



UNTESTED:

Eliminating the Backlog of Sexual Assault Evidence Collection Kits in Connecticut

back·log | noun | 'bak,lôg, 'bak'läg/

An accumulation of something, especially uncompleted work or matters that need to be dealt with.



Connecticut Sexual Assault Crisis Services, Inc.
JULY 2015



**TESTING IS THE FIRST STEP
IN BRINGING JUSTICE TO
LONG NEGLECTED VICTIMS.**

The next important steps are investigation and prosecution. People should be aware that these kits contain valuable evidence that can assist law enforcement in preventing future rapes, robberies, home invasions and even homicides.

Kym Worthy, Wayne County, Michigan Prosecutor



TABLE OF CONTENTS

5 EXECUTIVE SUMMARY

10 SEXUAL ASSAULT EVIDENCE COLLECTION IN CONNECTICUT

13 SURVEY FINDINGS

Table 1: Totals for Municipal Police Departments and Connecticut State Police

Table 2: Time Kits Have Been in Storage

15 ANALYSIS

17 RECOMMENDATIONS

19 APPENDICES

APPENDIX A: State of Connecticut Commission on the Standardization of the
Collection of Evidence in Sexual Assault Investigations –
Sexual Assault Evidence Collection Kit Inventory Survey Questions

APPENDIX B: Connecticut State Police - Kit Total Data

APPENDIX C: Municipal Police Department - Kit Total Data - Alphabetical Listing

APPENDIX D: Municipal Police Departments - Kit Total Data - By Number of Kits

EXECUTIVE SUMMARY

THE UNITED STATES DEPARTMENT OF JUSTICE ESTIMATES THAT THERE ARE OVER 400,000 UNTESTED SEXUAL ASSAULT EVIDENCE COLLECTION KITS AWAITING ANALYSIS ACROSS THE UNITED STATES¹.

This report highlights the findings of the State of Connecticut Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations (Evidence Commission) survey of law enforcement departments across the state of Connecticut to determine the number of sexual assault evidence collection kits (SAKs) that have not been submitted to the Division of Scientific Services Forensic Science Laboratory (State crime lab) for analysis and DNA testing. The total number of kits reported at the time of the survey is 961. Each kit represents a victim who came forward in the aftermath of a trauma to undergo an invasive exam in hopes that the evidence collected from their body could lead to the successful arrest and prosecution of a rapist.

The survey findings represent the first statewide picture of SAKs that have yet to be tested. In October of 2014, each of Connecticut's thirteen State's Attorneys distributed the online survey to law enforcement departments in their districts. The departments were asked to report the total number of untested SAKs in their possession. They were also asked to report how many of those SAKs were 1-5 years old and how many were more than 5 years old. Finally, they were asked to report how many "anonymous kits" were in their possession. Connecticut provides an avenue for victims who are undecided about reporting a sexual assault to anonymously provide evidence immediately following an assault. These kits use a control number for tracking and are known as "anonymous kits".

The responses were compiled and analyzed by Connecticut Sexual Assault Crisis Services (CONNSACS) in the spring of 2015. Connecticut State Police reported a total of 34 SAKs and municipal police departments reported a total of 927 SAKs. Together, these 961 kits represent a statewide backlog that must be addressed in order to provide justice to sexual assault victims and to hold offenders accountable for their violent crimes.

It is important to understand that these kits are not backlogged at the State crime lab. They have never been sent there for analysis. The SAKs identified in this survey are in storage at police departments across the state. The majority (75 percent) of municipal police departments reported having fewer than ten kits in storage. Twelve departments however reported having twenty or more kits. Combined totals from these twelve municipalities represent over sixty percent of the total number of untested kits throughout the state. This is not a problem confined to Connecticut's largest cities; Hartford and Stamford both reported having zero kits. Of the total number of untested SAKs reported, 38 percent of the untested kits are over five years old. These kits can still be tested.

¹Office of the Press Secretary (16, March 2015). The White House. Factsheet: Investments to reduce the national rape kit backlog and combat violence against women. Retrieved from <https://www.whitehouse.gov/the-press-office/2015/03/16/fact-sheet-investments-reduce-national-rape-kit-backlog-and-combat-violence-combat-violence-against-women>. Retrieved from <https://www.whitehouse.gov/the-press-office/2015/03/16/fact-sheet-investments-reduce-national-rape-kit-backlog-and-combat-viole>

TOTALS FOR MUNICIPAL POLICE DEPARTMENTS AND CONNECTICUT STATE POLICE

| | ALL KITS REPORTED AS UN-SUBMITTED | ANONYMOUS KITS | TOTAL TO BE TESTED |
|------------------------------|-----------------------------------|----------------|--------------------|
| Municipal Police Departments | 927 | 80 | 847 |
| Connecticut State Police | 34 | 2 | 32 |
| Total | 961 | 82 | 879 |

Evidence found in a SAK can establish if a sexual act occurred, can eliminate or identify a suspect, identify someone who may have prior convictions, and link cases based on evidence². The National Institute of Justice says that “DNA from blood and semen stains more than 20 years old has been analyzed successfully.”³ Therefore, there is a real potential to solve cases or identify repeat offenders from DNA collected in these kits, even in cases dating back a decade or more. However, this can only happen if all kits are tested.

