



MODEL FOR INVENTORYING AND TESTING SEXUAL ASSAULT KITS IN RURAL STATES



Terry W. Fenger, PhD, Jason Chute, MS, Misty Marra, MS

ABSTRACT

West Virginia (WV) has not been immune to the national problem of having untested sexual assault kits (SAKs). WV, an Appalachian state, has a total population of ~1.8 million, with 53.9% living in rural areas. WV is comprised of 55 counties; each with an elected prosecutor, who serves as the Chief Law Enforcement Officer for that county. A total of 233 local law enforcement agencies serve the state, with multiple law enforcement agencies being located in each county. The rural demographics and criminal justice system structure of WV creates challenges in addressing the untested SAKs. To address these challenges, current partnerships were leveraged and a novel approach was developed to identify and DNA test untested SAKs throughout the state.

INTRODUCTION

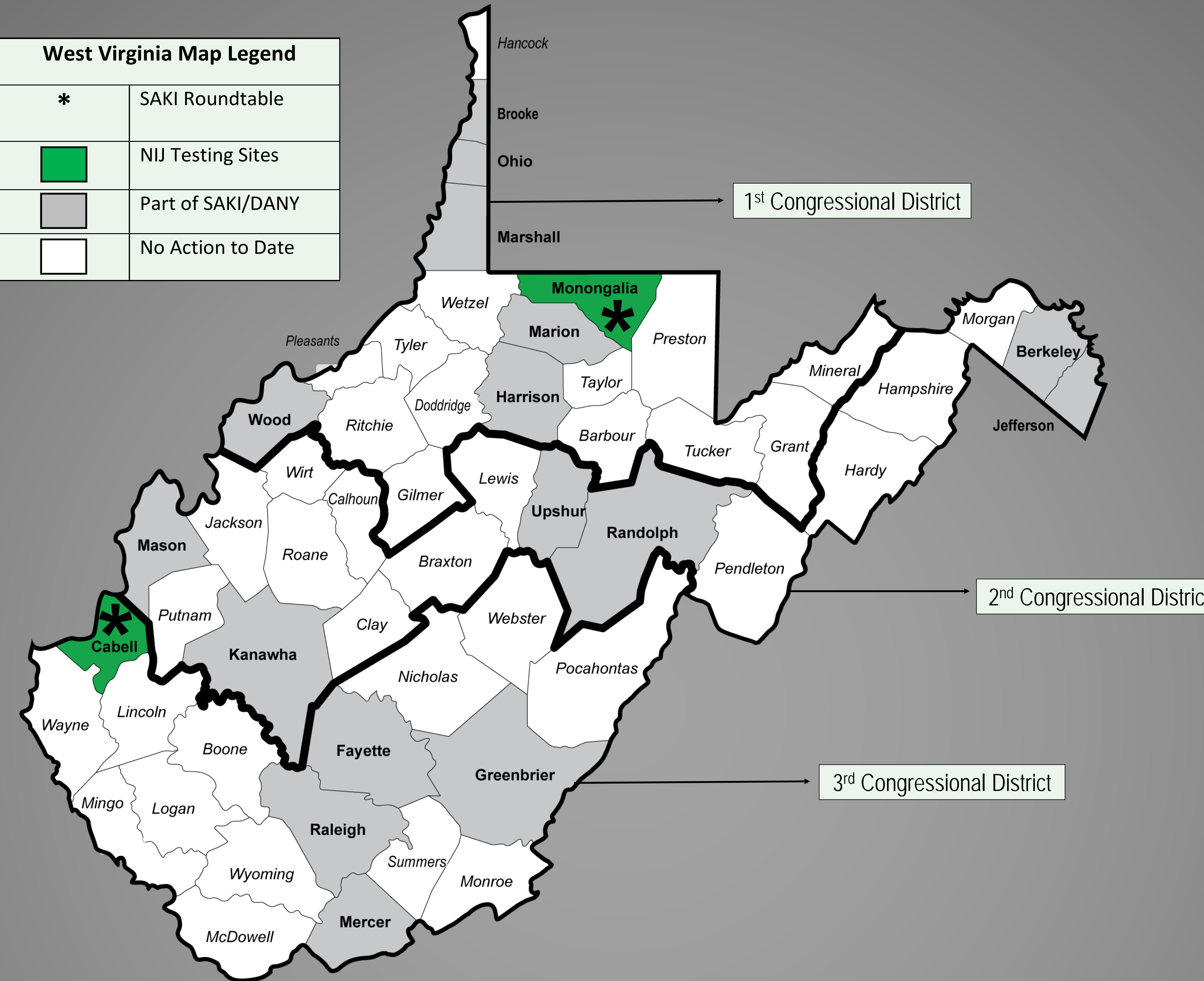
Prior to this project, the number of untested SAKs in WV was unknown. On average, 600 SAKs are sent to hospitals each year; however, fewer than 200 make it to the WV State Police Forensic Laboratory (WVSPFL) for analysis per year. In 2014, Marshall University Forensic Science Center (MUFSC) expanded upon its experience in testing SAKs for several large cities across the US and focused its efforts on identifying and testing untested SAKs in WV. Two counties, Cabell and Monongalia, were chosen as pilot sites due to their population size, the presence of a university and MUFSC's previously established relationships within each county. The partners included the WVSPFL, local law enforcement agencies, county prosecutors and victim advocates who were instrumental in facilitating this project.

