



Q: What is the Sexual Assault Kit Initiative (SAKI)?

A: The Sexual Assault Kit Initiative (SAKI) is a national project that provides funding to address the issue of sexual assault kits (SAKs) that were never submitted to a lab for testing. In West Virginia, funding was awarded to the WV Division of Justice and Community Services (DJCS) to investigate and provide victim services in these cases that will now be processed throughout the state. SAKI promotes a victim-centered, trauma-informed approach to the investigation and prosecution of these cases (and all sexual assault cases), and for the process of victim notification.

The objectives of the project are:

- to inventory all unsubmitted sexual assault kits in West Virginia;
- to develop policies and protocols for improving statewide practices in sexual assault cases and to ensure all sexual assault kits are submitted and tested in the future;
- to develop a database to track sexual assault kits;
- to provide victim-centered, trauma-informed services to victims impacted by this project;
- to build the capacity of law enforcement, advocates, and prosecutors to successfully implement this project.

SAKI funding will help link victims to services and advocacy, and will help West Virginia implement best practices and sexual assault kit reform to help bring perpetrators to justice and prevent future sexual assaults.

Q: How many unsubmitted sexual assault kits (SAKs) are there in West Virginia?

A: It is estimated that West Virginia has about 1700 unsubmitted sexual assault kits. West Virginia also has additional untested kits at the crime lab.

Q: Is this happening in other states, too?

A: Yes. This is a national issue and many larger cities and several other states are involved in the Sexual Assault Kit Initiative. Some areas have as many as 17,000 unsubmitted and untested sexual assault kits. New laws are being developed regarding the submission and testing of sexual assault kits to prevent this from happening again in the future.

Q: How are the sexual assault kits tested?

A: Sexual assault kits are sent to a lab where the evidence inside is screened for DNA. If the screening test indicates that DNA is present, further testing of that DNA will be completed. Depending on the date that each sexual assault kit was collected, some will go to the WV State Police Forensic Lab (WVSPFL) and some will go to Marshall University Forensic Science Center (MUFSC) for testing.

Q: Why wasn't my sexual assault kit tested before now?

A: 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 backlog in the future. Also, your sexual assault kit may not have been tested if it was collected before the national DNA database (CODIS) was created and when DNA was only tested if a suspect was identified.

Q: Why is my sexual assault kit being tested now?

A: In 2015, West Virginia received federal grant funding to provide the necessary financial resources for the state's sexual assault kit to be inventoried and tested, and for investigation and victim support services. West Virginia is among first states to implement the Sexual Assault Kit Initiative statewide. A project goal is that all unsubmitted sexual assault kits will finally be tested, and that this will identify offenders in sexual assault cases across the state, even cases from many years ago. The benefits of testing these kits are: DNA testing results leading to "cold cases" being solved, bringing justice to victims, taking rapists off the streets, and preventing future sexual assaults and other crimes (such as burglary, armed robbery, assault, and murder). Nationally, this project is already identifying many serial rapists. Other project goals include developing state protocols and statutes about the timely submission and testing of sexual assault kits.

Q: Are there any sexual assault kits that can't or won't be tested?

A: Yes. Some sexual assault kits will not be tested as part of this project, such as those cases in which the victim later recanted (reported the assault did not happen); proof exists that no crime was committed; and current methodology DNA testing was already completed.

Also, any sexual assault kit 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 can then be tested.

Sexual assault kits that are "backlogged" (meaning they were submitted to the crime lab but have not been tested yet due to limited resources) will not be part of SAKI, but will be tested under other funding sources.

Q: Will I be informed about my sexual assault kit test results?

A: Each county prosecutor, along with a law enforcement and advocate team, will develop a plan for how, when, and where individuals will be notified about the testing of their sexual assault kits. They will also determine which cases will result in notification (such as all victims who had a sexual assault kit collected, or only those whose cases have DNA evidence, result in DNA matches, or proceed to investigation). If you have questions, you can contact the local prosecutor's office in the county where the assault occurred or call the Victim Information Line at 304-848-0444.

Q: What if no DNA is found?

A: If no DNA is found on any evidence in the sexual assault kit, the lab will report back to the submitting law enforcement agency and prosecutor that no DNA was found in the kit.

Q: If DNA is found, how do the police match it to a person?

A: If DNA is found, the WV State Police Forensic Lab will load the DNA profile into a national database of DNA profiles (called CODIS) and search for a match. It is possible that the DNA may match to either a person identified in CODIS or another reported crime with an unknown offender.

Q: What happens if there is no match?

A: Regardless if there is an immediate match, the DNA profile will remain in CODIS. If there is no immediate DNA match and no other evidence to identify and prosecute the offender, the case may remain as a "cold case." Even if the DNA does not match to a person immediately, that does not mean it will never match. Future DNA profiles loaded into CODIS may match with "cold cases."

Q: If the DNA matches to a person, what happens next?

A: If there is a match to a person, the WV State Police Forensic Lab will notify the local law enforcement agency and prosecutor. The county team will then determine how to proceed (investigation, prosecution, etc.).

Q: Who decides which cases will be investigated and prosecuted?

A: The county prosecutor's office will work together with law enforcement to determine which cases will be investigated and prosecuted based on the individual details and circumstances of each case.

Q: What if I do not want my case to be prosecuted or to be involved in the court case?

A: It is important that you communicate your feelings to the prosecutor and the victim advocate so your wishes can be taken into consideration. While each county will determine how to proceed individually with each case, your participation may be needed for successful investigation and

prosecution. Even if you choose not to participate in the process, the prosecutor may still decide to proceed with the investigation and prosecution.

Q: How will I know the status of my case?

A: You may contact the prosecutor's office in the county where the crime was reported or a victim advocate to request information and an update on your case.

Q: Who can I contact if I have questions or need help and/or support throughout this process?

A: You can call the confidential SAKI Victim Information Line at 304-848-0444 for general information about the Sexual Assault Kit Initiative, for help in securing information about your kit, to request resources or to find out where to get help. You may contact the local rape crisis center in your area (www.fris.org) for free and confidential support, services, or counseling.