Several cities and states across the country have already begun to identify and address a backlog of untested SAKs. New York City enacted legislation to have every kit tested and as they were addressing their 16,000 kit backlog, they found 2,000 DNA matches on CODIS (Combined DNA Index System) which resulted in 200 active investigations, arrests, or prosecutions⁴. When Houston began clearing its backlog of over 6,600 kits, they found 850 matches in CODIS⁵. In Illinois, 927 CODIS matches were found out of their 4,000 kit backlog⁶. Testing of Cleveland’s kit backlog resulted in 1,696 new investigations and the identification of 224 potential serial rapists⁷. Memphis has tested 50% of

² Archambault, J & Lonsway, K.K. (2013). Understanding the role of DNA evidence in sexual assault investigations: Alternative sources and potential purposes. End Violence Against Women International. Retrieved from <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=48>

³ National Institute of Justice. (NIJ). (2012, August 9). DNA evidence: Basics of identifying, gathering, and transporting. Pg. 2. Retrieved from <http://nij.gov/topics/forensics/evidence/dna/basics/pages/identifying-to-transporting.aspx>

⁴ Tofte, S. (2012, April 12). A needed revolution: Rape and U.S. justice. *Newsweek*. Retrieved from <http://www.newsweek.com/needed-revolution-rape-and-us-justice-64085>

⁵ Lozana, J.A. (2012, February 27). 850 DNA matches in FBI database after after Houston clears rape kit backlog. Associated Press, Reprinted in HuffingtonPost. Retrieved from http://www.huffingtonpost.com/2015/02/24/houston-rape-kit-backlog_n_6742588.html

⁶ Sweeny, A. (2013, December 18). State police analyze backlog of 4,000 rape kits. Some DNA matches made; law now mandates testing. *Chicago Tribune*. Retrieved from http://articles.chicagotribune.com/2013-12-18/news/ct-rape-kits-update-met-20131217_1_arlene-hall-dna-evidence

⁷ Gross, T [host]. (May 19, 2015). Reporting on rape kit backlog leads to new law and arrests in Ohio. [National Public Radio (NPR) Fresh Air]. Philadelphia, PA: NPR. Transcript retrieved from <http://www.npr.org/2015/05/19/407766821/reporting-on-rape-kit-backlog-leads-to-new-law-and-arrests-in-ohio>

its backlog and identified 52 suspects (23 of which are believed to be serial rapists) and requested 90 indictments⁸. After testing 2,000 of its 10,000 kit backlog, Detroit has identified 750 DNA matches in CODIS and 188 suspected serial rapists⁹.

Current Connecticut State Law (CGS § 19a-112a) directs police to transfer all sexual assault evidence collection kits from health care facilities that have performed a sexual assault forensic exam to the State crime lab though it does not dictate a clear timeframe for the transfer. This includes sending anonymous kits. By law, the anonymous kits should be sent to the State crime lab, but cannot be tested until the victim files a report with the police. Anonymous kits (82 kits) represent less than ten percent of the total number of untested kits reported statewide (961 kits), leaving Connecticut with a backlog of 879 kits that still need to be tested.

Positive steps are already being taken to address the backlog of Connecticut's kits and to secure the additional funding needed for the cost of analyzing and testing each kit. Upon receipt of the survey and completion of their own count, several law enforcement departments began submitting their untested SAKs to the State crime lab. In May of 2015 the Connecticut Department of Emergency Services and Public Protection applied for two competitive grants designed to fund and support a comprehensive statewide approach to the testing of kits and the victim-centered, and trauma-informed handling of sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits.

Though Connecticut State Law already requires all kits to be submitted to the State crime lab, the law has been silent on when to do so. During the 2015 Connecticut General Assembly session, lawmakers passed legislation that requires the testing of all non-anonymous sexual assault evidence collection kits. It also establishes clear timeframes for the transferring of all kits and the testing of non-anonymous kits. HB 6498 *An Act Concerning Evidence in Sexual Assault Cases* requires police departments to transfer sexual assault evidence from a healthcare facility to the State crime lab no later than ten days after the health care facility has collected it. The bill also requires the State crime lab to analyze each SAK within sixty days. Anonymous kits are required to be transferred to the lab, but will remain untested unless the victim chooses to report the assault. In these cases, the bill extends the time period in which anonymous kits can be held at the State crime lab from sixty days to five years. The law will go into effect on October 1, 2015 and Connecticut will be among a small but growing number of states in the country to adopt clear timeframes for the transfer and testing of SAKs.

These new steps to address the submission and testing of kits in the future are significant. They will help survivors understand what will happen to their kits after they have gone through the invasive process of evidence collection after a sexual assault. They will also help ensure best practices in the utilization of evidence in sexual assault investigation. They do not, however, sufficiently address the current backlog.

⁸ Rape kit testing makes progress in Memphis. (2015, May 30). Associated Press, Reprinted by My San Antonio. Retrieved from <http://www.mysanantonio.com/news/crime/article/Rape-kit-testing-makes-progress-in-Memphis-6296338.php>

⁹ Brown, T.K. (2015, January 5). New hope for rape kit testing advocates. *BBC News, Washington*. Retrieved from <http://www.bbc.com/news/magazine-30554719>

To fully account for the backlog throughout law enforcement agencies across all thirteen of Connecticut's judicial districts, a statewide victim-centered task force must be created. Coordination among State crime lab staff, State's Attorneys, law enforcement departments and sexual assault victim advocates is essential to arrange for the tracking, transfer, and testing of all 879 kits and the possible notification of victims whose cases may be reopened. In addition, it will be necessary to have a full understanding of why the kits were not submitted so that comprehensive, meaningful systemic reform can be achieved.

Anecdotal evidence suggests guidelines have been unclear for law enforcement officers on when or whether to bring kits to the State crime lab for testing, especially when the offender is known to the victim. Sexual assault victims have also reported that their kits have been held at police stations pending further investigation. Only through a case-by-case analysis of each kit and sexual assault report can Connecticut fully understand and address the reasons that these kits have languished in storage.

We can however glean some information from other states that have already begun organized efforts to address the backlog of untested SAKs. Some states have reported unclear guidelines, lack of funding, staff capacity issues¹⁰, or stalled or incomplete investigations¹¹ as reasons that kits have gone un-submitted and untested. Several have also found a fundamental misunderstanding of the psychology of trauma which sexual assault victims experience. This can lead interviewers to discount the validity of a victim's report based on what they might mistake for unusual or uncooperative behaviors and then use that judgement to decide not to submit a kit^{12,13}. Connecticut's requirement to submit all kits for testing and to test kits within 60 days will remove the necessity for a law enforcement officer to make a decision on when or whether or not to test a kit, and allow evidence from the kit to be utilized early in the investigation.

