphasize that all relationships are merely correlations and that bivariate analyses alone do not establish a causal relationship between variables.

For adult SA cases, only specific geographic location was significantly related to whether a case was referred for prosecution: SA incidents reported in Detachment E were significantly less likely to be referred for prosecution than incidents reported outside of Detachment E.

For SAM cases, geographic location was significantly related to whether a case was referred for prosecution. SAM incidents reported in Detachment C were significantly less likely to be referred for prosecution than incidents reported outside of Detachment C. Conversely SAM incidents reported in

Detachment D were significantly more likely to be referred for prosecution than incidents reported outside of Detachment D. Additionally, when examining rural, off-road areas to non-rural, off-road, SAM incidents occurring in rural, off-road areas were significantly *less* likely to be referred for prosecution.

Alcohol or drug involvement, American Indian/Alaska Native identity, and victim-survivor gender were all also related to whether a case was referred for prosecution for SAM cases. Incidents where alcohol and drugs were involved were significantly more likely to be referred for prosecution than those where no alcohol or drugs were involved. Incidents involving victim-survivors with American Indian/Alaska Native identity were significantly less likely to be referred for prosecution than those without a victim with AIAN identity. Finally, incidents with at least one male victim were significantly less likely to be referred for prosecution than those with no male victim-survivors.

No variables were found to be related to whether a case was accepted for prosecution for either SA or SAM cases.

Stakeholder Recommendations to Improve Justice Achievement from Interviews

Finally, every recommendation made by the stakeholder interview participants was included in this report to demonstrate the depth and breadth of the recommendations put forth by both system stakeholders and victim-survivors. It is important to emphasize that the intent behind sharing these recommendations *is not to endorse* these recommendations, rather it *is to comprehensively represent the findings* of what was shared during the interviews.

The stakeholder recommendations are organized by topic area, although some stakeholder recommendations could have fit in multiple topic areas. The topic areas are therefore not mutually exclusive. The stakeholder recommendations ranged from suggesting that those who have been assaulted report as soon as possible, to improvements in investigations, a greater willingness to prosecute SA cases, and society-wide cultural shifts in how we view consent and SA more broadly. These topic areas are not organized by importance of the recommendations, and are instead organized to first follow the criminal

justice process (starting with reporting of the crime, moving on to the first response and then the following investigation, so on and so forth), followed by a listing of more general topic areas that could apply to multiple stages of the criminal justice process such as communication with the victim, training, and resources, funding, and personnel. The topic areas that the stakeholder recommendations were sorted into were:

1. Reporting sexual assaults to the criminal justice system
2. First response
3. Investigations - Interviews
4. Investigations - Glass warrants
5. Investigations - General
6. Prosecution
7. Forensic analyses of evidence
8. Speed of criminal justice process
9. Victim-survivor knowledge about criminal justice process
10. Communication and follow-ups with victim-survivors on their case.
11. Tone of interactions with victim-survivors
12. Healing resources and other services for victim-survivors
13. Continuous quality improvement
14. Training
15. Inter-agency communication, collective understanding, and collaboration
16. Resources, funding, and personnel
17. Burnout and vicarious trauma
18. Known suspect-perpetrators of sexual assault
19. Laws/statutes
20. Community dialogue and public education around sexual assault

Limitations

The three data sources for this project (interviews, surveys, and agency records), all have limitations regarding how these findings should be interpreted and applied.

First, the interview data do not inform on how common any perspective or experience was. Instead, these data inform on the range of possible types of perspectives and experiences. In other words:

the interview data demonstrate the variety of types of perspectives and experiences that happened, but not what percentage of people had those perspectives or experiences. This is not a limitation, necessarily, as the purpose of these data was to demonstrate range and not prevalence, but it is important to be clear about their purpose for those unfamiliar with qualitative data. Regarding presenting the full range of possibilities, it is possible that not enough interviews were conducted and thus the range of perspectives and experiences documented is not actually comprehensive of all that could have been documented.

Second, the survey data, which *were* intended to document the prevalence of different perspectives and experiences (meaning: how common they were), were limited by the non-random selection of survey participants. Participants were recruited by advertisements and had to opt in to participation, rather than being randomly contacted by the research team for participation. Potential participants first had to be made aware of the survey via social media, email lists, or other methods, which could have created a selection effect that disproportionately excluded certain types of participants (e.g., those who do not use social media or ready access to a computer). After being made aware of the survey, potential participants then had to choose to participate, which could have disproportionately included participants with certain types of experiences or perspectives (e.g., victim-survivors with particularly negative or particularly positive experiences may have chosen to participate, whereas those with more neutral experiences may not have). Thus, whether the survey participants are representative of the overall population they were intended to represent is unknown. Lastly, because of the small sample size, only univariate (single variable) analyses could be conducted.

Finally, the agency records were limited by missing data and the small number of cases that were accepted for prosecution limited the analyses that could be conducted. It is also important to emphasize that all relationships established by the bivariate analyses were merely correlations and that bivariate analyses alone do not establish a causal relationship between variables.