



ELIMINATING THE SEXUAL ASSAULT KIT BACKLOG

Victims of sexual assault should have confidence that their voices are heard and that all resources are brought to bear in the pursuit, prosecution, and conviction of those criminals responsible for these unconscionable acts. Any backlog of untested sexual assault kits in the City of Memphis undermines this confidence, especially for those whose cases remain unsolved. We must never lose sight of the fact that each kit in the backlog represents an individual who had the courage to come forward and seek our help.

As a nation, there has been a sea change in how we collectively treat sexual assault cases over the past decade. Memphis has been a part of that change and today we are addressing this issue head on. We have changed our policies and practices so that every kit collected from a sexual assault is now automatically sent for forensic analysis, and we have allocated dedicated manpower to investigate these cases. To eliminate the backlog of kits that have accumulated over time, we are following a three part strategy: sending every kit to the laboratory for forensic testing; dedicating our collective resources to support victims during the process; and dedicating the resources and manpower necessary to investigate leads and build cases for prosecution. We want to move quickly, but we also want to get it right. We know from the experiences of other cities around the nation that testing, investigating, and eventually prosecuting these cases will take the better part of the next five or six years.

Frequently Asked Questions (FAQ's)

Q: What resources are available for victims of sexual assault?

A: Information and support can be obtained by contacting the Rape Crisis Center. They are the local provider of free and confidential, comprehensive forensic nursing, advocacy and counseling services regardless of whether or not the victim is reporting to law enforcement.

Phone (901) 222-4350. Normal business hours are 8:30 am – 5pm Monday-Friday. 24/7 services are available through Memphis Police Department dispatch.

Q: Can victims get information about their case?

A: Yes. A City Hotline has been established for this purpose. By calling 901-636-3438, we will assist you in getting information about your case and will refer you for further assistance if needed.

Q: What is a sexual assault kit (SAK)?

A: A sexual assault kit is also called a SAK, or frequently referred to as a rape kit. The SAK is used as part of a medical forensic examination to collect evidence after a sexual assault. This might include swabs of any area where there was contact between the victim and the perpetrator or hair samples.

Q: When and where is the SAK done?

A: The SAK is collected after a sexual assault at the Rape Crisis Center or a hospital where a victim has been admitted. It is usually collected within the first 96 hours after the assault, but sometimes after that time frame. They try to do it as soon as possible so as to collect as much evidence as possible.

Q: Who does the SAK?

A: A Sexual Assault Nurse Examiner (SANE nurse), collects evidence from the victim's/survivor's body. This is just ONE of the services a health care provider can offer. The health care provider can also do a full exam to care for any injuries, and provide the victim with emergency contraception (the morning after pill) or other medication (perhaps to prevent contracting a sexual transmitted disease [STD] or HIV).

Q: Why is the SAK done?

A: The SAK is intended to help in the collection and preservation of potential evidence in a sexual assault case. Police and prosecutors may use this evidence to help them investigate a case.

Q: What is DNA?

A: It stands for deoxyribonucleic acid. It exists in human cells, like in blood, bone, teeth, and hair, and is like a blueprint for how each human should be built. DNA is similar to fingerprints. Each person has unique fingerprints and each person, except for identical twins, has unique DNA unlike anyone else.

Q: Why is DNA so valuable/important?

A: DNA is like a fingerprint. No two people have the same fingerprint, and no two people, except for identical twins, have the same DNA. If someone's fingerprints are found somewhere, it can be used to prove that they were there. Similarly, if someone's DNA is found somewhere, it can be used to prove they were there.

Q: How does DNA get left behind?

A: DNA is in human cells. DNA is in saliva and skin cells. It is in sperm, blood, and other bodily fluids. A perpetrator may leave these fluids or skin cells on a sexual assault victim's body. When these fluids or cells are left behind, DNA is too and might be able to be collected.

Q: What happens after a SAK is done?

A: The SAK may contain evidence of a crime, like DNA. It is important that the healthcare provider handle the evidence with care. If the victim has decided to make a police report about a sexual assault and agrees to submit to a forensic examination, the victim is taken to the Rape Crisis Center or a hospital where they are asked to sign a release. The Forensic Exam is completed and evidence is collected into a SAK. A police officer then takes the SAK to the MPD Property and Evidence Room where it is tagged and entered into evidence. Under normal circumstances the kit is sent within 96 hours to the TBI Crime Lab for forensic DNA analysis.

Q: How does the crime lab analyze for DNA?

