

1. COMPLETE INVENTORY OF ALL SEXUAL ASSAULT KITS (SAKS)

- Inventory **ALL** SAKs that Law Enforcement Agencies (LEA), campuses and hospitals have in their possession, including unsubmitted, partially tested and those previously determined to be unfounded.
- Use the designated inventory form in Appendix A of the WV SAKI Handbook. An electronic copy is available at:
<http://www.djcs.wv.gov/grant-programs/Specialized%20Programs/SAKI/Pages/Kit-Inventory-Information.aspx>
- If the LEA has no SAKs, submit a letter on LEA or Prosecuting Attorney (PA) letterhead stating such.
- Email either completed inventory (in Excel format) or letter to Sarah Brown at the WV Division of Justice and Community Services (DJCS): Sarah.J.Brown@wv.gov. 304-558-8814, extension 53337.
- WV State Police Forensic Lab (WVSPFL) will verify eligibility of kits inventoried, then send verified inventories and a Memorandum of Understanding (MOU) back to the submitting county prosecutor. Following the receipt of the signed MOU, await further direction regarding kit submission from the Marshall University Forensic Science Center (MUFSC).
- If you have any questions about completing the inventory, please contact Sarah Brown (see above) or Rene Graves (304) 558-8814, Extension 53350 Paula.R.Graves@wv.gov.

WHILE YOU ARE WAITING FOR APPROVAL TO SUBMIT KITS: Meet with county team (LEA, PA, advocates) to begin or further develop a Victim Notification Protocol (See Appendix B in the WV SAKI Handbook for guidelines); determine with your team how the SAKs will be transported to the lab; begin gathering police reports and other documents for the SAKs; determine which case outcomes will result in victim notification.

2. SUBMISSION OF SEXUAL ASSAULT KITS

After the WVSPFL receives the MOU back from the county prosecutor, MUFSC will contact the county when the lab is ready for the SAKs to be submitted. (See WV SAKI Handbook for more process details).

- LEA retains ALL kits until given approval by MUFSC to submit SAKs.
- PA receives notification from MUFSC that SAKs may be submitted to the lab.
- SAKs for crimes **PRIOR** to 1/1/15 should be sent to **MUFSC**. SAKs for crimes **ON** or **AFTER** 1/1/15 should be sent to **WVSPFL** according to current protocol. Prior approval is not needed for submission of these kits.
- Submit SAKs to the lab by:
 - Mailing through a commercial carrier with tracking capabilities, **OR**
 - Personal transport- the PA/LEAs may arrange to have all county SAKs securely transported together to the lab to ensure the chain of custody.
- Direct any questions regarding transport of SAKs (ie, frozen items, etc.) to MUFSC at marra2@marshall.edu or call 304-691-8952.
- Attach police reports, medical reports, and/or other documentation along with the SAKs.

WHILE YOU ARE WAITING ON TEST RESULTS: SAKs will be tested on a county-by-county basis and there will be a waiting period while the labs are performing their analyses and reports. Please be patient and understand that this process will take time. While you are awaiting results and reports, the following activities are suggested:

- Continue development of and finalize Victim Notification Protocol;
- Provide trauma-informed, victim-centered training/education for individuals providing notifications;
- Collaborate with other project partners and contacts for assistance and/or questions;
- Meet with your team to determine how cases will be prioritized for investigation/prosecution;
- Gather resources and information to offer when completing victim notifications;
- Determine who will be doing what, where, when, and how; and
- Any other preparatory steps needed. For law enforcement, activities may include:
 - Obtain and review all written police reports related to each SAK
 - Obtain all medical reports
 - Identify all evidence which may be impounded under this report and designate 'Do Not Destroy'

3. TESTING AND RESULTS

The lab will complete DNA analysis.

- Female victim and suspected male offender cases
Male DNA Screening will be performed to detect the presence of male DNA on the evidence items. Using the Male DNA Screening results, DNA testing will be performed on up to three of the most probative evidence items.

Male DNA Screening results will be reported as: Male DNA detected, No Male DNA detected or Inconclusive results for Male DNA were detected. DNA testing results will be reported per MUFSC guidelines.

- Male victim cases
Traditional serology methods (Acid Phosphatase, p30 and sperm search) will be performed on the evidence items to detect the presence of seminal fluid or sperm. Using the traditional serology results, DNA testing will be performed on up to three of the most probative evidence items. Traditional serology results will be reported as seminal fluid was indicated or spermatozoa were identified. DNA testing results will be reported per MUFSC guidelines.
- Suspected female offender cases
Male DNA Screening and traditional serology methods are not applicable in cases with female offenders as they detect DNA or seminal fluid. Up to three of the most probative evidence items will be taken straight to DNA testing and reported per MUFSC guidelines.

MUFSC will send kit reports to the county LEA and to the WVSPFL for review and CODIS entry. WVSPFL will review data and upload eligible DNA profiles to CODIS. This process may take 30-45 days.

