



INVENTORY/KIT SUBMISSION/TESTING

Q: Why test these cold case sexual assault kits (SAKs) now?

A: SAKI is improving the criminal justice response to sexual assault and seeking justice for victims. SAKI funding will not only help link victims to support from advocates and other needed services, but can help West Virginia implement best practices and comprehensive sexual assault kit reform, identify serial rapists, bring offenders to justice, and prevent future sexual assaults.

Several factors may have impacted why some sexual assault kits were not submitted for testing. These may include the lack of advances in DNA testing methods or technology, lack of systems for tracking evidence, outdated investigative methods or protocols, limited funds and personnel for testing, or lack of training and/or education about the value of sexual assault kit testing. Resolving these issues is critical to providing justice for victims and preventing such a collection of unsubmitted kits in the future. Also, some sexual assault kits were not tested if collected before the national DNA database (CODIS) was created and when DNA was only tested if a suspect was identified.

Q: Which kits should be inventoried?

A: All SAKs in each law enforcement agency's (LEA) possession, including unsubmitted, partially tested, and any previously determined to be unfounded, should be inventoried.

Q: Where do we send our completed inventories?

A: Submit completed inventories to the SAKI Site Coordinator at the West Virginia Division of Justice and Community Services (WVDJCS). Contact information: 304-558-8814 Extension 53350, Paula.R.Graves@wv.gov.

Q: What if our agency has no SAKs?

A: If a LEA has no kits, then a letter stating such must be submitted to Paula.R.Graves@wv.gov at WVDJCS on either the LEA's or prosecuting attorney's letterhead.

Q: Our county has no SAKs, but we were told there are "pink envelopes" at the lab. What are "pink envelopes?"

A: The WV State Police Forensic Lab (WVSPFL) has approximately 550 envelopes of previously submitted evidence for sexual assault cases that are packaged in "pink envelopes." These packages contain evidence from kits that were previously submitted to the WVSPFL and screened for biological fluids, and contain the cuttings and/or swabs that were collected for DNA testing. There are pink envelopes for kits from every county in West Virginia.

Q: Why inventory SAKs that were already tested?

A: One of the requirements of the Bureau of Justice Assistance (BJA) for SAKI is that each site complete an inventory of all SAKs. According to BJA, a completed inventory includes unsubmitted SAKs that were collected prior to the date WV applied for the funding. *It is important to fully account for all unsubmitted SAKs.* As part of the inventory process, sites should record the following:

- total number of SAKs and locations where SAKs are currently stored;
- verification that all SAKs have been counted, not just certain categories of SAKs;
- a written summary of the process used to conduct the inventory; and
- specific information (e.g., victim information, details about the offense) associated with each SAK.

Further guidance for successfully completing the inventory of unsubmitted SAKs can be found in the *WV SAKI Handbook* and at www.sakitta.org.

Q: When/where do we send our SAKs?

A: Any SAKs collected prior to January 1, 2015 should be sent to Marshall University Forensic Science Center (MUFSC) once approval to submit these kits and a Memorandum of Understanding (MOU) has been received by the prosecuting attorney.

Any SAKs collected January 1, 2015 or after should be sent to the WVSPFL. No MOU is needed.

Q: How do we submit SAKs to the lab?

A: SAKs going to MUFSC may be either personally delivered or mailed through a commercial transport company with tracking. The Chain of Custody must be maintained.

SAKs going to the WVSPFL should be sent according to current protocol.

Q: How long will the testing take once the SAKs are submitted?

A: The labs are processing kits and evidence in stages on a county by county basis. The process includes screening for male DNA (or using traditional screening methods for a female offender or male-to-male assault), DNA testing of the kits, and a review of results and confirmation of DNA profiles by the WVSPFL. It could take 30-45 days for the review and confirmation by the WVSPFL of any kits testing positive for DNA. The WVSPFL will then upload eligible DNA profiles to the national DNA database (CODIS), review any matches and confirm identities of the offenders, and send reports to each LEA. This entire process may take several months or longer.

Q: What if the alleged offender is female? Or if both victim and offender are male?

A: If the alleged offender is female, or both the victim and alleged offender are male, the lab will use traditional serology methods for testing rather than a screening for male DNA.

Q: Are there any SAKs that can't or won't be tested?

