

## **SAEK "BACKLOG": Sexual Assault Examination Kits**

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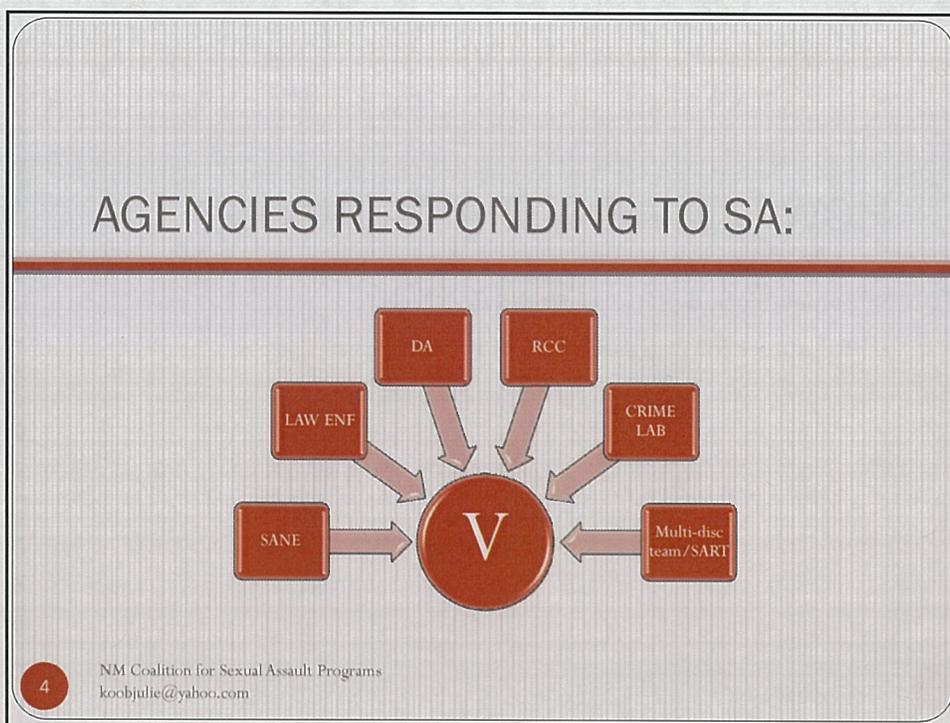
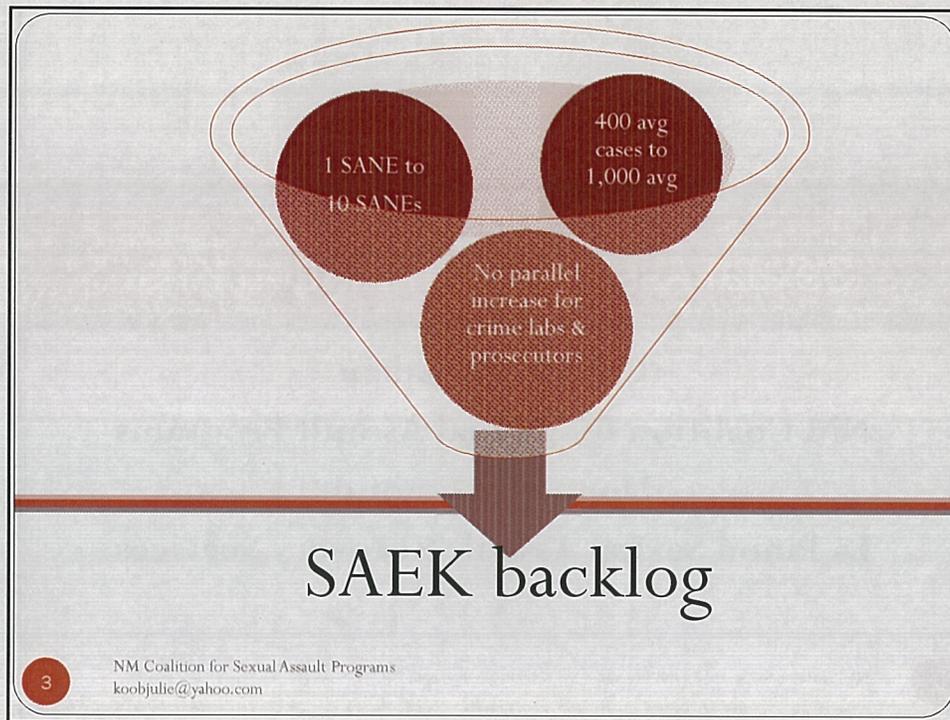
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## **HOW DID WE GET A BACKLOG?**

