



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 8, 2015

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Government Affairs
United State Senate
Washington DC 20510

Dear Mr. Chairman:

This responds to your letter, dated August 7, 2015, to the Assistant Attorney General for the Office of Justice Programs (OJP) regarding steps taken by the Department of Justice (the Department) to allocate funding for resources and activities to combat sexual assault and establish protocols and practices for accurate, timely, and effective collection and processing of DNA evidence.

Sexual assault is a heinous crime, and the Department shares your strong commitment to reducing the backlogs of evidence in forensic laboratories. The Department has a longstanding history of – and remains committed to – providing wide-ranging assistance to state, local, tribal, and federal activities in the areas of sexual assault forensic examination, investigation, victims’ services and assistance, and forensic testing of evidence. Since 2008, the Department’s National Institute of Justice (NIJ) has provided more than \$100 million per year in grants for DNA analysis and capacity enhancement in crime laboratories and other forensic activities; for cold case units; and for programs dedicated to identifying missing persons using DNA technology. This funding is used to test evidence from a variety of crimes, including sexual assaults. It also addresses one of the most basic impediments related to DNA testing: while the processing capacity and output of forensic laboratories to test DNA has grown substantially, the demand has grown at a much faster pace. From 2009 to 2011, laboratories processed 10 percent more forensic DNA cases, but the demand increased by 16.4 percent. The Department expects this demand to continue to grow rapidly as jurisdictions take inventories of sexual assault kits still in police custody and submit them for testing.

This leads to one of the most important clarifications we can make on this issue: the difference between backlogs of evidence already submitted to forensic laboratories for testing, and sexual assault kits that remain in the custody of law enforcement agencies and have never been submitted to laboratories for forensic testing (also known as “unsubmitted kits”). These are vastly different issues, each with distinctive challenges. Until now, the Department has spent considerable funds to resolve the former issue. To address the latter issue, the Department’s Bureau of Justice Assistance (BJA) awarded approximately \$41 million to 20 jurisdictions in FY

2015 through the National Sexual Assault Kit Initiative (SAKI). SAKI is a holistic program that provides jurisdictions with resources to address their unsubmitted kits issue, including support to inventory, test, and track sexual assault kits (SAK).¹

Your letter also referenced a Government Accountability Office report that comprehensively examined certain NIJ forensics programs and activities from fiscal years 2008 through 2012. The report contained recommendations on how to better document funding decisions – all of which have been implemented by NIJ. However, it also found that NIJ had operated fully within the bounds of its authority and had not violated applicable law in funding and implementing its DNA analysis and capacity enhancement programs and other forensics programs and activities. The report cited how the grants, particularly the NIJ DNA Backlog Reduction Program, have helped state and local efforts reduce DNA backlog and build DNA capacity.

Finally, your letter also addressed the creation of national protocols and best practices for testing sexual assault kits, as required by the Sexual Assault Forensic Evidence Reporting (SAFER) Act, which was enacted in March 2013. Although there was no dedicated appropriation for this initiative, NIJ used resources from its annual budget to establish a steering committee to start protocol development.² Since the initial meeting of the steering committee that laid the groundwork for these activities, the full committee has met three times, with four additional subcommittee meetings that focused on specific elements of the initiative. NIJ will continue to work collaboratively with the diverse stakeholders on the committee to achieve a consensus on best practices that will need to be voluntarily embraced and integrated across the nation. The committee anticipates releasing these consensus protocols in 2016.

Please find more detailed information about our programs and responses to your questions below.

Department Grants for DNA Testing

Since 2008, NIJ has provided more than \$100 million per year in grants to conduct DNA analysis, to enhance the capacity of crime laboratories, and for other forensic activities, including research to improve the understanding of the accuracy, reliability, and measurement validity of the forensic sciences; enhance methodologies, and develop new technologies. The primary source of program and budget authority for NIJ's forensics programs and activities is an annual appropriations provision which, in recent years, has been substantially similar to the following language in the Department of Justice Appropriations Act, 2015 (P.L. 113-235), which, in relevant part, provides funding "for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under [42 U.S.C. 14135.]"

As described in the report *Funding for Fiscal Year 2013: DNA Analysis, Capacity Enhancement and Other Forensic Activities* (2015), each year NIJ considers funding allocations for DNA testing and other forensic activity. These funding decisions are based on, for example, the demand to increase capacity and reduce DNA backlog, NIJ technology working group

¹ A full list of the SAKI awards is available at https://www.bja.gov/ProgramDetails.aspx?Program_ID=117.

² Primary objectives of this work are set forth in greater detail in 42 U.S.C. 14135(o).

recommendations, results from studies and new findings, and strategic priorities and perspectives for each of the programs.³

See Enclosure 1 for a comprehensive list of grant programs administered through the Department of Justice Appropriations Act that can be used to facilitate the testing of sexual assault evidence. None of these programs have unobligated balances that have been carried over for five years or more.