- If a consensual partner could be the source of DNA, the LEA will be requested to make attempts to locate the consensual partner for a DNA sample or provide documentation that the LEA attempted to obtain the sample.
- LEA will retrieve SAKs from MUFSC (once notified by MUFSC to do so). WVSPFL will return SAKs to the LEA per protocol. Each SAK will be labeled as tested under the SAKI Project.
- WVSPFL will provide any supplemental reports and evidence to the submitting LEA.

- If there is a CODIS hit, the WVSPFL will begin hit confirmation; once the match is confirmed the WVSPFL will send a report on each hit to the submitting LEA and the PA of the submitting county.
- If “No DNA present” or “Insufficient evidence for CODIS entry,” the PA and LEA will need to determine if there is additional evidence for analysis. Email biochemistry@wvsp.gov for consultation.

AFTER RECEIVING TEST RESULTS: Implement Victim Notification Protocol; Determine which cases will be prioritized and investigated.

More information and technical assistance contact information for MUFSC, WVSPFL and the WV Foundation for Rape Information and Services are in the WV SAKI Handbook.

4. INVESTIGATION

- Each county will review the lab results/reports and determine which cases will be investigated, in what order, how/when/where the individual victims affected will be notified and proceed accordingly.
- Proceed with investigation and victim notification.

5. VICTIM NOTIFICATION

- Develop a Victim Notification Protocol as early in the process as possible.
 - Determine **WHO** will notify the victim:
 - An investigator and victim advocate working together is the recommended approach.
 - Those notifying victims should be trained in trauma-informed, victim-centered approaches.
 - Determine **WHICH** cases will include victim notification:
 - Identify what case outcomes will trigger notification (CODIS match, DNA but no match, no DNA found)
 - Determine **WHEN** in the process that victim notification will occur.
 - Determine **HOW** to notify the victim:
 - In-person is recommended as the best practice.
 - Ensure safety and privacy.
 - Determine **WHERE** the notification will occur.
 - Ensure safety and privacy.
 - Consider victim transportation needs.
 - Consider child-care needs.
 - Determine a variety of meeting sites vs. using only one location.
- Review case details with the team, determine **WHAT** will be shared prior to contact with the victim.
- Offer a **RESOURCE PACKET** to the victim. The victim may decline the packet, and that’s ok.
- Advise the victim whom she/he can contact with any questions or concerns, and how the LEA, PA, and/or advocate(s) will communicate any further case information or updates to the victim. They may also call the [Victim Information Line at 304-848-0444](tel:304-848-0444).
- AFTER** victim notification, teams should complete the **WV SAKI Victim Notification Record** (Appendix C of the WV SAKI Handbook). The form should be retained by the LEA and will be helpful in completing project reports.

- For victims you are unable to reach, attempts to contact each victim should be made periodically and documented on the Victim Notification Record. The recommended intervals are: initial attempt to contact, next attempt to contact in 90 days, then at 6 months, and again at 1 year.
- Ensure that each team member understands the notification protocol and is aware of his/her role.
- Continue to review and revise the Victim Notification Protocol as needed to improve the process and increase safety, privacy, and a trauma-informed, victim-centered focus.
- You may contact Christina Lipscomb, SAKI Victim Services Coordinator for assistance with victim notification, resources, or related questions as needed: 304-848-0444 ChristinaLwvfris@gmail.com.

6. COMPLETING PROJECT REPORTS

Reporting the data for each county helps to demonstrate effectiveness of the project and provides meaningful data regarding SAKI outcomes.

The project is grant-funded, so reports and data are also required for the funders of the project. WVSPFL and DJCS will prepare quarterly reports and request information from each partnering agency.

- WV SAKI Grant Quarterly Report/Performance Measures- both LEAs and PAs are strongly encouraged to complete reports and submit the data for their counties to DJCS.
- These report forms can be found in Appendix E (Law Enforcement) and Appendix F (Prosecutors) of the WV SAKI Handbook.

<u>Reporting quarters:</u>	<u>Dates due to DJCS:</u>
4/1/17-6/30/17	7/15/17
7/1/17-9/30/17	10/15/17
10/1/17-12/31/17	1/15/18
1/1/18-3/31/18	4/15/18
4/1/18-6/30/18	7/15/18
7/1/18-9/30/18	10/15/18
10/1/18-12/31/18	1/15/19
1/1/19-3/31/19	4/15/19
4/1/19-6/30/19	7/15/19
7/1/19-9/30/19	10/15/19
10/1/19-12/31/19	1/15/20
1/1/20-3/31/20	4/15/20

This checklist is intended to supplement the West Virginia Sexual Assault Kit Initiative (SAKI) Handbook, which can be consulted for more detailed information on the project.

This project was supported by Grant No. 2015-AK-BX-K019 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.