METHODS AND MATERIALS

The storage condition status, inventory criteria and transportation of the SAKs had to be taken into consideration. An inventory spreadsheet was developed that captured case information to include incident information, physical evidence and eligibility status. This document served as a template for capturing case information and was modified to a more streamlined document as the project expanded to other counties within West Virginia, shown in Table 1. During the testing phase, no limit to the number of items tested per kit was established. The medical report and description of the assault were assessed to determine the items to be tested. If necessary, clothing and other evidence associated with the kit were examined. Cases with CODIS searchable DNA profiles were forwarded to the WVSPFL for review and upload. CODIS hits were presented to a multi-disciplinary team, shown in Table 2, for review and investigation/prosecution prioritization.

West Virginia Map Legend

*	SAKI Roundtable
■	NIJ Testing Sites
■	Part of SAKI/DANY
□	No Action to Date



CONCLUSIONS

Although this project is still pending, initial findings from this pilot study of the two counties:

- It is imperative to identify and engage key personnel at each law enforcement agency and the county prosecutor's office to ensure successful inventory, investigation and prosecution.
- A best practice is to include laboratory personnel on the multi-disciplinary team to provide valuable input to the case discussions involving the DNA results.
- Moving forward, the inventory spreadsheet was evaluated and condensed to eliminate data that was deemed unattainable without opening the SAK and consulting the medical report.
- The statistics coming out of this project appear to be consistent with the national averages. It also sheds light on the potential value of examining evidence "outside" the SAK.

IMPACT

Based on these lessons learned, MUFSC and its agency partners were awarded Sexual Assault Kit Initiative (SAKI) and District Attorney of New York (DANY) funding to conduct a similar process in 16 additional counties.

To ensure proper participation of the key personnel in the SAKI/DANY counties, the WV Prosecuting Attorney's Institute was enlisted to engage each county prosecutor. The county prosecutors proved instrumental in facilitating the inventory process within their county. In addition, US Congressional offices for West Virginia developed an informational summit for law enforcement agencies and county prosecutors to promote the inventory and testing of untested SAKs in WV.

ACKNOWLEDGEMENTS

The law enforcement agencies, prosecutors and victim advocates in Cabell and Monongalia Counties and the WVSPFL for their dedication ensuring a successful project.