There have been over 1,000 grants provided to states and units of local governments under the *DNA Capacity Enhancement and Backlog Reduction Program*. As discussed above, each grantee is given discretion on how to allocate funds for allowable purposes as they deem necessary. The progress of each grantee is monitored throughout the grant period, but NIJ does not capture specific data on the percentage or ratio of funding allocations for various allowable purposes. Grantees are permitted to use funds for the following purposes, which will vary depending on their needs:

- Salary and benefits of additional laboratory employees
- Overtime for laboratory staff
- Training (no more than 5% of the total award)
- Travel (Limited)
- Equipment
- Laboratory supplies for validation
- Supplies for DNA database sample collection
- Laboratory supplies for in-house processing, recording, screening, and analysis of forensic DNA casework and/or DNA database samples
- Contracts for analysis of forensic DNA casework samples or DNA database samples by public or private accredited DNA laboratories
- Contracts for DNA audits
- Additional contracts and contractor services
- Direct administrative expenses⁴

Applicants and grantees of the *DNA Capacity Enhancement and Backlog Reduction Program* have specific programmatic requirements to follow when submitting their application and building their budget. NIJ publishes a list of all awards and abstracts for each of its grantees under this program dating back to 2004. The abstracts do highlight the programmatic goals and objectives. For the completed grants, full progress reports are available. The awards, abstracts, and progress reports can be accessed via the following link:

<http://www.nij.gov/topics/forensics/lab-operations/evidence-backlogs/Pages/awards-abstracts.aspx>.

³ The report is available at <https://www.ncjrs.gov/pdffiles1/nij/248473.pdf>.

⁴ Up to three percent of the federal portion of an award under this program may be used for direct administrative expenses specifically related to grant administration and management.

Your letter also asks about funding to specifically address the “backlog.” The concept of “backlogged” evidence has a specific meaning and refers to evidence already submitted to a laboratory that has not been tested within 30 days of receipt. Through numerous grant programs, the Department provides millions of dollars in funding to help laboratories and law enforcement agencies work through their backlogs of all DNA evidence, including evidence from sexual assaults. For your review, attached is a list of grants awarded to publicly-funded laboratories and law enforcement agencies from FY 2007 to FY 2014. These grants include, for example, the DNA Capacity Enhancement and Backlog Reduction Program, which provides funding specifically to test DNA evidence from sources including but not limited to arrestees, convicted offenders, and various violent crimes, including sexual assault.

As described previously, backlogged evidence is a vastly different issue from “unsubmitted” SAKs, which are SAKs that remain in the custody of law enforcement agencies and have never been submitted to a laboratory for forensic testing. In many cases, jurisdictions are not even certain of how many unsubmitted SAKs they have in their custody. Until Fiscal Year 2015, the Department had not received dedicated funding to provide grants solely to test evidence from SAKs that had never been accounted for or that had never been submitted to a laboratory for testing.⁵

Steering Committee and Working Group Activities

The Department’s steering committee met in Washington, DC on March 5–6, 2014 to begin the process of establishing a national protocol for collecting and processing DNA evidence. The group, comprised of stakeholders from across the sexual assault response community, discussed the intent and scope of the project. They also initiated a research review and began gathering materials from across the country to include existing national and state protocols, state laws and pending bills, research articles, technical reports and evaluation studies, and news articles. At this meeting, they also determined the need for subcommittees covering the four areas: (1) evidence collection; (2) prioritization of evidence and time periods; (3) processing of DNA evidence in sexual assault cases; and (4) agency protocols for evidence inventory, tracking and audits, and communication systems. These four subcommittees make up the Department’s working group on this issue and are the subject matter experts who are now developing the protocol. See Enclosure 2 for a detailed list of steering committee and working group members, as requested.

The working group met for the first time in New Orleans, Louisiana on March 9–12, 2015. At this meeting, 42 diverse subject matter experts, including sexual assault nurse examiners, victim advocates, attorneys, forensic scientists, law enforcement investigators, and researchers, discussed project goals and community needs. Each subcommittee began developing robust outlines of the different sections of the draft protocol.

The third meeting was held in Kansas City, Missouri on August 3–6, 2015, and was

⁵ As referenced above, BJA’s SAKI allocates dedicated grant funding (approximately \$41 million) for, among other things, support, training, and technical assistance to enable jurisdictions to inventory, track, and perform forensic and DNA testing on sexual assault kits that have never been submitted to a crime laboratory.

attended by 46 subject matter experts, with many others contributing via email. Presentations were focused on the cross-section of technology and the human interaction critical to ensuring that sexual assault response is a coordinated agency system of practice. The subcommittees drafted problem statements and created recommendations and solutions for the protocol.