Both here in Connecticut, across the country and at the highest levels of government, there is an historic and collective willingness to speak openly about the high rates of sexual violence, to hold offenders accountable for their crimes and to challenge pervasive societal victim blaming. Victims however receive mixed messages when kits are held and not tested. On the one hand they hear how important it is to report the crime and participate in the criminal justice system. On the other hand, once they do come forward and endure the invasive process of evidence collection, they do not have an assurance that their kit will be tested. Victims should not be discouraged from coming forward or staying involved in a criminal case because they believe that the evidence so painstakingly taken from their bodies will not be utilized in an effort to arrest and prosecute their rapist.

¹⁰ Human Rights Watch (2010, July). "I used to think the law would protect me". Illinois's failure to test rape kits. Retrieved from http://www.hrw.org/sites/default/files/reports/us0710webwcover_0.pdf

¹¹ Lonsway, K.A. & Archambault, J. (2012). The 'justice gap' for sexual assault cases: Future directions for research and reform. *Violence Against Women, 18*(2), 145-168.

¹² Lonsway, K.A. & Archambault, J. (2012, November). Victim impact: how do sexual assault victims respond? And how can law enforcement and other community professionals respond successfully. End Violence Against Women International. Retrieved from <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=41>

¹³ Cohan, Sharon. (2015, May). Will new focus on rape kit tests put thousands behind bars? Associated Press. Retrieved from <http://bigstory.ap.org/article/419426d4f9c24880bdabb6e9edc5b1f5/will-new-focus-rape-kit-tests-put-thousands-behind-bars>

Connecticut has invested decades of time and millions of dollars to improve the immediate health care response for sexual assault victims resulting in a standardized sexual assault kit, victim centered protocols, and the State of Connecticut Gail Burns-Smith Sexual Assault Forensic Examiners Program which provides specialized patient care and expert collection of evidence in adolescent and adult sexual assault cases. Connecticut must continue to lead in its ongoing commitment to provide justice to victims, and to hold offenders accountable for their crimes. All future and backlogged kits must be tested. A coordinated, statewide, multidisciplinary effort is needed to swiftly address and eliminate the backlog of sexual assault evidence collection kits, and to identify the changes needed for law enforcement officers and the criminal justice system to best utilize forensic evidence to improve the investigation and prosecution of sexual assault cases. Doing so will show victims of sexual assault that they matter, and that their cases will be taken seriously.

Victims and survivors of sexual violence deserve nothing less.

SEXUAL ASSAULT EVIDENCE COLLECTION IN CONNECTICUT

Sexual assault is a violent crime that leaves a victim's body and psyche violated. Victims can face a long and difficult healing process made more complicated by predominant cultural attitudes and messages that blame victims for their assault, minimize their experience, or excuse offender behavior. Because the majority of offenders know their victims, many victims fear that they will not be believed or that they will somehow be blamed if they disclose. Additionally, many survivors are aware that their chances for holding their offender accountable may be low. The National Crime Victimization Survey reported that only 12% of reported rape or sexual assault victimizations between 2005-2010 resulted in an arrest.¹⁴ Faced with these barriers, it is a difficult process for victims to decide when or whether to disclose or report that they have been sexually assaulted. Rape remains one of the most underreported crimes¹⁵.

Despite these obstacles, many victims do decide to come forward and participate in the criminal justice system. These victims face their fears that they will not be believed or that they will be blamed for the assault. They submit themselves to an invasive evidence collection process with the understanding that this evidence will be analyzed and used to bring the perpetrator to justice.

Because evidence on a victim's body will deteriorate or become contaminated, it must be collected soon after the assault. In Connecticut sexual assault victims can have evidence collected at any hospital emergency department throughout the state up to 120 hours after an assault. The exam and the collection of evidence is generally administered by an emergency room nurse and physician or where available, a specialized sexual assault nurse examiner (SANE), or sexual assault forensic examiner (SAFE).

The exam is invasive, and following so closely after an assault, can create additional trauma and stress for the victim. Connecticut lawmakers have long been sensitive to this dynamic and Connecticut was one of the first states to standardize the sexual assault exam and evidence collection process. In 1988 the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations (Evidence Commission), now housed in the Division of Criminal Justice, was established through Connecticut General Statute CGS § 19a-112a. By the mid 1990s, *Technical Guidelines for the Health Care Response to Victims of Sexual Assault* were developed along with a standardized sexual assault evidence collection kit, known as a CT 100. This same law prohibits the billing of victims for the exam, and allows for a victim who is undecided about making a report to the police at the time of the exam, to have their evidence collected and held without their name as an "anonymous" kit for up to 60 days after it is collected. Hospitals are able to receive partial reimbursement from the State of Connecticut for each sexual assault exam and evidence collection kit collected.

¹⁴ The and Girls. (2014, January) "Rape and Sexual Assault: A Renewed Call to Action"

¹⁵ Candace Kruttschnitt, William D. Kalsbeek, and Carol C. House (2014) Estimating the Incidence of Rape and Sexual Assault. National Academic Press. Retrieved from <http://www.nap.edu/catalog/18605/estimating-the-incidence-of-rape-and-sexual-assault>

Connecticut has also recognized the importance of the sensitivity of the practitioner and the proper collection of evidence in these cases as paramount to victims' care as well as to evidence use in prosecution. Public Act 09-03 led to the establishment of the State of Connecticut Judicial Branch, Office of Victim Services, Gail Burns-Smith SAFE Program which provides sexual assault forensic examiners with special training in victim-sensitive evidence collection in sexual assault cases to partnering hospitals. SAFEs respond in tandem with sexual assault victim advocates from CONNSACS member programs when a victim presents at one of the 8 participating Connecticut hospitals. Since its launch in December of 2010, SAFEs have responded to over 730 sexual assault victims¹⁶. The program continues to expand its reach and will begin this summer to respond to victims who present at the UCONN Storrs, Student Health Services.