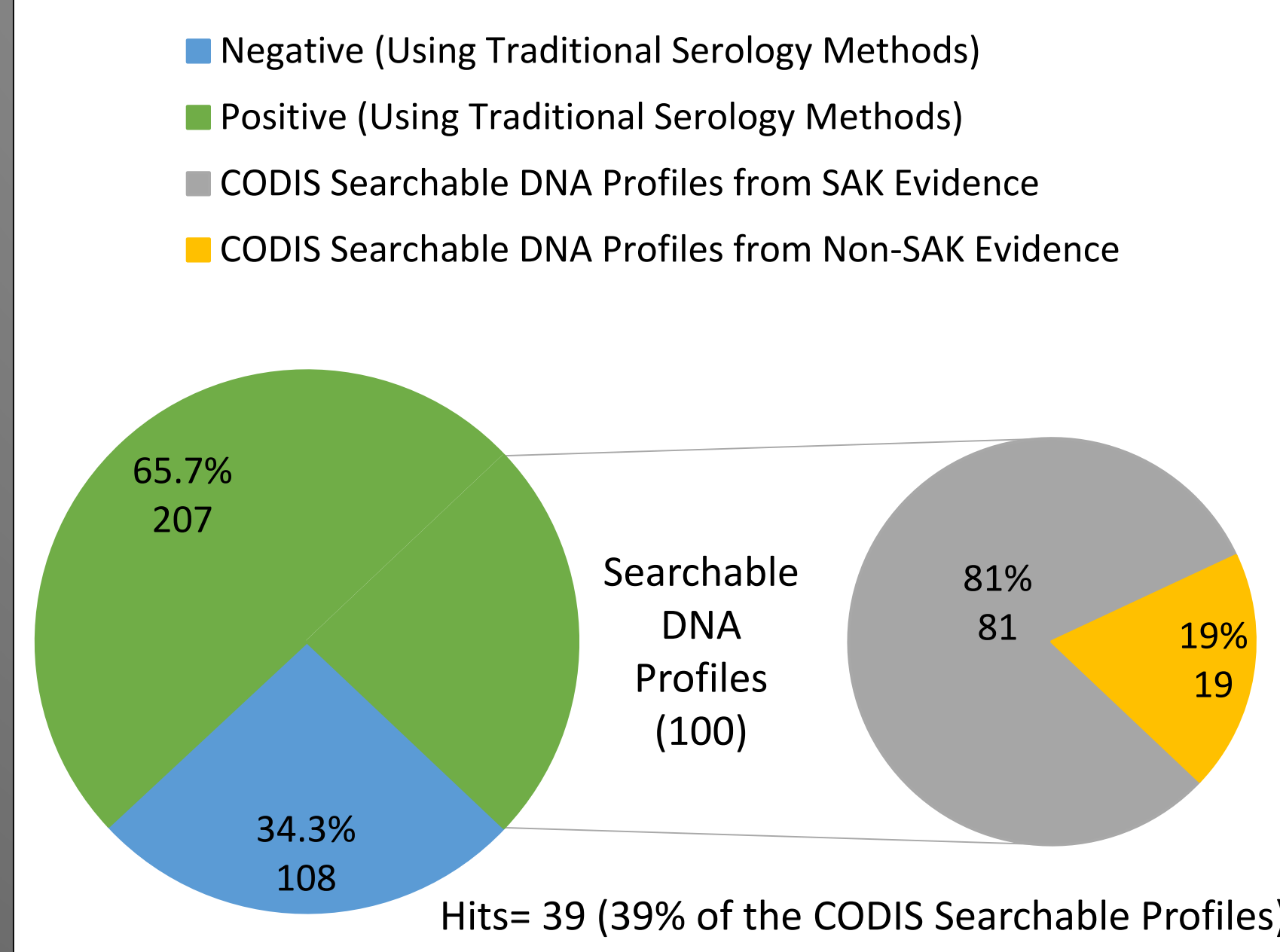
This project was supported by Award No. 2010-IJ-CX-K015 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice.

RESULTS

Table 1: WV USAK Initiative Inventory

Incident Information	<ul style="list-style-type: none"> • County • Agency Name • Agency Case ID • Date of Assault • Victim Name 	<ul style="list-style-type: none"> • Victim Age at Time of Assault • Number of Assailant(s) • Victim-Assailant Relationship
Physical Evidence Information	<ul style="list-style-type: none"> • # of total Boxes/Packages to be Submitted • Date SAK Collected • Police Report Present 	
Eligibility	<ul style="list-style-type: none"> • SAK Previously Submitted to WVSPFL • Reason SAK Not Submitted • SAK Eligible for Testing at MUFSC 	

Cabell (315 Kits Received)



Monongalia (243 Kits Received)