Currently, NIJ is synthesizing the subcommittees' recommendations and developing a draft protocol. They have also developed an external peer review list and editorial process to ensure stakeholder communities have an opportunity to comment on the recommendations prior to publication in 2016.

Development of Protocols and Practices

Developing a protocol for collecting and processing DNA evidence – including SAKs – is an extraordinarily complex effort. Such an effort involves considering the interests of more than 18,000 law enforcement agencies and thousands of medical professionals, victims' advocates, forensic scientists, investigators, and prosecutors. Although the final protocol has not yet been published, the Department-convened working group has made significant progress since the stakeholder steering committee first met in March 2014.

As they develop the protocol, the working group must contend with five critical and complex factors. First, to establish evidence-based recommendations, the group is conducting an extensive review of existing scientific literature and research. Second, the group is crafting guidelines broad enough to address a number of different root causes that lead to the prevalence of unsubmitted SAKs, which differ greatly among jurisdictions. Third, because use of the protocol is voluntary, it is being developed through a consensus process with a diverse group of stakeholders to account for varying policies, resources, and jurisdictional diversity throughout the nation. Fourth, numerous existing resources already address best practices for collecting, testing, and processing sexual assault evidence. The group is examining and building on these resources, as well as striving to avoid duplication of groups' efforts. Finally, because the legislative landscape addressing SAKs is constantly changing, the working group is taking into account new regulations and initiatives by the states. At least eight states have recently enacted legislation or policies that address the issue of unsubmitted SAKs, which in some cases require law enforcement agencies to conduct an inventory of the SAKs in their custody.

The working group remains committed and on track to publishing their recommendations in 2016. Please note that the Department has demonstrated a longstanding commitment to developing other protocols relating to various aspects of sexual assault. Those protocols include, for example, the National Protocol for Sexual Assault Medical Forensic Examinations (Adults/Adolescents) (Office on Violence Against Women, 2013); the Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers (National Institute of Justice, 2013); First Response to Victims of Crime: A Guidebook for Law Enforcement Officers (Office for Victims of Crime, 2010); and National Training Standards for Sexual Assault Medical Forensic Examiners (Office on Violence Against Women, 2006).

Department Reports Regarding Sexual Assault Kits

As requested, Enclosure 3 provides a listing and links for all publicly available reports pertaining to sexual assault kit related materials. A full and comprehensive list of all NIJ publications related to sexual assault generally can be found at: [http://nij.gov/publications/pages/publication-list.aspx?tags=Rape and Sexual Assault](http://nij.gov/publications/pages/publication-list.aspx?tags=Rape%20and%20Sexual%20Assault); and a similar list for all OJP publications related to sexual assault generally can be found at: <https://www.ncjrs.gov/App/Topics/Morepublications.aspx?TopicId=90>.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

Enclosures

cc: The Honorable Thomas R. Carper
Ranking Member

ENCLOSURE #1
DEPARTMENT OF JUSTICE GRANTS INVOLVING DNA TESTING

BJA Program

- **The Sexual Assault Kit Initiative**

The National Sexual Assault Kit Initiative (SAKI), administered by BJA for the first time in FY 2015, is the first specific and dedicated grant program to fund DNA testing for only sexual assault and rape cases. It provides \$36,325,137 in funding through a competitive grant program to support multidisciplinary community response teams engaged in reforming jurisdictions' approaches to sexual assault cases. The focus of this effort is on sexual assault kits that have never been submitted to a crime laboratory.

SAKI provides funding support, training, and technical assistance to enable jurisdictions to inventory, track, and perform forensic and DNA testing of previously unsubmitted SAKs; access necessary training to increase effectiveness in addressing the complex issues associated with these cases and engage in multidisciplinary policy development, implementation, and coordination; and improve practices related to investigation, prosecution, and victim engagement, advocacy, and support in connection with evidence and cases resulting from the testing process.

NIJ Programs

- **DNA Capacity Enhancement and Backlog Reduction Program**

The major program administered by NIJ to fund DNA testing in laboratories is the DNA Capacity Enhancement and Backlog Reduction Program ("DNA Program"). The goal of NIJ's DNA Program is to assist eligible states and units of local government to process, record, screen, and analyze forensic DNA and/or DNA database samples, and to increase the capacity of public forensic DNA and DNA database laboratories to process more DNA samples, thereby helping to reduce the number of forensic DNA and DNA database samples awaiting analysis. Since 2007, NIJ has provided \$558,733,333 to states and units of local governments for DNA testing.