Sexual Assault Evidence Collection Kit (SAKs) collected for victims who are undecided about reporting to the police but understand that their evidence could be lost if not collected are identified using a code, not a victim's name. Under current state law, these kits are held for sixty days to allow time for a victim to report and for the state to utilize the evidence for a possible arrest, investigation and prosecution. These kits are referred to as "anonymous" or "Jane Doe" kits, and represent a small percentage of the victims whose kits are collected at hospitals throughout the state each year.

To maintain the chain of custody, police officers, most often from the town in which the crime occurred, pick up the kit from the hospital. CGS § 19a-112 directs police to transfer sexual assault evidence collection kits from health care facilities that have performed a sexual assault forensic exam to the State crime lab, including "anonymous kits". Current State Statute does not, however, include time frames for when the kits should be transferred or tested.

The Sexual Assault Evidence Collection Kit, also known as the CT 100, is a thirteen step process involving the collection of numerous samples taken from the victim's body. Biological steps include, swabbing of the oral and genital areas, pubic hair combing, and fingernail scrapping. Non-biological components include, clothing collection and debris analysis and photographs. Depending upon the wait time, the needs of the victim and the expertise of the practitioner, a full exam and evidence collection can take 6-8 hours.

¹⁶ Ment, Stephen N. , Connecticut Judicial Branch. Testimony before Connecticut Committee on Higher Education and Employment Advancement. Public Hearing March 12, 2015 Senate Bill 966, An Act Concerning Sexual Assault Forensic Examiners At Institutions of Higher Education.

Kits are then sent to the State crime lab, where they are tested and analyzed. Analysis of a kit can establish if a sexual act occurred and can produce DNA evidence. DNA evidence can eliminate or identify a suspect, identify someone who may have prior convictions, and link cases based on evidence using the Combined DNA Index System, or CODIS. Therefore, DNA in the backlogged kits has the potential to solve cases and identify repeat offenders even in cases dating back a decade or more.

Despite undue victim blaming and shame that victims face when disclosing and reporting a sexual assault, nearly 400 adolescent and adult sexual assault survivors come forward to undergo a forensic exam and evidence collection each year in Connecticut¹⁷. They do it fully expecting that their kit will be sent to the lab to be tested, that it will help the investigation, and bring them one step closer to justice, safety and healing.

¹⁷ Based on data from the Connecticut Judicial Branch, Office of Victim Services on Connecticut hospital reimbursement figures for sexual assault evidence collection. (2014)

SURVEY FINDINGS

In the spring of 2014 the Evidence Commission began discussing the different practices that law enforcement officers use for transferring sexual assault evidence collection kits to the State crime lab to be tested.

An Evidence Commission subcommittee met in the summer of 2014 to examine kit transfer and testing protocol. Representatives from the Joyful Heart Foundation, a national non-profit organization at the forefront of advocating for comprehensive sexual assault evidence collection kit reform at the local, state and federal levels, were invited to discuss meetings they had held over the course of the two previous years in Connecticut with numerous sexual assault victim advocates, police chiefs, state's attorneys and crime lab staff to explore the potential of a backlog of untested sexual assault evidence collection kits among local police departments. Their findings from a small number of municipal police departments indicated the need to more formally assess the number of untested kits at police departments throughout the state.

The Evidence Commission developed a short online survey for state and local police departments (Appendix A). State's Attorneys sent a written request to the municipal police departments and to Resident and State Troopers in their respective Judicial Districts requesting participation in the survey. Police departments were asked to report the total number of sexual assault evidence collection kits currently held at the police department that had not been submitted to the State crime lab. They were asked to report how many of those were held for one to five years and how many were held for more than five years. Finally, they were asked to report how many kits were "anonymous" kits. Reminder notices and follow-up messages were sent through the State's Attorney's and the Connecticut Police Chiefs Association. Responses were received during the fall of 2014 through the spring of 2015. Connecticut Sexual Assault Crisis Services (CONNSACS) analyzed the responses.

Participation in the survey was notably high. All State Police Troops and all municipal police departments, except for one, participated in the survey. Numbers reported by individual law enforcement departments can be found in Appendices B, C and D. The total number of sexual assault evidence collection kits reported by municipal police departments and the Connecticut State Police at the time of the survey is 961 (Table 1). Connecticut State Police reported having 34 kits in storage. The total number of kits reported from Connecticut municipalities with police departments was 927. Less than ten percent of the total numbers of kits reported were identified as anonymous, leaving a backlog of 879 kits that should be sent to the State crime lab for analysis and testing.

The majority (75 percent) of municipal police departments reported having fewer than ten kits in storage. Twelve departments however reported having twenty or more kits. Combined totals from these twelve municipalities represent over sixty percent of the total number of untested kits throughout the state. This is not a problem confined to Connecticut’s largest cities or a particular geographic area; Hartford and Stamford both reported having zero kits. Of the total number of untested SAKs reported, 38 percent of the untested kits are over five years old (Table 2). These kits can still be tested. The National Institute of Justice says that “DNA from blood and semen stains more than 20 years old has been analyzed successfully”¹⁸.

TABLE 1: TOTALS FOR MUNICIPAL POLICE DEPARTMENTS AND CONNECTICUT STATE POLICE

| | ALL KITS REPORTED AS UN-SUBMITTED | ANONYMOUS KITS | TOTAL TO BE TESTED |
|------------------------------|-----------------------------------|----------------|--------------------|
| Municipal Police Departments | 927 | 80 | 847 |
| Connecticut State Police | 34 | 2 | 32 |
| Total | 961 | 82 | 879 |

TABLE 2: TIME KITS HAVE BEEN IN STORAGE

| | KITS IN STORAGE LESS THAN ONE YEAR | KITS IN STORAGE ONE TO FIVE YEARS | KITS IN STORAGE OVER FIVE YEARS | TOTAL KITS IN STORAGE |
|------------------------------|------------------------------------|-----------------------------------|---------------------------------|-----------------------|
| Municipal Police Departments | (81) 9% | (494) 53% | (352) 38% | 927 |
| Connecticut State Police | (7) 21% | (17) 50% | (10) 29% | 34 |
| Total | (88) 9% | (511) 53% | (362) 38% | 961 |

¹⁸ National Institute of Justice. (NIJ). (2012, August 9). DNA evidence: Basics of identifying, gathering, and transporting. Pg. 2. Retrieved from <http://nij.gov/topics/forensics/evidence/dna/basics/pages/identifying-to-transporting.aspx>

ANALYSIS

While the survey has helped to identify the number of kits that had not been sent to the State crime lab to be tested, further examination of each of the 879 cases is needed to understand the reasons why. Law enforcement officers have reported that guidelines have been unclear as to when or whether to bring the kit to the State crime lab for testing especially when there is a known offender, and sexual assault victims have reported that their kits have been held at police stations while detectives have decided on whether or not to move forward with an investigation.

