

Kentucky SAFE Kit Backlog Research Project Initial Report: Data Collection, Sources, Methods, and Research Questions

A Report to the Kentucky SAFE Kit Backlog Working Group

by
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PROJECT OVERVIEW

In 2017, the Kentucky Office of the Attorney General's Office on Victims Advocacy provided funding for the Kentucky SAFE Kit Backlog Research Project to examine the problem of unsubmitted sexual assault forensic examination (SAFE) kits that were collected but never submitted to a crime lab for analysis. The SAFE Kit Backlog Research Project seeks to provide a holistic research approach to examine this problem by providing data-driven insights into the Commonwealth's response to these problems. The research team is collecting data to understand the factors that contributed to the number of unsubmitted SAFE kits, the characteristics associated with SAFE kits, kit submission rates throughout the Commonwealth, as well as testing results and case outcomes. Additionally the project is evaluating the impact of efforts by the Sexual Assault Response Team Advisory Committee (SART-AC) and the DANY Grant Sexual Assault Evidence Taskforce, as well as the impact of Senate Bill 63 (SB 63) on responses to sexual assault in Kentucky.

The SAFE Kit Backlog Research Working Group is comprised of members from the following groups:

- Kentucky Office of the Attorney General's Office of Victims Advocacy
- Kentucky Office of the Attorney General's Department of Criminal Investigations
- Kentucky State Police Crime Laboratory
- Kentucky Association of Sexual Assault Programs
- Kentucky Department of Criminal Justice Training
- Kentucky Sexual Assault Response Team Advisory Committee
- DANY Grant Sexual Assault Evidence Task Force
- State, Local, and County Law Enforcement Agencies
- University of Louisville – Department of Criminal Justice
- University of Louisville – Southern Police Institute

The research team has been working with these organizations collaboratively to collect data that will contribute to an understanding of the statewide response to sexual assaults. These organizations have implemented several reforms to address the volume of unsubmitted SAFE kits and to improve the response to sexual assaults in Kentucky. The research portion of this project employs an action research approach, which will allow the research to inform responses. This is the first of several reports that will assist the Commonwealth in developing evidence-based responses to sexual assault.

BACKGROUND

The purpose of this report is to provide information to the Kentucky SAFE Kit Backlog Research Working Group about the ongoing data collection endeavors to study the problem of unsubmitted SAFE kits in Kentucky. The research team has developed an action-research approach, which involves several data collection methods. The information presented in this report outlines these data collection endeavors aimed at understanding the research questions developed by the working group and research team. These research questions seek to reach the following six objectives:

1. Collect baseline data on geographic, case, victim, and suspect characteristics in the cases associated with untested SAFE kits in Kentucky
2. Compare similar groups of cases that differ only in terms of whether a SAFE kit was submitted and tested
3. Measure correlates of outcomes including arrest, prosecution, and broader outcomes (e.g., victim engagement, reporting, responses to notification) after kits are tested
4. Evaluate statewide law enforcement training provided by the Department of Criminal Justice Training (DOCJT)
5. Evaluate the impact of SB 63 on rates of SAFE kits submitted for testing, CODIS hit rates, victim participation in the criminal justice process, law enforcement perceptions of victims, and sexual assault case clearance rates
6. Conduct a cost-benefit analysis of testing SAFE Kits
7. Provide evidence based policy recommendations

The data collection efforts are designed to answer these research questions:

- R1: What are the characteristics of cases included in the volume of unsubmitted SAFE kits in Kentucky?
- R2: Do cases with untested SAFE kits differ from cases with tested SAFE kits?
- R3: What role do SAFE kits play in practitioner decisions?
- R4: What is the impact of training by the DOCJT and SART-AC on responses to sexual assault in Kentucky?
- R5: How will SB 63 affect submission, CODIS hits, reporting, clearances, and victim participation?
- R6: What are the crime-related costs associated with untested SAFE kits?