Eligible DNA Program applicants determine, based on their specific needs, what portions of their anticipated funding should be used for capacity-building purposes and for analysis of forensic DNA and/or DNA database samples. All recipients have the option to use the funding to conduct DNA testing on whatever evidence is submitted to the laboratories – including evidence related to sexual assaults, which can include sexual assault kits and other types of evidence related to sexual assaults such as DNA testing of weapons used during a sexual assault, trace evidence, condoms, bedding, and clothing.

Forensic laboratories have reported processing more than 550,000 cases (obtained from millions of items of evidence) since 2009 as a result of this funding. From those cases, over 247,000

DNA profiles have been uploaded to CODIS¹, resulting in more than 92,000 CODIS hits. In addition, more than 2,000,000 database (convicted offender and arrestee) samples have been uploaded, resulting in an additional 26,687 hits.

- **Solving Cold Cases with DNA**

Through the Solving Cold Cases with DNA program, states and units of local government receive NIJ grants to identify, review, and investigate Uniform Crime Report (UCR) Part 1 Violent Crime “cold cases” that have the potential to be solved using DNA analysis and to locate and analyze the associated biological evidence. Many cold case investigations may involve DNA testing of evidence from unsolved sexual assault cases. Since 2007, NIJ has awarded \$77,939,800 to states and units of local government to help solve these cases, some of which are sexual assault cases. By using this additional funding, agencies have solved cases where all significant leads had previously been exhausted and investigations were at a standstill. Since 2005, over 129,000 cold cases have been reviewed, resulting in over 5,000 CODIS uploads, over 1,900 CODIS hits, and over 2,000 solved/closed cases.

- **DNA Arrestee Collection Process Implementation Grants Program**

Since 2014, NIJ has provided \$1,292,136 to states and units of local governments with existing designated DNA database laboratories to help defray the costs of implementing a process to collect the DNA of arrestees and to improve the capacity of laboratories that conduct DNA analysis. The program is in keeping with the purposes of the Katie Sepich Enhanced DNA Collection Act of 2012 (Public Law 112-253).

- **Paul Coverdell Forensic Science Improvement Grants Program**

Since 2007, NIJ’s Paul Coverdell Forensic Science Improvement Grants Program has awarded \$148,130,477 in grants to states and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Funds may be used to analyze forensic evidence and to train and employ forensic laboratory personnel, as needed, to eliminate a backlog of evidence. State Administering Agencies may apply for both “base” (formula) and competitive funds; units of local government may apply for competitive funds, all of which can be used to test sexual assault kits.

- **Action Research Projects: Detroit and Houston**

"Action research" is a method in which researchers engage in an active partnership with practitioner agencies to identify, analyze, and solve a problem. In April 2011, NIJ awarded a

¹ CODIS is the FBI’s national criminal DNA database and was established by Congress to assist in providing investigative leads for law enforcement. One part of CODIS, the National DNA Index System (NDIS), contains DNA profiles contributed by federal, state, and local participating forensic laboratories from evidence collected at crime scenes, from convicted offenders and arrestees, and from missing persons and unidentified remains. A CODIS hit can occur when 1) a DNA profile developed from a SAK matches an offender or arrestee profile in the system; or 2) an unidentified DNA profile matches an unidentified profile from another case. A CODIS hit can give investigating officers valuable information to help them focus their investigation and identify potential suspects. The more DNA data is entered into this system, the more likely it will be to produce meaningful leads on crimes.

total of \$3,029,890 in competitive research grants to Wayne County (Detroit) and Houston to examine the issue of untested evidence in sexual assaults. The NIJ-funded teams in both cities included criminal justice researchers; sexual assault forensic examiners; and representatives from the police department, crime lab and community-based victim services organizations. The teams conducted an audit of unsubmitted Sexual Assault Kits (SAK), discovering 8,707 kits in Detroit police storage and approximately 4,000 kits in Houston police storage. Both cities decided to test all of the kits, and the research teams then studied the results and conducted focused experiments. In Detroit, for example, the team conducted a randomized experiment on 400 cases to compare new and traditional methods of DNA testing.

- **Postconviction Testing of DNA Evidence to Exonerate the Innocent**

Since 2008, NIJ has awarded \$40,682,106 in assistance to states to help defray the costs associated with postconviction DNA testing in cases of violent felony offenses where actual innocence might be demonstrated. Grantees can use funds for testing sexual assault evidence if the case being reexamined involved biological evidence that, if tested for DNA, could yield probative information that could lead to an exoneration, as well as the potential identification of a perpetrator(s).

- **NIJ-FBI Sexual Assault Kit Partnership**

The Department has provided \$4,250,000 for a partnership with the FBI, which serves as a centralized testing laboratory for sexual assault kits submitted by the nation's law enforcement agencies and public forensic laboratories. Each month, for a limited number of previously unsubmitted sexual assault kits, the FBI Laboratory processes and tests the kits while scientists at NIJ analyze data collected after the kits have been submitted. NIJ is gathering information from the program to help improve the quality and practices for collecting evidence and processing sexual assault kits.