Findings from cities in other states that have begun organized efforts to address the backlog of untested SAKs, some numbering in the thousands, have pointed to unclear guidelines, stalled or incomplete investigations, lack of funding, staff capacity, and lack of understanding the value of forensic testing in non-stranger cases, as reasons that kits have gone unsubmitted and untested^{19,20,21}. Several have found a fundamental misunderstanding of the psychology of trauma which many sexual assault victims experience. This can lead interviewers to discount the validity of a victim's report based on what they might mistake for unusual or uncooperative behaviors and then use that judgement to decide not to submit a kit^{22,23}. Training in trauma-informed interviewing techniques for those receiving reports from sexual assault victims can be beneficial for officers working with victims of sexual assault. Not only are these techniques compassionate to victims, but they may result in ensuring mutual cooperation between victims and law enforcement, thus leading to better case outcomes²⁴.

Positive steps are already being taken to address the backlog of Connecticut's kits at police departments and to secure the additional funding needed for the cost of analyzing and testing each kit. Since distributing the survey, many departments have submitted the kits that were identified in storage to the State crime lab. In May of 2015, the Connecticut Department of Emergency Services and Public Protection applied for two competitive grants designed to fund the testing of kits and support the comprehensive reform of Connecticut's approach to sexual assault cases resulting from evidence found in previously un-submitted sexual assault kits. During the 2015 Connecticut General Assembly session, lawmakers passed legislation, championed by CONNSACS and members of the Evidence Commission, that would establish clear timeframes for the transfer and testing of all sexual assault evidence collection kits. HB 6498 *An Act Concerning Evidence in Sexual Assault Cases* requires the police department to transfer sexual assault evidence from a health care facility to the State crime lab no later than ten days after the health care facility has collected it. The bill requires the State crime lab to analyze each SAK within sixty days unless the victim chose to remain anonymous and not report the assault to the police at the time the evidence was collected.

¹⁹ Human Rights Watch (2010, July). "I used to think the law would protect me". Illinois's failure to test rape kits. Retrieved from http://www.hrw.org/sites/default/files/reports/us0710webwcover_0.pdf

²⁰ Lonsway, K.A. & Archambault, J. (2012). The 'justice gap' for sexual assault cases: Future directions for research and reform. *Violence Against Women, 18*(2), 145-168.

²¹ Dries, Bill (2014, June) "Rape Kit Backlog Report Finds No Blame". Daily News. Memphis, TN. Retrieved from <http://www.memphisdailynews.com/news/2014/jun/19/rape-kit-backlog-report-finds-no-blame/>

²² Lonsway, K.A. & Archambault, J. (2012, November). Victim impact: how do sexual assault victims respond? And how can law enforcement and other community professionals respond successfully. End Violence Against Women International. Retrieved from <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=41>

²³ Cohan, Sharon. (2015, May). Will new focus on rape kit tests put thousands behind bars? Associated Press. Retrieved from <http://bigstory.ap.org/article/419426d4f9c24880bdabb6e9edc5b1f5/will-new-focus-rape-kit-tests-put-thousands-behind-bars>

²⁴ Human Rights Watch (2013, January). Improving police response to sexual assault. Retrieved from http://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf

In these cases, the bill extends the time period in which “anonymous” kits can be held at the State crime lab from sixty days to five years. The law will go into effect on October 1, 2015 and Connecticut will be one of a growing number of states in the country to require the testing of all non-anonymous kits and to specify clear timeframes for the transfer and testing of SAKs.

The adoption of this bill is significant and will help eliminate any future backlog of SAKs. Clear timeframes for transferring and testing of SAKs not only provide guidance for police officers and forensic science laboratory staff, but for victims themselves who struggle to understand what comes next in the investigation and the criminal justice process. Testing all kits ensures both victims and the public that the state is using best practice in the investigation of sexual assault cases.

Addressing and accounting for the current backlog at police departments in Connecticut’s thirteen Judicial Districts, however, will require a coordinated commitment from the state’s criminal justice system. The results from cities in other states which are eliminating backlogged SAKs underscore the importance of this work. New York City enacted legislation to have every kit tested and as they were addressing their 16,000 kit backlog, they found 2,000 DNA matches on CODIS (Combined DNA Index System) which resulted in 200 active investigations, arrests, or prosecutions²⁵. When Houston began clearing its backlog of over 6,600 kits, they found 850 matches in CODIS²⁶. In Illinois, 927 CODIS matches were found out of their 4,000 kit backlog²⁷. Testing of Cleveland’s kit backlog resulted in 1,696 new investigations and the identification of 224 potential serial rapists²⁸. Memphis has tested 50% of its backlog and identified 52 suspects (23 of which are believed to be serial rapists) and requested 90 indictments²⁹. After testing 2,000 of its 10,000 kit backlog, Detroit has identified 750 DNA matches in CODIS and 188 suspected serial rapists³⁰.