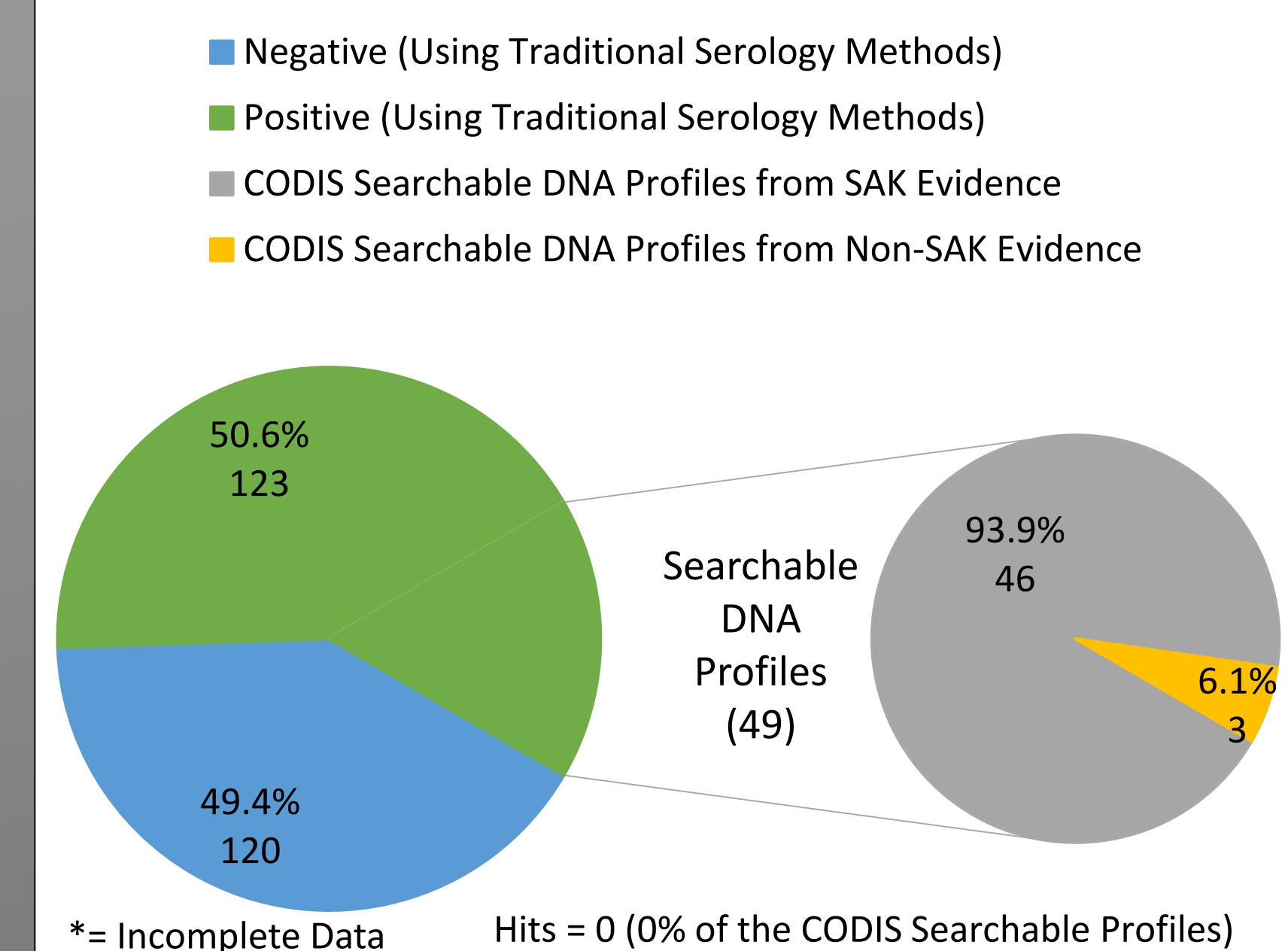


Table 2: Multi-Disciplinary Team

Local Law Enforcement Agencies
County Prosecutor
Marshall University Forensic Science Center*
West Virginia State Police Forensic Lab*
Local Rape Crisis Center

* Unique Aspect

March 18, 2014

National Center for Victims of Crime Untested Sexual Assault Kit Training: Investigation, Prosecution and Victim Response in Richfield, Ohio

OUTREACH

April 2, 2014

Cabell County MOU signed (4 LE, PA*, MU, WVSP) { * Involved Early }

April 14, 2014

Inventory Data Sheet finalized

INVENTORY

April 23, 2014

First SAKs received at MUFSC

Sept. 10, 2014

Data sent to WVSP (1ST Set)

CODIS ENTRY

Oct. 21, 2014

First Hit Returned

April 3, 2015

First MDT

INVESTIGATION

Aug. 23, 2016

First Indictment