- **Marshall University Research Corporation**

Marshall University Research Corporation (MUFSC) serves as a national resource and provides assistance to forensic crime laboratories by utilizing its high-throughput DNA lab in technology transfer testing and evaluation, and model training. Using NIJ funding, MUFSC is working with the West Virginia State Police and Huntington Police Department to develop a model project for MUFSC. The model will develop protocols and standards for providing assistance with processing and analysis of untested sexual assault kits to small police and sheriff's departments in rural states. MUFSC has been instrumental in performing testing of sexual assault evidence from jurisdictions like Detroit, New Orleans, and West Virginia police agencies.

- **Research and Development Projects**

NIJ has funded these initiatives that support state and local efforts to help improve forensics investigations of cases involving sexual assault:

- 2011-DN-BX-0001: The Detroit Sexual Assault Kit Action Research Project

- 2011-DN-BX-0002: Action Research To Enhance Investigations And Prosecutions Of Sexual Assaults In Houston: Improving The Analysis And Use Of Forensic Evidence
- 2012-IJ-CX-0052: Decision-Making in Sexual Assault Cases: Multi-site Replication Research on Sexual Violence Case Attrition in the U.S
- 2013-NE-BX-K027: Delivery of a Microfluidic Acoustic Sperm Cell Trapping Prototype for Rapid Processing of Sexual Assault Evidence
- 2013-NE-BX-0004: Evaluate a Novel Fluorescent Dye to Detect Ano-genital Injury in Women of Color
- 2013-NE-BX-0006: Sexual Assault Kit Processing Efficiency in Law Enforcement Agencies and Crime Laboratories
- 2013-NE-BX-0007: Evidence, Sexual Assaults, and Case Outcomes: Understanding the Role of Sexual Assault Kits, Non-Forensic Evidence, and Case Characteristics
- 2013-NE-BX-0005: Physical Evidence, Forensic Evidence, and the Prosecution of Sexual Assault
- 2014- NE-BX-0006-IJ: Serial Sexual Assaults: A Longitudinal Examination of Offending Patterns Using DNA Evidence
- 2014-NE-BX-0009: Post Coital DNA Recovery in Minority Proxy Couples
- 2014-MU-MU-0001: Prosecution of Child Sexual Abuse: A Partnership to Improve Outcomes
- 2015-NE-BX-K004: Improving the sexual assault workflow – efficient sample selection and data interpretation
- 2015-NE-BX-K005: Optimized, Semi-Automated Differential DNA Extraction
- 2015-NE-BX-K003: Development of SERS-active forensic evidence swabs for rapid, non-destructive confirmatory serological screening and STR typing of human bodily fluids
- 2015-NE-BX-K002: An automated dielectrophoretic-based single cell separation technique to improve laboratory efficiency, mixture deconvolution and combat sample inhibition.
- 2015-NE-BX-K001: Novel Blood Protein Modification Assay for Retrospective Detection of Drug Exposure (Toxicology - Drug facilitated Sexual Assault)
- 2015-NE-BX-K006: Human Microbiome Species and Genes for Human Identification (Trace - Sexual Assault)

ENCLOSURE #2
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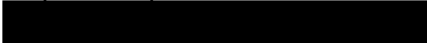
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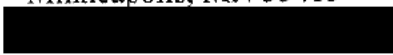
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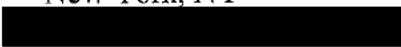
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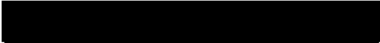
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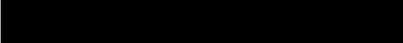
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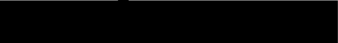
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ENCLOSURE #3

DEPARTMENT OF JUSTICE REPORTS REGARDING SEXUAL ASSAULT KITS

2008

- *Implementing SANE Programs in Rural Communities: The West Virginia Regional Mobile SANE Project*

http://www.ovc.gov/publications/infores/WVA_Mobile_SANE_guide/welcome.html

This replication guide highlights one region's efforts to address the difficulties of starting and sustaining Sexual Assault Nurse Examiner (SANE) programs in rural areas. Under the leadership of the state sexual assault coalition, the West Virginia Foundation for Rape Information and Services (FRIS), four counties in north-central West Virginia implemented the Regional Mobile SANE Project, using on-call SANEs to serve multiple hospitals. This guide was developed to help other rural regions decide whether a mobile SANE project, customized to their local needs, might be a viable option. To that end, it focuses on the process used to plan and implement the West Virginia project and the lessons learned by FRIS and other stakeholders. It also provides a checklist for replicating the project and access to materials developed during its implementation.

