Small-batch Approach to Unsubmitted Sexual Assault Kits: Lessons Learned in Duluth MN

END VIOLENCE AGAINST WOMEN INTERNATIONAL
SAN DIEGO | APRIL 2019

Presenters

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Learning Objectives

1. Identify stakeholders to join multidisciplinary effort to address the jurisdiction’s inventory of unsubmitted sexual assault kits.
2. Recognize victim-survivor vulnerabilities and systemic barriers that cause attrition from investigation and prosecution.
3. Review victim-centered, trauma-informed notification protocols.
4. Evaluate anonymous/non-investigative reporting options based on survivor feedback.

Statewide Audit in 2015

- DPD had the highest number of kits in the state: 578
- Statewide number of unsubmitted kits: 3482
- DPD had already negotiated with the MN BCA to begin sending in previously unsubmitted kits in batches of 10 (April, July, and December of 2015)
- July 2015: DPD Policy; All kits collected as part of a standard report to LE will be submitted for testing

Establishing a Multidisciplinary Team

- 2001 – SMART Multidisciplinary Team Established
- 2006 – Standards of care adopted and subcommittees formed: training, SANE, college and university protocols, cultural competency, public awareness and more
- 2005 – 16 trainings conducted attended by over 1000 systems professionals
- 2006 – With a Bush Foundation grant, a community-based SANE program and System Advocacy Position was established
- 2007 – SANE program launched and Safety & Accountability Audit began
- 2010 – Duluth Human Trafficking and Prostitution Task Force Began
- 2015 -- With a federal SAKI grant, focus on unsubmitted Sexual Assault Kits
Sexual Assault Kit Initiative (SAKI)
Funding and the BJA Model
- The City of Duluth received over $1 million dollars for a period of three years.
- BJA Model Requires: (1) a designated Site Coordinator, (2) creation of a multidisciplinary team, and (3) complete an inventory with required data elements
  - Implement a comprehensive multidisciplinary plan to inventory, test and track unsubmitted SAKs through final adjudication
  - Develop victim-centered protocols and practices for notification and follow-up with victims related to their previously unsubmitted SAKs.

Baseline Data
- 523 Kits (including 124 anonymous kits) dating from 1993-2015
- Victim-survivors ranged in ages from:
  - Current age 74 (61 at time of the incident)
  - Current age 7 (2 at the time of the incident)
- For the most part statute of limitations concerns did not affect the inventory
- No partially tested kits
- One kit was a suspect kit without a victim kit in evidence

Factors contributed to Duluth's Backlog
- Lack of a protocol for sending kits
- Lack of an understanding of the value of physical evidence and CODIS as an investigative tool
- Losing contact with victim-survivors (coded as victim-survivors being uncooperative or choosing to opt out)
- Victim-blaming attitudes
- Understaffing of the Sex Crimes Abuse and Neglect (SCAN) Unit
- Focus on child sexual assault and abuse cases
- Messaging from the MN BCA about what they would be willing to test
- Restricted (Anonymous/Third Party) Kits cannot be tested
Guiding Principles to Address the Issue
- Own the issue
- Not point fingers among team members
- Committed to attempting to contact every victim-survivor regardless of whether or not testing their kit yielded results
- Committed to addressing the restricted kits in the inventory
- Transparency with the community
- Use funding to make holistic and systemic reforms for current cases
- Work with the MN BCA to increase testing capacity and try to avoid using private labs
- Don't reinvent the wheel – borrow from other sites

Determining Prioritization for Testing
**CASE ELEMENTS TO INDICATE HIGH PRIORITY**
- victim-survivors under the age of consent;
- victim-survivors who identify as Native American/Indigenous;
- suspects who may be a serial offender;
- suspects who deny any contact with the victim-survivor;
- suspects who are unknown to the victim-survivor (‘stranger’ assaults);
- if there are collaborating statements from an outcry witness;
- victim-survivors who are in contact with the DPD or the community-based advocacy agency;
- cases where there was a limited initial investigation with leads remaining.

