

UN-SUBMITTED SEXUAL ASSAULT KITS: ADDRESSING THE PROBLEM IN DULUTH

What is the Sexual Assault Kit Initiative (SAKI)?

The Sexual Assault Kit Initiative is a collaborative 3-year grant between PAVSA, Duluth Police Department, and the St. Louis County Attorney's Office. We are working towards eliminating the backlog of un-submitted sexual assault kits held by DPD. There are three designated SAKI positions: a Site Coordinator (Mary Faulkner), a Victim Advocate (Sam Madsen), and an Investigator (John Barrett). We have a designated prosecutor that is assigned to any SAKI cases referred for prosecution (Nathaniel Stumme). A sixteen-member Multi-Disciplinary Team (MDT) representing seven agencies provides oversight.

What is a sexual assault kit (SAK)?

A sexual assault kit, or SAK, is a set of swabs, slides, envelopes, instructions, and forms designed to collect and preserve evidence after a sexual assault. The evidence collected can be used in a criminal sexual assault investigation.

What is collected in a SAK?

DNA evidence, including blood, semen, and saliva is collected from the victim-survivor's body to aid in identifying the perpetrator and to demonstrate that physical contact occurred. Physical evidence including fibers, fingernail scrapings, and hairs may also be collected. The victim-survivor's clothing that has biological specimens may also be collected and considered part of the SAK. Blood and urine samples may be collected if a victim-survivor suspects they may have been drugged or under the influence of a substance. Finally, the victim-survivor's account of the assault will be documented and photographs of any injuries will be taken.

Who collects the evidence?

Sexual Assault Nurse Examiners (SANEs) are specifically trained nurses who have been trained in the identification, collection, and documentation of forensic evidence that may be found on a victim-survivor's body or clothing. They are also prepared to testify in court if needed. If a SANE is not available, an emergency room nurse or doctor should be able to perform the sexual assault exam. In these cases, it limits the reporting options available to the victim.

What is an Anonymous report?

An anonymous report is a victim-centered reporting option available to victim-survivors when a SANE is conducting the sexual assault exam. The anonymous report allows the SANE to collect the evidence and documentation necessary for police investigation, without releasing the victim-survivor's name to Law Enforcement. This reporting option gives the victim-survivor time to decide if they want to report to Law Enforcement or not, while preserving the evidence. **The SAK will NOT be submitted for testing.** *The anonymous reporting option is not available if the sexual assault exam is performed by emergency room staff.*

The anonymous reporting option is available in these seven jurisdictions: Duluth Police Department, St. Louis County Sheriff's Office, Hermantown Police Department, Proctor Police Department, UMD Police Department, Superior Police Department, and Douglas County Sheriff's Office.

What happens to a SAK after it is collected?

Kits remain at the hospital until a police officer is able to pick up the kit and take it to Duluth Police Department Head Quarters. All kits collected as part of a standard report are sent to the Bureau of Criminal Apprehension for testing after being received and logged in evidence at DPD Headquarters. Kits collected as part of an anonymous report will be logged into evidence at Duluth Police Department and held until the victim comes forward.

Kits that are outside of Duluth Police Department's jurisdiction may be subject to other timelines of storage and testing.

Does a victim-survivor have to pay to have a SAK collected or tested?

No. A victim-survivor is not responsible for paying the cost of collecting or testing evidence in a SAK.

Are all SAKs sent to a crime lab for testing?

As of July 2015, it is Duluth Police Department policy that all SAKs collected as part of a standard report are sent to the Bureau of Criminal Apprehension for testing. Kits collected as part of an anonymous report will not be tested until the victim-survivor comes forward.

Where are the SAKs sent for testing?

The DPD works with the MN Bureau of Criminal Apprehension (BCA) for SAK testing. The "historical" SAKs are sent to the St. Paul lab for testing, and all current SAKs are sent to the Bemidji lab.

How long does it take to test a SAK?

The testing of a SAK can take anywhere from 3-6 months. The timeline is dependent on what evidence was found and how many items need to be tested.

What if there is no DNA evidence?

If DNA is not found, it does not mean the sexual assault did not happen. DNA evidence may not be discovered in a SAK if the perpetrator did not leave any DNA behind or not enough DNA was present to test. DNA evidence is not necessary for a sexual assault conviction. **DNA is only one piece of evidence in an investigation.** Other types of evidence include victim-survivor and witness statements, pictures of physical injuries, other physical evidence, and phone records.

What if there is DNA evidence?

If a DNA profile is obtained from the SAK, it can be compared to offender profiles in CODIS. If there is a match, often called a "hit", the crime lab will notify Law Enforcement that submitted the evidence. The DNA profile will also be searched against a database of unknown perpetrators developed from crime scene evidence. Confirming a match through CODIS can take up to two months.

If the victim-survivor was able to identify their perpetrator, Law Enforcement can collect a sample of the accused perpetrator's DNA, often referred to as a 'known sample', for the crime lab to use as comparison.

What is the total number of un-submitted kits?

When the SAKI project started in January 2016 there were 523 kits inventoried with the DPD Property and Evidence Unit. Currently there are 499 kits including 124 kits from our anonymous reporting option. As of July 2015, protocol requires all SAKs from current cases to be sent for testing. This applies only to kits collected as part of a Standard Report.

What is CODIS?

The Combined DNA Index System, or CODIS, is a system of national, state, and local databases managed by the FBI that allows crime laboratory personnel across the country to compare DNA profiles from known criminal offenders. CODIS allows crime labs to compare evidence found in SAKs to the DNA profiles of known offenders and arrestees. The evidence from the SAKs can also be compared to DNA evidence from unknown suspects in other crimes. CODIS has proven crucial in solving crimes by identifying unknown suspects, match crimes to each other to identify serial offenders, and eliminating suspects.

Does victim-survivor DNA go into CODIS?

No. The CODIS database is made up of DNA profiles from individuals convicted of or, in some states, arrested for particular crimes and also includes DNA profiles from crime scene evidence.

If there is a hit, will the victim be informed?

Victim-Survivors will be notified of a hit, although notification may be delayed if disclosure would interfere with the criminal investigation. Also, in cases where the SAK is not tested until several years later, notification may be delayed as the victim-survivor may have moved, changed their phone number, or even changed names.

How can a victim-survivor find out where the SAK is or DNA testing results?

Victim-Survivors who want to know their kit status and have not been notified, are encouraged to contact an Advocate through the Betty Skye Line at 218-730-5449 or betty.skyeline@pavsa.org . The Betty Skye Line was developed by PAVSA to help connect victim-survivors to an advocate that can help them navigate through the criminal justice process. The information shared with the advocate is confidential.

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