DATA COLLECTION

Beginning in April of 2017, the research team began using the funds provided by the Kentucky Office of the Attorney General to collect data pertinent to the research questions. The researchers have identified data sources and developed instruments to collect data on the following: (1) surveys of practitioners (e.g., police investigators, prosecutors, victim advocates); (2) case file data collection surveys; (3) victim participation post-CODIS hit measurement; (4) cost-benefit analysis of untested SAFE kits; and (5) longitudinal analyses of SAFE kit submission rates, CODIS hits, reporting, and clearance rates. This report describes these data collection efforts and the status of data collection as of May 2017. The report describes each method of data collection in order of the research questions.

R1 and R2: Case File and Agency Level Data

The research team has been working with the KSP Crime Lab to obtain access to information on case characteristics of untested SAFE kits including suspect, victim and case characteristics. These data will provide a baseline understanding of the nature of cases with untested SAFE kits in Kentucky. Collecting this information can provide insights into the causes of the backlog, and how this problem can be avoided in the future. Currently, we are working with the KSP crime lab to obtain sexual assault case numbers associated with all unsubmitted SAFE kits. These case numbers will be used to obtain information from two data sources: (1) official data (KY OPS, National Incident Based Reporting System [NIBRS], Census of State and Local Law Enforcement Agencies [CSLLEA]), and (2) law enforcement case file data. Collecting these data will allow the study to identify risk factors for untested SAFE kits and develop an understanding of how the backlog accumulated. Additionally, these data will be used to answer a key research question that has not been examined in prior studies of untested SAFE kits: Are cases with untested SAFE kits different from cases with tested SAFE kits? Once case numbers are obtained, we can use official data and case file data to conduct two analyses: (1) a broad analysis of the full sample of untested SAFE kits, and (2) a focused analysis of law enforcement case file sample.

Official data (KY OPS, NIBRS, and CSLLEA) will be used to obtain the following case, suspect, victim characteristics, and agency characteristics:

- Case: (a) offense type, (b) use of weapon, (c) location, (d) victim injury, (e) victim/offender relationship
- Suspect: (a) age, (b) gender, (c) race/ethnicity, (d) state region (e) armed at the time of report
- Victim: (a) age, (b) gender, (c) race/ethnicity, (d) state region

Law enforcement case file data will be used upon law enforcement agency approval to obtain the following general categories using an instrument created by the researchers:

- Case: (a) offense type, (b) suspect confession, (c) timeliness of report, (d) on-scene evidence collected, (e) witness available, (f) location, (g) victim/offender relationship, (h) investigative steps
- Suspect: (a) age, (b) gender, (c) race/ethnicity, (d) weapon use, (e) alcohol/drug use, (f) criminal history
- Victim: (a) age, (b) gender, (c) race/ethnicity, (d) alcohol/drug use, (e) credibility correlates

→ ***R1 and R2 Research Status: Ongoing***

R3 and R4: Surveys of Practitioners and Qualitative Field Notes

Research on untested sexual assault kits has demonstrated that understanding jurisdictional context is critical to improving system responses to victims. As such, it is important to survey police, prosecutors, and victim advocates about their perceptions of working relationships and how they respond to cases of sexual assault. Additionally, surveys are critical to evaluate training provided to practitioners. With the assistance of the KY OAG's Office of Victims Advocacy, we have completed surveys of police, prosecutors, and victim advocates. Beginning in May 2017, we have also begun administering surveys to participants in the DOJT Sexual Assault Investigations Course to evaluate the new training program. Below are a list of topics covered in these two surveys:

Police, Prosecutor, and Victim Advocate Survey Topics:

1. Background demographics (e.g., experience in position, prior training, etc.)
2. Decision-making (e.g., value of DNA, victim credibility, etc.)
3. Views on testing SAFE kits
4. Working with other stakeholders

DOJT Sexual Assault Investigations Course Survey Topics:

1. Agency information (e.g., size, type)
2. Demographic information(e.g., age, race, experience)
3. Training and experience in sexual assault investigations
4. Perceptions of victims by crime type
5. Perceptions of victim responses to crime
6. Low self-control scale
7. Rape myth acceptance scale
8. Knowledge of sexual assault investigation and laws