Current State of the Inventory
- 416 Kits tested
  - 30 of these kits sent to the FBI
- 69 CODIS uploads
- 36 CODIS hits
- 15 Referrals to prosecution
- 9 Suspects charged, 2 waiting on a decision
- 3 guilty pleas, 1 trial scheduled for spring
Victim Notification Principles & Protocols

Key Principles
- Attempt to notify all victim-survivors regardless of testing results
- Notification happens after kit has been tested
- Advocate makes first contact with the victim-survivor
- Primary method of contact: phone
- Offer PAVSA/advocacy services
- Meeting with Investigator is optional

“Think of victim-survivors as individuals who may not want to be found”

Meeting with Investigator
- Determine if they want to meet with Investigator Barrett
- Meet at PAVSA, their home, neutral place
- APOLOGIZE
- Explain what happened with the original investigation, why evidence wasn’t tested
- Explain testing results and what that means for the investigation
- Answer questions
- What does the victim-survivor want to see out of this process?
  - Victim-survivor drives the bus

Holistic Reforms
- Creation of the Betty Skye Information Line (phone and email) for all victim-survivors to get information about their case
- Collaboration and funding to increase stability and sustainability of community-based SANE program - through personnel funding and professional development and cohort building through funding for conference travel
- Creating information-sharing avenues to the SANE program to test the idea nature of their work and to show its value in terms of case outcomes
- Auditing SANE, DPD, SMART team members and Property and Evidence records about reporting unrestricted (standard) and restricted (anonymous) reporting in particular

Are you impacted by Duluth’s backlog of sexual assault kits?
CONTACT AN ADVOCATE TO FIND OUT

Betty Skye Line
199 S. Main
Des Moines, IA 50309
515-255-5064
60054800@pavsa.org

3/5/2019
Restricted and Unrestricted Kits

- Why do patients choose to report restricted (anonymously/third party)?
- Did they know that their kits were untested?
- How can we use SAKI as an opportunity to address these restricted (anonymous/third party) kits?

- We interviewed advocates, SANEs, victim-survivors, and reviewed SANE files to help answer these questions.

Why do patients choose to report restricted (anonymously/third party)?

- Relationship with the perpetrator (family, friend, partner)
  - "He said he was sorry he took advantage of me." — Patient
- Lots of feelings: overwhelmed, embarrassed, exhausted
  - "I should have never went to the party, then this would have never happened." — Patient
- Fearful of retaliation from perpetrator
  - "I felt like I had to do what he wanted or he would tell my fiancé." — Patient
  - "When they come back around we need to treat them good or they'll do this in front of our kids next time." — Patient
  - "I should have killed you a long time ago bitch." — Patient's recount of assailant's words
  - "He didn't want sex, he wanted to torture me." — Patient
  - "This is going to happen again and again until I pay my rent. I am scared of him and I know it will happen again." — Patient

Why do patients choose to report restricted (anonymously/third party)? Continued

- Loss of memory
- Family or friend push them to make a report
- Due to their profession or standing in the community
- Needed more time to decide
  - "Knowing that I could change my mind later was helpful." — Survivor Interview
- Timelines at the hospital take too long
  - "I am done with this exam." — Patient
- Concerns about reporting to police
  - "They never did anything last time." — SANE recount
  - "I was afraid they would press charges without me." — Survivor Interview
Did they know their kit was untested?

- "There were no attempts to contact me about the kit."
- Didn’t know where to go to convert
- "I thought that the SANE nurse would [contact me]. I was expecting to hear about it."
- "I assumed [the kit] would be tested and gave clothes and bedding assuming it would be tested."
- Survivor Recommendation: Survivors should be told about anonymous reporting as a temporary option.

SAKI Accomplishments

- Betty Skye Line and Victim Notification Protocols
- DPD tests all SAKs part of a current investigation with consent from victim-survivor
- SAKI Multidisciplinary Team
- CODIS hits to previously unknown suspects
- Funding extended through 2021
- MN BCA using our kits to try Straight to DNA method with possible application statewide
- Hosted 2018 Assembly of Cities Conference in Duluth
- John Barrett: 2018 DPD Investigator of the Year
- SAKI: All standard report kits submitted May 2018

Application to Incoming Cases

- All kits collected as part of a standard report to DPD are submitted for testing
- Previously 2 Investigators in the SCAN Unit, now there are 4
- Addition of SCAN Liaison Advocate (community-based advocacy agency)
- Sustainability of the SANE Program, increased coverage and number of exams performed by SANE
- SANE programs has transitioned to electronic medical records
- Evaluation of Anonymous Reporting Protocol and its effectiveness for victim-survivors
Ongoing Challenges for SAKI

- Sustainability of reforms
- Staying in contact with victim-survivors through the investigation and prosecution
- Providing victim-survivors with reliable time frames for how long it will take for a case to move forward
- Creating a reliable follow up method for current victim-survivors from both advocacy and investigations
- Managing investigators' high case loads
- Finding and notifying all victim-survivors
- Training all levels of Duluth Police Department from patrol to command staff on trauma-informed practices for working with victim-survivors
- Training all prosecutors on issues related to trauma, use of expert witness, and strategies for cases where the defendant claims that they had the victim-survivors' consent

Thank you for your time with us! Are there any questions?

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