²⁵ Tofte, S. (2012, April 12). A needed revolution: Rape and U.S. justice. *Newsweek*. Retrieved from <http://www.newsweek.com/needed-revolution-rape-and-us-justice-64085>

²⁶ Lozana, J.A. (2012, February 27). 850 DNA matches in FBI database after after Houston clears rape kit backlog. Associated Press, Reprinted in HuffingtonPost. Retrieved from http://www.huffingtonpost.com/2015/02/24/houston-rape-kit-backlog_n_6742588.html

²⁷ Sweeny, A. (2013, December 18). State police analyze backlog of 4,000 rape kits. Some DNA matches made; law now mandates testing. *Chicago Tribune*. Retrieved from http://articles.chicagotribune.com/2013-12-18/news/ct-rape-kits-update-met-20131217_1_arlene-hall-dna-evidence

²⁸ Gross, T [host]. (May 19, 2015). Reporting on rape kit backlog leads to new law and arrests in Ohio. [National Public Radio (NPR) Fresh Air]. Philadelphia, PA: NPR. Transcript retrieved from <http://www.npr.org/2015/05/19/407766821/reporting-on-rape-kit-backlog-leads-to-new-law-and-arrests-in-ohio>

²⁹ Rape kit testing makes progress in Memphis. (2015, May 30). Associated Press, Reprinted by My San Antonio. Retrieved from <http://www.mysanantonio.com/news/crime/article/Rape-kit-testing-makes-progress-in-Memphis-6296338.php>

³⁰ Brown, T.K. (2015, January 5). New hope for rape kit testing advocates. *BBC News, Washington*. Retrieved from <http://www.bbc.com/news/magazine-30554719>

RECOMMENDATIONS

A statewide, victim-centered multidisciplinary taskforce is needed to bring together State crime lab staff, State's Attorneys, law enforcement officers and sexual assault victim advocates to address and eliminate Connecticut's backlog of untested sexual assault evidence collection kits. Key areas of focus should include:

TRANSFER AND TEST ALL BACKLOGGED KITS

Procedures must be identified for the transfer of all backlogged SAKs from Connecticut State Police and municipal police departments to the Forensic Science Laboratory for testing.

SECURE FUNDING

If Connecticut is not the successful awardee of either the 2015 National Sexual Assault Kit Initiative Grant or the 2015 New York District Attorney's Office Kit Backlog Elimination Program Grant, additional funds needed to test the backlogged kits must be secured.

CREATE VICTIM CENTERED NOTIFICATIONS AND SUPPORT

A victim notification protocol should be created with input from sexual assault victim advocates to support victims and survivors as they are notified of test results and are faced with choosing if, when or how to re-engaged in the criminal justice process. Procedures for notifying victims about their cases, or answering questions about findings from their kit should include referrals to community based sexual assault victim advocates who can provide support and additional services to aid victims and survivors through this process.

TRACK, MEASURE AND REPORT

Tracking and measuring the outcomes from testing each backlogged kit as well as the results from cases that are re-opened, will provide a unique opportunity for all stakeholders to learn more about the investigation and prosecution of sexual assault crimes. Metrics to measure the results of the efforts to address the backlog should be created to fully account for each kit. Results from testing of all SAKs should be compiled, measured and reported including, the number of DNA matches, subsequent statistics on the identification of suspects and serial rapists, along with the number of re-opened cases, arrests, prosecutions and convictions. These metrics should be applicable not only to the backlog, but to the future intake of SAKs to avoid future backlogs and to allow the system to continuously evaluate and improve.

ADOPT BEST PRACTICES

Fully addressing the SAK backlog must include an understanding of the reasons the backlog has occurred. causes of the backlog must be ascertained and the information used to identify concrete ways in which the criminal justice system can best respond to sexual assault victims who come forward and report their assaults. These could include developing clear and consistent procedures and new multidisciplinary training modules for the new SAK transfer and testing guidelines, the value of forensic testing, and trauma informed interviewing techniques.

Each Sexual Assault Evidence Collection Kit in storage represents a sexual assault victim who deserves healing and justice. Testing all kits, including those identified through the Evidence Commissions survey, will send a strong message to victims and survivors of sexual violence that what happened to them matters and that their evidence will be utilized. Connecticut has invested decades of time and millions of dollars to improve the immediate health care response for sexual assault victims. By creating a statewide, multi-disciplinary task force to address and eliminate the SAK backlog and to identify the issues that led to it, Connecticut can continue to lead in the effort to create a victim-centered, trauma-informed response to victims of sexual violence and a commitment to bring them justice and healing.

Victims and survivors of sexual violence deserve nothing less.

APPENDICES

APPENDIX A: STATE OF CONNECTICUT COMMISSION ON THE
STANDARDIZATION OF THE COLLECTION OF
EVIDENCE IN SEXUAL ASSAULT INVESTIGATIONS

Sexual Assault Evidence Collection Kit Inventory Survey Questions

APPENDIX B: CONNECTICUT STATE POLICE

Kit Total Data

APPENDIX C: MUNICIPAL POLICE DEPARTMENTS

Kit Total Data Alphabetical Listing

APPENDIX D: MUNICIPAL POLICE DEPARTMENTS

Kit Total Data By Number Of Kits

APPENDIX A

State of Connecticut commission on the standardization of the collection of evidence in sexual assault investigations - Sexual Assault Evidence Collection Kit Inventory Survey questions.

SEXUAL ASSAULT EVIDENCE COLLECTION KIT INVENTORY SURVEY

1. Name

2. Title

3. Phone number

4. Police department

5. Enter the total number of ALL untested sexual assault evidence collection kits that are currently held at your police department. (For purposes of this survey an “untested kit” is a kit which has never been submitted to the Connecticut State Lab).

6. How many of this total number of kits listed in question 5 are “anonymous” or “Jane Doe” kits?

7. How many of this total number of kits listed in question 5 have been held at your department for over one year but less than five years?