2009

- *Sexual Assault: Obtaining DNA From Evidence Collected up to a Week Later - Panel at the 2009 NIJ Conference*

<http://nij.ncjrs.gov/multimedia/audio-nijconf2009-sexual-assault-evidence.htm#tab2>

This is a transcript from a panel discussion including the following speakers:

- Lois Tully, Ph.D., Deputy Chief, Investigative and Forensic Sciences Division, Office of Science and Technology, National Institute of Justice, U.S. Department of Justice
- Jack Ballantyne, Ph.D., Professor of Chemistry, University of Central Florida, and Associate Director of Research, National Center for Forensic Science, Orlando, Fla.
- Patricia M. Speck, DNSc, Assistant Professor and Public Health Option Coordinator, College of Nursing, University of Tennessee Health Science Center, Memphis
- Mechthild Prinz, Ph.D., Director, Department of Forensic Biology, Office of the Chief Medical Examiner, New York, N.Y.

2010

- *Eliminating the Rape Kit Backlog: A Roundtable to Explore a Victim-Centered Approach*

<http://www.victimsofcrime.org/docs/dna-resource-center-documents/eliminating-the-rape-kit-backlog---a-roundtable-to-explore-a-victim-centered---approach-%282010%29.pdf?sfvrsn=6>

The Department's Office on Violence Against Women, in collaboration with the Office of the Vice President, Office of Justice Programs' National Institute of Justice (NIJ), Bureau of Justice Assistance, and Office for Victims of Crime, brought together key stakeholders to explore innovative and victim-centered approaches to eliminating the backlog of rape kits in state and

local jurisdictions and crime laboratories. Participants included victim advocates, law enforcement officers, SANEs, prosecutors, and forensic analysts. Each shared their perspective on the backlog and described strategies currently underway to process sexual assault kits more efficiently. They also gave recommendations for how the federal government can support local and state efforts to solve the backlog crisis.

- *Making Sense of DNA Backlogs- Myths vs. Reality*

<http://www.nij.gov/journals/266/Pages/backlogs.aspx>

In this document, NIJ addresses the challenge of keeping up with an increasing volume of evidence. Delays in sending evidence to forensic labs causes delays in analysis, thus slowing the criminal justice systemic process of testing evidence. The author also states in detail what is currently being done to address the nation's complex issue of backlogged evidence.

- *Sexual Assault Kit Backlog Study, Los Angeles, California (1982–2010)*

<https://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/33841?keyword=sexual+abuse>

The study addressed the growing problem of untested sexual assault kits that have been collected and stored in law enforcement agencies' storage facilities and forensic laboratories throughout the nation. The researchers collected and coded sexual assault case information on 1,948 backlogged cases from 1982 to 2009. Data were also collected on 371 non-backlogged sexual assault cases with sexual assault kits that were tested between January 1, 2009 and August 1, 2010. The resulting 2,319 case dataset, which is comprised of 1,948 backlogged cases and 371 non-backlogged cases, contains 377 variables relating to victim, suspect, and crime characteristics, laboratory information and testing results, Combined DNA Index System (CODIS) information, and criminal justice dispositions.

- *First Response to Victims of Crime: A Guidebook for Law Enforcement Officers*

<http://www.ovc.gov/publications/infores/pdfxt/2010FirstResponseGuidebook.pdf>

This educational multimedia package, produced by the National Sheriffs' Association, looks at the impact of crime on victims and describes steps that law enforcement can take, as first responders, to meet victims' needs. Among the types of victimizations covered are sexual assault, drunk driving, homicide, human trafficking, and mass casualties.

2011

- *The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases*

<https://ncjrs.gov/pdffiles1/nij/233279.pdf>

In this issue, NIJ offers an overview of untested sexual assault evidence discovered in police evidence rooms across the country. A variety of ramifications are looked at for the police and crime labs, for the courts and victims. The report addresses some of the challenges associated with counting untested sexual assault kits and why some jurisdictions don't have adequate inventory/tracking of their evidence. The report also discusses the issues behind 'stranger' and

'acquaintance' rape and the implications for police investigation and case prosecution, particularly with regards to statutes of limitations.

- *2010 DNA Analysis Backlog Elimination Act of 2000 Report to Congress*

<http://nij.gov/topics/forensics/lab-operations/evidence-backlogs/Documents/dna-backlog-reduction-report-to-congress-2010.pdf>

This report includes the solicitation and descriptions of the grants awarded under the FY 2010 Forensic DNA Backlog Reduction Program.

2012

- *National Protocol for Sexual Assault Medical Forensic Examinations (Adults/Adolescents)*

<https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

This product helps jurisdictions develop a response that is sensitive to victims of sexual assault and that promotes offender accountability. It serves as a supplement to existing protocols and to support SARTs and SARRTs.