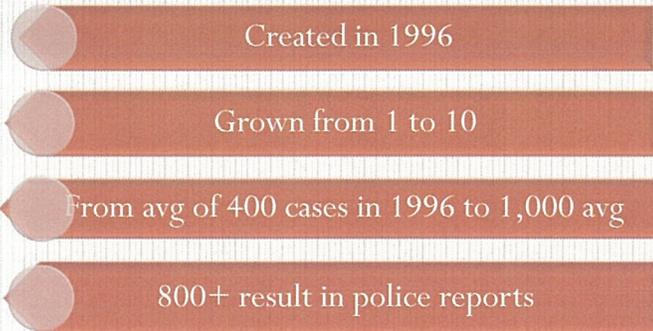
- Reporting and services increased
- Resources for processing kits did not increase

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## SANEs



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## PREVALENCE OF SA IN NM - 2012

- 4,176 sex crimes reported by law enf – 50% children & adolescents
- RCCs and mental health centers served 1,875 victims
- SANE programs served 1,172 victims
- 1,565 CSP
- Numbers increased from 2011 by 15-17%
- 6 per 1,000 females/ 2 per 1,000 males raped in NM

Data from the “Sex Crimes in NM XI: an analysis of 2012 data from the NM Interpersonal Violence Data Central Repository”

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## SOLUTION?

That's easy! Just process the backlogged kits?  
Unfortunately... not that simple

Legislation? ... Maybe

Planning to create process and provide protections to victims? YES

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## WHAT IS THE GOAL?

- NYC 17,000 backlog → arrest rate jumped from 40 to 70%
- OH (Go Buckeyes!) 8,900 backlog → 1,861 cases w/hits to DNA database
- Detroit 4,640 backlog → 71 matches to DNA database → ID 21 serial rapists
- IL 4,000 backlog → 927 matches DNA database; 50% increase of new kits coming into the labs; cost of \$3.7 million
- Los Angeles randomly selected 371 backlog kits → no new arrests, new charges in one case and two convictions within 6 months of testing

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## ALL OF THESE “SUCCESSSES” HAD:

- 3-5 years of work
- Surge of funds
- Legislation to mandate actions for some
- Multi-disciplinary team to plan and implement
- Victim involved throughout



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## TO TEST OR NOT TO TEST...

### ADVANTAGES

- Identifies stranger rapes **if the offender is already in the system**
- Identifies offenders of multiple rapes/ serial rape & prevent others
- Increases the DNA profiles entered
- May exonerate an innocent suspect
- Validates the victim’s participation, provides some closure to the victim and perhaps justice

### CONCERNS

- Stranger rape is small percentage of crime
- Victim impact:
  1. How long ago was crime?
  2. Impact on healing?
  3. Contact out of the blue?
  4. Where is she in her life?
  5. If not involved in process, can’t participate

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## RECOMMENDATIONS: IF LEGISLATION...

### DO REQUIRE

- Empower victims as the decision-makers for processing & prosec'n & link them to resources
- Agreement on definitions (i.e. what is "backlog"), procedures
- Triage system for prioritizing analysis of kits
- Multi-disciplinary coordinated response
- Increased funding for responders

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### DO NOT

- Remove victims from the equation.
- Allow prosecution, law enforcement, or crime labs to contact victims with backlogged kits "out of the blue"
- Expect kits to happen without funding for processing

## MOVING FORWARD...DO NO HARM

- How do we prevent a higher number of backlogged cases?
  - Increased resources to all agencies
- How do we validate the victim's decision to have evidence collected?
  - Process the kit, prevent backlogs
- How do we deal with the backlogged cases SAFELY, WITHOUT DOING FURTHER HARM TO THE VICTIM?
  - Require a coordinated system that empowers the victim to decide what happens

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