A: Yes. Any SAK collected for a crime that was NOT reported to the police will not be tested. Victims may later decide to report, and if so their kits will be submitted to the WVSPFL.

Also, if any of the following circumstances are present, SAKs will be ineligible for testing:

- The victim recanted.
- Proof exists that no crime was committed.
- DNA testing using current testing methods was previously performed at the WVSPFL.

Q: What if no DNA is found?

A: If no DNA is found during testing, reports indicating such will be provided to the prosecutor and the LEA. They will also be notified if the testing was inconclusive for DNA. Submitting police, medical, and other reports along with SAKs can be invaluable to the lab in determining the pieces of evidence most likely to have DNA.

Q: What if the lab finds DNA but no match is found in CODIS?

A: When a DNA profile is eligible to be uploaded to the Combined DNA Index System (CODIS) but no match is found, the prosecutor and the LEA will receive reports indicating these results. It is important, however, that these profiles are in CODIS as they may link to other crimes in the future or help to identify offenders in other unsolved cases.

Q: What happens when there is a match in CODIS?

A: When DNA is found in a SAK, the results are reviewed and confirmed by the WVSPFL DNA Section, consensual partners are eliminated as the DNA source, and the WVSPFL will enter eligible DNA profiles into CODIS and search for matches. The search will include the comparison to the following types of samples:

- Offender profiles (samples collected from convicted offenders)
- Evidence profiles (DNA results from other solved and unsolved cases)

When a match/hit occurs, WVSPFL will send a report to the primary LEA and the prosecuting attorney for the county in which the incident occurred. When the CODIS hit is to a convicted offender in the database, the LEA will be asked to submit a reference standard (oral swabs) from the offender to confirm the match.

Q: Will the SAKs be returned to local law enforcement?

A: Yes. Once each LEA's kits have been tested, MUFSC will notify the LEA that their kits can be picked up. LEAs will be responsible for picking up their SAKs from the lab.

Q: Who should we contact with any questions about completing inventories, submitting kits, testing, etc.?

A: For questions about completing inventories, contact the WVDJCS SAKI Site Coordinator at 304-558-8814 Extension 53350, Paula.R.Graves@wv.gov.

For questions about submitting SAKs for testing, contact Misty Marra, MUFSC, at 304-691-8952 or marra2@marshall.edu.

For questions about the review of testing results, uploading DNA profiles to CODIS, CODIS hits, or "pink envelope" evidence, contact Melissa Runyan, WVSPFL, at 304-746-2270 or biochemistry@wvsp.gov.

INVESTIGATION/PROSECUTION/VICTIM NOTIFICATION

Q: Who decides which cases will be investigated?

A: Each county prosecutor, in collaboration with law enforcement officers (and other multidisciplinary team members as appropriate, including advocates), will determine which cases to investigate and how to prioritize those cases. Many helpful resources are available to assist counties with investigations through the SAKI website at www.sakitta.org and the West Virginia Foundation for Rape Information and Service's (WVFRIS) website at www.fris.org.

Q: How do we prioritize cases for investigation?

A: Each county's prosecutor and law enforcement agencies will need to discuss cases and determine in what order cases will be investigated. Other SAKI sites have chosen to start with the most recent cases, some with the most violent cases, some started with cases that involved children, etc. Your team will decide how to proceed based on the individual cases and circumstances.

Q: Who should be involved in victim notification?

A: Nationally, the recommended best practice is for both a law enforcement officer and a victim advocate to participate in the notification. This could be either a system-based or community-based advocate. A community-based advocate will be able to provide support and confidential services to the victim *during and after* the process.

More specific recommendations and guidelines for developing a complete victim notification protocol can be found in the *WV SAKI Handbook*, and you can call the SAKI Victim Services Coordinator at 304-848-0444 for additional assistance and/or resource materials.

Q: When and how should we notify victims and what should we tell them?

A: In-person notification is the recommended best practice for the method of victim notification, although other types of contact may also be involved (for example, a preliminary phone contact to set up a meeting with the individual).

Each county team should meet in advance and discuss how and when notification will occur. Some SAKI sites have chosen to notify all victims whose SAKs are submitted for testing, others have chosen to notify only those whose kits have DNA, or those whose cases will proceed to investigation. These components should be addressed fully in each county's victim notification protocol. As noted above, more details are provided in the *WV SAKI Handbook*, and the SAKI Victim Services Coordinator can be contacted for assistance.