- *National Training Standards for Sexual Assault Medical Forensic Examiners*

<https://www.ncjrs.gov/pdffiles1/ovw/213827.pdf>

This document offers a framework for the specialized education of health care providers who wish to practice as sexual assault forensic examiners (SAFEs). It provides guidelines to prepare SAFE candidates to work in coordination with other responders to meet the health care, forensic and information needs of adult and adolescent sexual assault patients.

- *Solving Sexual Assaults: Finding Answers Through Research*

<http://www.nij.gov/journals/270/pages/answers-through-research.aspx>

This document is focused on the LAPD Sexual Assault Kit study. NIJ provided grant support to examine the role of DNA testing of untested SAKs in property rooms of the Los Angeles Police Department (LAPD) and the Los Angeles Sheriff's Department (LASD). The goals of the study were to assess the efficacy of DNA testing and determine the criminal justice outcomes (arrest, charge, conviction) within the first six months that the kit was tested. The author describes the study in detail as well as the outcomes and lessons learned.

- *Improving Forensic Sexual Assault Examinations*

<http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/medical-examinations.aspx>

In 2012, NIJ and the Office for Victims of Crime gathered a team of practitioners, researchers and survivors for a research forum to explore gaps in the existing research related to the technical aspects of sexual assault medical forensic examination (SAMFE). Forum participants

recommended that research efforts focus on gathering basic data from across the country about the evidence being collected, the collection techniques and technology used, evolving DNA technology, the instruction that SAMFE kits provide, and the use of telemedicine in SAMFE.

- *Sexual Assault Medical Forensic Examination Research Forum: Summary of Research Questions Identified*

<http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/research-forum/Pages/welcome.aspx>

This forum, sponsored by the Office for Victims of Crime (OVC) and the NIJ, explored gaps in the existing research related to the technical aspects of SAMFE. The goal was to identify what research is needed to bring a stronger evidence base to the SAMFE. Focus on the following topics: types of evidence gathered, examination technology, standardizing the evidence kit, evolving DNA technology, and potential use and logistics of telemedicine during the examination.

- *National Victim Assistance Academy Resource Paper: Sexual Assault*

https://www.ovcttac.gov/downloads/views/TrainingMaterials/NVAA/Documents_NVAA2011/ResourcePapers/Color_Sexual%20Assault%20Resource%20Paper_2012_final%20-%20508c_9_13_2012.pdf

This Resource Paper is part of a series of National Victim Assistance Academy (NVAA) Track 1: Foundation-Level Training documents covering eight topics. This paper includes statistics, definitions, impact/effects on victims, effective responses, and additional information designed to educate entry-level professionals and volunteers.

- *2011 DNA Analysis Backlog Elimination Act of 2000 Report to Congress*

<http://www.nij.gov/topics/forensics/lab-operations/evidence-backlogs/documents/dna-backlog-reduction-report-to-congress-2011.pdf>

This report includes the solicitation and descriptions of the grants awarded under the FY 2011 Forensic DNA Backlog Reduction Program.

2013

- *New Orleans Sexual Assault Evidence Project: Results and Recommendations*

<http://www.nij.gov/journals/272/Pages/sexual-assault-evidence.aspx>

This NIJ-sponsored project grew out of the request from the U.S. Department of Justice to provide assistance to New Orleans Police Department (NOPD) after an investigation on the police department that was conducted in 2010. In this one-year project, 1,000 kits were tested and CODIS hits were obtained in 13% of the cases (139 hits). The author explains the study in detail including the results of the DNA testing, the meaning behind the CODIS hits, and outcomes of the project.

- *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers*

<http://nvlpubs.nist.gov/nistpubs/ir/2013/NIST.IR.7928.pdf>

NIJ, in coordination with National Institute of Science and Technology (NIST), led a 2010 effort to address a systemic failure to properly account for biological evidence from collection through final disposition. The Handbook includes strategies and programs designed to provide resources to tribal, state and local governments to prevent and reduce the risk of sexual assault and effectively respond to sexual assault victims.

- *Understanding the Neurobiology of Sexual Assault*

<http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/neurobiology-of-sexual-assaults.aspx>

NIJ-grantee Rebecca Campbell is using research on the neurobiology of sexual assault – such as the effect of trauma on memory – to inform law enforcement officer training. SANE nurses, emergency room nurses, physicians or others who encounter victims in a medical context might benefit similarly from this information about how the human brain processes trauma.

- *A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents Second Edition*

<https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

The National Protocol for SAMFEs offers guidance to jurisdictions in creating and implementing their own protocols, as well as recommending specific procedures related to the exam process.

- *Break the Silence: Sexual Assault and the SART Solution*

<http://www.sane-sart.com/breakthesilence/>

This web-based video explains the rationale for and functions of sexual assault response teams (SARTs), featuring comments by sexual assault victims and SART personnel, as well as interactions between victims and SART members in the course of casework.