9. Response to scenarios:
 - a. Victim/perpetrator blame scale
 - b. Decision-making scale
 - c. Procedural justice toward victims scale

→ ***R3 and R4 Research Status:***

- ***Police, Prosecutor, and Victim Advocate Survey: Complete***
 - ***DOCJT Sexual Assault Investigators Course Survey: Began May 22, 2017-Ongoing***
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R5: KSP Crime Lab Data and LMPD Victim Notification Data

Keeping track of results from testing the SAFE kit backlog is critical in assessing the impact of SB 63 on responses to sexual assaults in Kentucky. Thus, it is important to collect data on forensic testing results, SAFE kit submission rates, CODIS hits, victim reporting rates, investigative and prosecutorial case outcomes after testing, and victim engagement in post-CODIS hit investigations. The research team is working with the KSP Crime Lab and LMPD to collect these data.

KSP Crime Lab data will be used to assess the impact of testing efforts and SB 63 on the following:

- Forensic testing results
- CODIS hits
- Investigative and prosecutorial case outcomes
- Monthly aggregate totals of:
 - SAFE kit submission
 - CODIS hits
 - Reports of sexual assault
 - Arrest and prosecution¹

¹ All monthly counts will be used to assess the impact of SB 63 on sexual assault response in Kentucky. We will estimate auto regressive integrated moving average (ARIMA time-series analysis) models to test for significant changes in these variables after the passing of SB 63.

LMPD data will be used to measure outcomes of post-CODIS hit notifications and to evaluate the implementation of a victim-centered, trauma-informed notification protocol.² LMPD and the research team will use these data to collect the following baseline information on notification efforts, predictors of victim response to notification, and law enforcement post-notification actions:

- Notification efforts:
 - Attempts to locate victims (e.g., database search for address, social media inquiry, visit to address)
 - Ability to locate victims
- Predictors of victim response
 - Date/time of notification (time between victimization and notification)
 - Location
 - Victim/offender relationship
- Victim response to notification:
 - Emotional and physical reaction
 - Victim engagement at the time of investigation
 - Victim engagement at the time of follow-up contact
- Law enforcement post notification actions:
 - New investigation
 - Services offered to victims

Although LMPD is the only agency currently collecting these data. We encourage other agencies to replicate the data collection efforts. The research team will meet with any agencies interested in replicating the ongoing work at LMPD.

➔ ***R5 Research Status:***

- ***KSP Crime Lab data collection: Ongoing***
- ***LMPD victim notification data: Ongoing***

² LMPD is collecting data on all CODIS hit notifications. In May 2017 the research team met with LMPD and provided advice regarding the notification characteristics and outcome data to collect. The variables listed above were derived from our discussion and a recent empirical study of post-CODIS hit notifications (see Campbell, R., Shaw, J., & Fehler-Cabral, G. (2017). Evaluation of a victim-centered, trauma-informed victim notification protocol for untested sexual assault kits (SAKs). *Violence Against Women*. DOI: 10.1177/1077801217699090)

R6: National Institute of Health and LMPD Crime Data

SB 63 requires a cost-benefit analysis of SAFE kit testing efforts. The research team is working with LMPD to collect data on the cost of crimes committed by offenders associated with untested SAFE kits. Crime cost estimates from the National Institute of Health, including tangible and intangible crime expenses, will be used to estimate the financial impact of untested SAFE kits. In addition to LMPD, the research team welcomes other law enforcement agencies to collect these data. If agencies are interested, the research team will meet with them to assist in these data collection endeavors.

→ *R6 Research Status: Ongoing*

REFERENCES

Campbell, R., Shaw, J., & Fehler-Cabral, G. (2017). Evaluation of a victim-centered, trauma-informed victim notification protocol for untested sexual assault kits (SAKs). *Violence Against Women*. DOI: 10.1177/1077801217699090



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