Q: What if we can't reach victims to notify them about their kits?

A: The WV SAKI Checklist lists suggested guidelines for victim notification. After the initial attempts to contact a victim, recommendations are that additional efforts be made at 90 days, 6 months, then again at 1 year. Agencies may make more frequent attempts and certainly do not have to stop making attempts after 1 year.

Q: What if victims do not want their cases to be prosecuted?

A: This is a possibility, and each county prosecutor and team will determine how to proceed. This should be part of the discussion when developing a plan for investigation/prosecution and a victim notification protocol. This could be a very emotional issue for the victim, and teams are encouraged to develop a victim-centered approach for each case.

Q: What if our personnel need more training about sexual assault, trauma, or victim notification?

A: Additional training or technical assistance (TTA) related to responding to sexual assault victims may be requested by contacting the WV Foundation for Rape Information and Services (WVFRIS), the state's sexual assault coalition, at 304-366-9500.

For any SAKI TTA requests for assistance with victim notification protocols, developing victim-centered/trauma-informed approaches or general education about these topics may be directed to the SAKI Victim Services Coordinator at 304-848-0444 or by emailing ChristinaLwvfris@gmail.com. Several excellent resources from local and national organizations are available through this project.

Q: Are there funds to help counties implement this project?

A: Yes. There are funds available through the SAKI grant awarded to the state of WV to assist with testing, investigations, and victim services. For more information on funds for investigation, contact the SAKI Site Coordinator or Sarah Brown at the West Virginia Division of Justice and Community Services (WVDJCS). For more information on funds for victim services, contact the SAKI Victim Services Coordinator.

Q: Are there any reports required as part of SAKI?

A: Each LEA and prosecutor is strongly encouraged to complete the Report/Performance Measures forms in the *WV SAKI Handbook* (Appendices E and F). The data collected will be important to determine the effectiveness of the project; to provide valuable insight into investigations, prosecutions, and victim notifications; to assist in developing a profile of offenders specific to West Virginia; to aid in identifying serial rapists; and to help identify national offender trends. Much of the best practice information being shared nationally is based on other SAKI sites' data and lessons learned. West Virginia was among the first of 14 states to implement SAKI statewide, and will undoubtedly be a source of learning for other sites in the future.

Keeping track of data as you go through each phase of the project, and doing so in collaboration with your county team, will make completing the reports much easier.

In addition, SAKI is a federally grant-funded project and the state of WV is required to complete reports periodically on the status and progress of SAKI. The data you collect is needed in developing these reports and demonstrating WV's success in implementing SAKI. WV is fortunate to have these national resources to address the issue of unsubmitted and untested sexual assault kits.

Q: Who do we contact with questions?

WV Division of Justice and Community Services (General SAKI questions, inventories, investigation funds)

Primary Contact:

Rene Graves, SAKI Site Coordinator

Criminal Justice Specialist II

304-558-8814, Extension 53350

Paula.R.Graves@wv.gov

Secondary Contact:

Sarah Brown

Senior Criminal Justice Specialist

304-558-8814, Extension 53337

Sarah.J.Brown@wv.gov

Marshall University Forensic Science Center (Approval to submit SAKs, transporting SAKs, DNA testing)

Misty Marra

Forensic DNA Analyst/Laboratory Coordinator

Phone 304-691-8952

Fax 304-691-8928

marra2@marshall.edu

WV State Police Forensic Lab (Testing review, uploading DNA profiles, CODIS hits, “pink envelopes”)

Melissa Runyan

DNA Section Supervisor

304-746-2270

biochemistry@wvsp.gov

WV Prosecuting Attorneys Institute (Prosecution of sexual assault)

Sherry Eling

Violence Against Women Resource Prosecutor

WV Prosecuting Attorneys Institute

304-558-3348

sherry.s.eling@wv.gov

WV Foundation for Rape Information and Services (General SAKI questions, victim notification protocol, victim-centered and trauma-informed approaches)

Christina Lipscomb

SAKI Victim Services Coordinator

304-848-0444

ChristinaLwvfris@gmail.com