2014

- *Fiscal Year 2012 Funding for DNA Analysis, Crime Laboratory Capacity Enhancement and Other Forensic Activities*

<https://www.ncjrs.gov/pdffiles1/nij/244196.pdf>

This report describes the priorities and distribution of Fiscal Year 2012 funds awarded for DNA analysis, crime laboratory capacity enhancement and other forensic activities.

- *Why were so many Sexual Assault Kits Not Tested in Detroit?*

https://youtu.be/Iui_vnoPDU0?list=PLpIIUxHJ-xboOhqSpXW-q4OWivPHTr8Mj

Dr. Rebecca Campbell discusses the five reasons a large number of sexual assault kits were not submitted to the crime lab for DNA testing in Detroit. She also discusses how these risk factors could apply to other jurisdictions.

- *Organizing and Transferring SANE/SAFE/SART Best Practices*

<https://www.forensiccoe.org/Our-Impact/Advancing-Technology/Reports/Organizing-and-Transferring-SANE-SAFE-SART-Best-Practices>

Requested by NIJ, the Forensic Technology Center of Excellence (FTCoE) leads a federal effort to organize and transfer knowledge and best practices of SANEs, SAFEs, and collaborative sexual assault response teams. Goals of this project included creating an awareness of resources and ensuring that existing research, information, knowledge, and best practices are available and accessible to SANE/SAFE/SART and other practitioners who contribute to the nation's response to sexual assault. This report presents recommendations and strategies which were derived from a three-phase process, including a comprehensive literature review, a Federal stakeholder meeting, and a sexual assault practitioner stakeholder meeting.

- *Report to the U.S. Attorney General on Improving Federal Agency Response to Sexual Violence in Tribal Nations: Issues and Recommendations*

http://ovc.gov/AIANSane-Sart/pdf/NCC_June2014_FinalReport_508.pdf

This report from the National Coordination Committee on the American Indian/Alaska Native (AI/AN) Sexual Assault Nurse Examiner-Sexual Assault Response Team (SANE-SART) Initiative examines federal response to adult and child victims of sexual violence in tribal nations and reports recommendations for improvement.

- *Responding to Transgender Victims of Sexual Assault*

<http://www.ovc.gov/pubs/forge/index.html>

This user-friendly guide offers practical tools to promote understanding and support of transgender victims for health care providers, law enforcement officers, emergency medical personnel, advocates, therapists, and support group facilitators.

2015

- *Funding for Fiscal Year 2013: DNA Analysis, Capacity Enhancement, and Other Forensic Activities*

<https://www.ncjrs.gov/pdffiles1/nij/248473.pdf>

This report describes the priorities and distribution of Fiscal Year 2013 funds awarded for DNA analysis, crime laboratory capacity enhancement and other forensic activities.

- *Five Things About Sexual Assault Kits*

<http://www.nij.gov/five-things/pages/sexual-assault-kits.aspx>

Investments in research have improved the science of forensic DNA testing and our understanding of sexual assault kits. This article describes the five things we do know and not know yet, based on research to date: 1) We don't know the number of unsubmitted kits nationwide. 2) Little is known about the age of kits. 3) Submitting a kit to the lab does not mean there will be viable and usable DNA present. 4) Even if police have the suspect, testing the kit can be useful. 5) The cost to test a kit varies widely.

- *Biological Evidence Preservation: Considerations for Policy Makers*

<http://nvlpubs.nist.gov/nistpubs/ir/2015/NIST.IR.8048.pdf>

This document is a policy brief intended to provide guidance to legislators, advocates, and managers within criminal justice agencies that influence policy. Using examples from existing state statutes, and a thorough examination of current trends, law, scientific literature, and the expertise of the membership, this report discusses key legislative provisions and recommends statutes, rules, or policies to be implemented by states to improve the preservation of biological evidence.

- *The Detroit Sexual Assault Kit (SAK) Action Research Project*

<https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>

The mission of the project was to study untested sexual assault kits in Detroit, MI, develop response protocols, and to implement and evaluate those protocols. Multiple phases made up the project. Phase I: completed an audit of the number of SAKs in police property (10,000+). Phase II: plan was developed to test the kits; however there were not sufficient funds to test all of the kits. Phase III: Complete all testing and analyses, implement a multidisciplinary protocol for victim notification, and investigate as to why Detroit had numerous unsubmitted/untested sexual assault kits.

- *Houston Sexual Assault Kit Research Project*

<http://houstonsakresearch.org/>

In response to the NIJ call for research on unsubmitted/untested sexual assault kits, the Houston Police Department convened a diverse group of stakeholders to diagnose problems and then identify appropriate responses.