8. How many of this total number of kits listed in question 5 have been held by your department for over five years?

APPENDIX B

Connecticut State Police – Kit Total Data

| CT STATE POLICE | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------------------------------|-----------|-----------|--------------------|
| BCI-Casino Unit | 3 | 0 | 3 |
| Eastern District Major Crimes Unit | 12 | 0 | 12 |
| Central District Major Crimes Unit | 0 | 0 | 0 |
| Western District Major Crimes Unit | 0 | 0 | 0 |
| Troop A | 0 | 0 | 0 |
| Troop B | 5 | 0 | 5 |
| Troop C | 5 | 1 | 4 |
| Troop D | 0 | 0 | 0 |
| Troop E | 0 | 0 | 0 |
| Troop F | 1 | 1 | 0 |
| Troop G | 0 | 0 | 0 |
| Troop H | 1 | 0 | 1 |
| Troop I | 0 | 0 | 0 |
| Troop K | 7 | 0 | 7 |
| Troop L | 0 | 0 | 0 |
| TOTAL | 34 | 2 | 32 |

TOWNS COVERED BY CONNECTICUT STATE POLICE TROOPS AND RESIDENT STATE TROOPERS:

Troop A: Bridgewater, New Fairfield, Oxford, Roxbury, Sherman, Southbury

Troop B: Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Hartland, New Hartford, Norfolk, North Canaan, Salisbury, Sharon

Troop C: Ashford, Ellington, Mansfield, Somers, Stafford, Tolland, Union, Willington

Troop D: Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Pomfret, Scotland, Sterling, Thompson, Woodstock

Troop E: East Lyme, Griswold, Ledyard, Lisbon, Montville, North Stonington, Preston, Sprague, Voluntown

Troop F: Chester, Deep River, Durham, Essex, Haddam, Killingworth, Lyme, Middlefield, Old Lyme, Westbrook

Troop H: East Granby

Troop I: Beacon Falls, Bethany, Prospect

Troop K: Andover, Bolton, Bozrah, Colchester, Columbia, East Haddam, Franklin, Hebron, Lebanon, Marlborough, Portland, Salem, Windham

Troop L: Bethlehem, Burlington, Harwinton, Kent, Litchfield, Morris, Warren, Washington, Woodbury³¹

³¹ Connecticut State Police Troop Information from <http://www.cga.ct.gov/2011/rpt/2011-R-0194.htm>

APPENDIX C

Municipal Police Departments - Kit Total Data - Alphabetical Listing

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------|----------|-----------|--------------------|
| Ansonia | 7 | 0 | 7 |
| Avon | 4 | 0 | 4 |
| Berlin | 1 | 0 | 1 |
| Bethel | 10 | 1 | 9 |
| Bloomfield | 17 | 1 | 16 |
| Branford | 9 | 0 | 9 |
| Bridgeport | 13 | 0 | 13 |
| Bristol | 1 | 0 | 1 |
| Brookfield | 2 | 1 | 1 |
| Canton | 3 | 0 | 3 |
| Cheshire | 6 | 0 | 6 |
| Clinton | 0 | 0 | 0 |
| Coventry | 0 | 0 | 0 |
| Cromwell | 7 | 0 | 7 |
| Danbury | 31 | 5 | 26 |
| Darien | 0 | 0 | 0 |
| Derby | 19 | 3 | 16 |
| East Hampton | 1 | 1 | 0 |
| East Hartford | 3 | 0 | 3 |
| East Haven | 6 | 0 | 6 |
| East Windsor | 4 | 1 | 3 |
| Easton | 0 | 0 | 0 |
| Enfield | 20 | 5 | 15 |
| Fairfield | 4 | 2 | 2 |
| Farmington | 0 | 0 | 0 |
| Glastonbury | 0 | 0 | 0 |

Municipal Police Departments - Kit Total Data - Alphabetical Listing (Continued)

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|------------------------------|----------|-----------|--------------------|
| Granby | 3 | 1 | 2 |
| Greenwich | 43 | 0 | 43 |
| Groton City | 0 | 0 | 0 |
| Groton Long Point | 0 | 0 | 0 |
| Groton Town | 59 | 8 | 51 |
| Guilford | 4 | 0 | 4 |
| Hamden | 0 | 0 | 0 |
| Hartford | 0 | 0 | 0 |
| Madison | 6 | 0 | 6 |
| Manchester- no data received | - | - | - |
| Meriden | 78 | 3 | 75 |
| Middlebury | 0 | 0 | 0 |
| Middletown | 0 | 0 | 0 |
| Milford | 33 | 3 | 30 |
| Monroe | 2 | 0 | 2 |
| Naugatuck | 17 | 0 | 17 |
| New Britain | 39 | 7 | 32 |
| New Canaan | 0 | 0 | 0 |
| New Haven | 65 | 10 | 55 |
| New London | 2 | 0 | 2 |
| New Milford | 17 | 2 | 15 |
| Newington | 4 | 2 | 2 |
| Newtown | 0 | 0 | 0 |
| North Branford | 0 | 0 | 0 |
| North Haven | 3 | 0 | 3 |
| Norwalk | 53 | 0 | 53 |
| Norwich | 15 | 1 | 14 |
| Old Saybrook | 6 | 0 | 6 |

Municipal Police Departments - Kit Total Data - Alphabetical Listing (Continued)

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------|----------|-----------|--------------------|
| Orange | 2 | 0 | 2 |
| Plainfield | 0 | 0 | 0 |
| Plainville | 12 | 0 | 12 |
| Plymouth | 2 | 0 | 2 |
| Portland | 2 | 0 | 2 |
| Putnam | 4 | 0 | 4 |
| Redding | 2 | 1 | 1 |
| Ridgefield | 0 | 0 | 0 |
| Rocky Hill | 0 | 0 | 0 |
| Seymour | 5 | 0 | 5 |
| Shelton | 7 | 1 | 6 |
| Simsbury | 5 | 0 | 5 |
| South Windsor | 0 | 0 | 0 |
| Southington | 0 | 0 | 0 |
| Stamford | 0 | 0 | 0 |
| Stonington | 1 | 0 | 1 |
| Stratford | 2 | 2 | 0 |
| Suffield | 5 | 1 | 4 |
| Thomaston | 8 | 2 | 6 |
| Torrington | 39 | 3 | 36 |
| Trumbull | 7 | 0 | 7 |
| Vernon | 1 | 0 | 1 |
| Wallingford | 1 | 0 | 1 |
| Waterbury | 100 | 9 | 91 |
| Waterford | 1 | 0 | 1 |
| Watertown | 3 | 0 | 3 |
| West Hartford | 9 | 0 | 9 |
| West Haven | 24 | 1 | 23 |

