



Notification FAQs for Victim/Survivors

NC SAKI: Victim Notification Toolkit

1) What is the Sexual Assault Kit Initiative?

The backlog of untested forensic evidence exams, “sexual assault kits” (SAKs) is a national crisis. In 2015, the Bureau of Justice Assistance recognized this problem and created the Sexual Assault Kit Initiative (SAKI) which aims to create a coordinated community response that ensures just resolution to sexual assault cases through (1) a comprehensive and victim-centered approach, (2) jurisdictional capacity building to prevent high numbers of unsubmitted SAKs in the future, and (3) supporting the investigation and prosecution of cases for which SAKs were previously unsubmitted. In 2018, the NC Department of Justice received \$2 million from the SAKI grant program to help fund the testing of rape kits to bring justice to victims of sexual assault.

2) How many unsubmitted sexual assault kits are there in North Carolina?

Over 15,000.

3) Are all 15,000 kits being tested?

It is unclear how many kits will be tested through the SAKI project. At this time, North Carolina will not be testing the following kits: 1) those submitted anonymously (unreported to law enforcement); 2) those confirmed as unfounded: rare cases where there is clear and convincing evidence that a crime did not occur after a comprehensive case review by the law enforcement agency and complete review by the multidisciplinary team; and 3) those in which a criminal prosecution has resulted in conviction, the convicted person does not seek DNA testing, *and* the convicted person’s DNA profile is already in CODIS.

4) What are the different types of findings the lab can report after testing kits, and what do they mean?

The lab will be testing the kits to determine if there is DNA present, and if so, if the suspect’s DNA is in the CODIS database. CODIS (Combined DNA Index System), is the national DNA computer database run by the FBI that allows for federal, state, and local forensic labs to exchange and compare DNA profiles electronically, thereby linking serial violent crimes to each other and to known offenders.

FINDINGS*

1) *No DNA or not enough present*

2) *DNA present, CODIS uploaded, no CODIS hit (yet)*

The DNA profile does not match a DNA profile in CODIS, but will stay in CODIS and be continually compared to DNA profiles added later.

3) *DNA present, CODIS uploaded, and CODIS hit*

When a DNA profile from evidence in an unsolved case matches the DNA profile from a convicted offender or an arrestee. Note: a “hit” may or may not include the suspects name. A “hit” can provide an investigative lead to help solve an unsolved case.

**These findings do not necessarily determine the investigative path of the case. Even if there is no DNA present, in relooking at the case, law enforcement may want to further investigate. Similarly, even if there is a CODIS hit, if the survivor does not want to move forward with an investigation at that time, law enforcement may choose to close the case.*

5) Is this happening in other states, too?

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

6) How are the SAKs tested?

Sexual assault kits are sent to a lab where the evidence inside is screened for DNA. If the screening test indicates that DNA is present, further testing of that DNA will be completed. Depending on the date that each sexual assault kit was collected, some will go to the North Carolina State Crime Lab and some will go to external companies for testing.

7) Why wasn't my SAK tested before now?

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

8) How and when will I be informed about my sexual assault kit test results?

The district attorney, along with a law enforcement and advocate team, will develop a plan for when, how, and where individuals will be notified about the testing of their kits. In most cases, survivors will be notified within 3 months of the law enforcement agency receiving their lab test results. However, at any point if you have questions about your kit, you can contact the NC SAKI Site Coordinator at the NC State Crime Lab, Bill Hart (919) 582-8880, or bhart@ncdoj.gov.

9) What is being done to ensure this backlog won't happen again?

To address an issue that has evolved over time is a very complex process and it continues to be a work in progress. The SAKI team works with a multidisciplinary team of subject matter experts to review current practices, identify where change is needed, and develop a path forward. This is a systemic approach that will take time while they continue to be mindful of the needs the criminal justice community has for forensic laboratory services in the State of North Carolina.

10) What information does the suspect know?

In most cases, law enforcement will not contact the suspect until after victim notification has occurred. At the time of notification, law enforcement and advocacy should ask the survivor if they wish to re-engage with the process. If the survivor decides to re-engage, the suspect may be contacted to proceed with the investigation. The survivor can utilize advocacy and law enforcement services to safety-plan prior to the suspect being notified.

11) What is the Survivor Act?

On September 19, 2019, Attorney General Josh Stein, joined by bill sponsors Reps. Carson Smith and Billy Richardson announced that Gov. Roy Cooper signed into law the Standing Up for Rape Victims Act, or Survivor Act, which provides \$6 million to test sexual assault kits and requires local law enforcement

agencies to submit sexual assault kits for testing within 45 days of the kit's collection. Doing so will deliver justice to more victims and prevent backlogs from occurring in the future. For more detailed information, please see the Survivor Act Fact Sheet.

12) What if I do not want to be involved in the investigation or for my case to be prosecuted?

It is important that you communicate your feelings to the district attorney, investigator, and/or advocate so that your wishes can be taken into consideration. Each county will determine how to proceed on a case by case basis and your participation may be necessary for a successful investigation and prosecution. You have the right to decide not to participate in the process. However, the district attorney may still decide to proceed with the investigation and/or prosecution.

13) Who can I contact if I have questions or need support throughout this process?

For general information about SAKI, help in securing information about your kit, or request resources for assistance, contact the NC SAKI Site Coordinator at the NC State Crime Lab, Bill Hart (919) 582-8880, or bhart@ncdoj.gov. For additional resources, such as sexual assault support hotlines, please see the SAKI resources page.

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