Municipal Police Departments - Kit Total Data - Alphabetical Listing (Continued)

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------|------------|-----------|--------------------|
| Weston | 4 | 0 | 4 |
| Westport | 3 | 0 | 3 |
| Wethersfield | 8 | 2 | 6 |
| Willimantic | 3 | 0 | 3 |
| Wilton | 1 | 0 | 1 |
| Winchester | 16 | 1 | 15 |
| Windsor | 18 | 0 | 18 |
| Windsor Locks | 11 | 0 | 11 |
| Wolcott | 4 | 0 | 4 |
| Woodbridge | 0 | 0 | 0 |
| TOTAL | 927 | 80 | 847 |

APPENDIX D

Municipal Police Departments –Kit Total Data - By Number Of Kits

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------|----------|-----------|--------------------|
| Waterbury | 100 | 9 | 91 |
| Meriden | 78 | 3 | 75 |
| New Haven | 65 | 10 | 55 |
| Groton Town | 59 | 8 | 51 |
| Norwalk | 53 | 0 | 53 |
| Greenwich | 43 | 0 | 43 |
| New Britain | 39 | 7 | 32 |
| Torrington | 39 | 3 | 36 |
| Milford | 33 | 3 | 30 |
| Danbury | 31 | 5 | 26 |
| West Haven | 24 | 1 | 23 |
| Enfield | 20 | 5 | 15 |
| Derby | 19 | 3 | 16 |
| Windsor | 18 | 0 | 18 |
| Bloomfield | 17 | 1 | 16 |
| Naugatuck | 17 | 0 | 17 |
| New Milford | 17 | 2 | 15 |
| Winchester | 16 | 1 | 15 |
| Norwich | 15 | 1 | 14 |
| Bridgeport | 13 | 0 | 13 |
| Plainville | 12 | 0 | 12 |
| Windsor Locks | 11 | 0 | 11 |
| Bethel | 10 | 1 | 9 |
| Branford | 9 | 0 | 9 |
| West Hartford | 9 | 0 | 9 |
| Thomaston | 8 | 2 | 6 |
| Wethersfield | 8 | 2 | 6 |
| Ansonia | 7 | 0 | 7 |
| Cromwell | 7 | 0 | 7 |
| Shelton | 7 | 1 | 6 |
| Trumbull | 7 | 0 | 7 |

Municipal Police Departments - Kit Total Data – By Number of Kits (Continued)

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|---------------|----------|-----------|--------------------|
| Cheshire | 6 | 0 | 6 |
| East Haven | 6 | 0 | 6 |
| Madison | 6 | 0 | 6 |
| Old Saybrook | 6 | 0 | 6 |
| Seymour | 5 | 0 | 5 |
| Simsbury | 5 | 0 | 5 |
| Suffield | 5 | 1 | 4 |
| Avon | 4 | 0 | 4 |
| East Windsor | 4 | 1 | 3 |
| Fairfield | 4 | 2 | 2 |
| Guilford | 4 | 0 | 4 |
| Newington | 4 | 2 | 2 |
| Putnam | 4 | 0 | 4 |
| Weston | 4 | 0 | 4 |
| Wolcott | 4 | 0 | 4 |
| Canton | 3 | 0 | 3 |
| East Hartford | 3 | 0 | 3 |
| Granby | 3 | 1 | 2 |
| North Haven | 3 | 0 | 3 |
| Watertown | 3 | 0 | 3 |
| Westport | 3 | 0 | 3 |
| Willimantic | 3 | 0 | 3 |
| Brookfield | 2 | 1 | 1 |
| Monroe | 2 | 0 | 2 |
| New London | 2 | 0 | 2 |
| Orange | 2 | 0 | 2 |
| Plymouth | 2 | 0 | 2 |
| Portland | 2 | 0 | 2 |
| Redding | 2 | 1 | 1 |
| Stratford | 2 | 2 | 0 |
| Berlin | 1 | 0 | 1 |
| Bristol | 1 | 0 | 1 |

Municipal Police Departments - Kit Total Data – By Number of Kits (Continued)

| MUNICIPALITY | ALL KITS | ANONYMOUS | TOTAL TO BE TESTED |
|-------------------------------|------------|-----------|--------------------|
| East Hampton | 1 | 1 | 0 |
| Stonington | 1 | 0 | 1 |
| Vernon | 1 | 0 | 1 |
| Wallingford | 1 | 0 | 1 |
| Waterford | 1 | 0 | 1 |
| Wilton | 1 | 0 | 1 |
| Clinton | 0 | 0 | 0 |
| Coventry | 0 | 0 | 0 |
| Darien | 0 | 0 | 0 |
| Easton | 0 | 0 | 0 |
| Farmington | 0 | 0 | 0 |
| Glastonbury | 0 | 0 | 0 |
| Groton City | 0 | 0 | 0 |
| Groton Long Point | 0 | 0 | 0 |
| Hamden | 0 | 0 | 0 |
| Hartford | 0 | 0 | 0 |
| Middlebury | 0 | 0 | 0 |
| Middletown | 0 | 0 | 0 |
| New Canaan | 0 | 0 | 0 |
| Newtown | 0 | 0 | 0 |
| North Branford | 0 | 0 | 0 |
| Plainfield | 0 | 0 | 0 |
| Ridgefield | 0 | 0 | 0 |
| Rocky Hill | 0 | 0 | 0 |
| South Windsor | 0 | 0 | 0 |
| Southington | 0 | 0 | 0 |
| Stamford | 0 | 0 | 0 |
| Woodbridge | 0 | 0 | 0 |
| Manchester – no data received | - | - | - |
| TOTAL | 927 | 80 | 847 |



Connecticut Sexual Assault Crisis Services, Inc.

CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs. Our mission is to end sexual violence and ensure high quality, comprehensive, and culturally competent sexual assault victim services.

TOLL FREE 24/7 HOTLINES

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