A: The crime lab looks at the swabs and other items in the kit. They go through some of the swabs and samples to check for DNA. It is possible that they won't find any DNA. If they do find DNA, they will create a DNA profile.

Q: What is a DNA profile and how is it used?

A: A DNA profile is a unique pattern of genes, specific to an individual. DNA profiles can be created from biological evidence found at the crime scene, such as blood, saliva, and/or semen. Once a DNA profile is created, it can identify an unknown suspect, confirm the presence of a known suspect, and/or connect an offender to multiple crime scenes.

Q: How are DNA profiles matched?

A: DNA profiles can be stored in a computer database. When a new DNA profile is created, it can be entered into the computer database and the database can scan to see if there is a match. In the United States, there is a master computer database called CODIS.

Q: What is CODIS?

A: CODIS stands for the Combined DNA Index System. There are two ways in which DNA is put into CODIS. One way is when a DNA profile from an unknown perpetrator is created from crime scene evidence and entered into the database. Another way is when the DNA profile from a known perpetrator is entered into the database.

Q: How does CODIS work?

A: CODIS stores DNA profiles. When a new DNA profile is created following a crime, it is entered into CODIS. If there is a match between the new DNA profile and an existing DNA profile in CODIS, it comes back as a “hit.” The new DNA profile will also be stored in CODIS for future searches.

Q: What is a CODIS “hit?”

A: A “hit” is when a new DNA profile is entered into CODIS and there is a match between this new DNA profile and some other DNA profile in the database.

Q: If there is a CODIS hit, does it mean that the suspect has been identified?

A: Not necessarily. The hit could be a match between the DNA collected in the SAK and the DNA of a known person. But it also could be a match to a DNA profile of an unknown suspect in another case, from a crime scene where the suspect has not yet been identified.

Q: How did we get a backlog here?

A: Since the early 1970’s the Memphis Police department has been collecting and storing evidence from sexual assault complaints. Memphis had one of the first rape crisis centers in the nation. Some of that evidence was analyzed for the presence of blood or other substances and then returned to the evidence storage area consistent with national practices at the time. When the Tennessee Bureau of Investigations joined CODIS in 2002 and began testing kits and supplying DNA data to CODIS, Memphis had thousands of previously analyzed kits on hand that could then be analyzed for DNA. That represented the start of the backlog. From 2002 until recently, police and prosecutors followed commonly accepted national practice, sending selected kits for analysis. For example, if evidence was collected from a victim and the suspect subsequently admitted to the assault, that kit wasn’t tested because the case was considered solved. Since only a fraction of kits were being tested, the number of kits untested for DNA continued to climb. Over the past few years, common practice has evolved across the nation as we collectively have come to understand the value of DNA analysis and the importance of increasing the DNA testing.

Q: Are other cities facing the challenge?

A: Yes. There are a number of other cities that have recently, or are presently facing the challenge along with Memphis. New York City eliminated a 17,000 kit backlog in 2003. Detroit is working presently to eliminate an 11,000 kit backlog, and Houston is working on a 6,600 kit backlog.

Q: How do you define the backlog?

A: The backlog consists of kits stored in evidence storage areas that have not been sent for analysis, and kits submitted to crime labs that are awaiting analysis.

Q: How long will it take to get through all of the kits in the backlog?

A: The Memphis Police Department is assembling and shipping between 400 and 500 kits per month to TBI certified laboratories. We will not eliminate the backlog overnight but with this pace we will make steady, sustainable progress. To be clear however, testing is just the first step. There will considerable resource and manpower requirements required to support victims through this process, and to investigate leads and build cases for prosecution. While testing can be completed in the next two years, investigation and eventual prosecution will take several years more.

Q: What role does Shelby County Dist. Atty. Gen. Amy Weirich’s Office have in addressing these sexual assault cases?

A: Members of the office’s Special Victims Unit (SVU) are devoted to prosecuting sex offenders, including those cases in which the victims are children, adults and vulnerable adults. Six prosecutors regularly receive and review these cases as they are presented to them by Memphis Police Department investigators. In addition, the District Attorney is fully committed to utilizing the full resources of the office - which includes 109 prosecuting attorneys - to ensure that justice is served for the victims and for all of the citizens of Shelby County.

Q: Can a rapist be indicted even if he or she is unidentified?

A: Yes. If a DNA profile is developed from semen, saliva or other material collected at the crime scene, a Jane or John Doe indictment can be obtained by using the suspect’s DNA profile depicted by a long series of numbers and letters. This also stops the statute of limitations from becoming a problem. The profile, meanwhile, is parked in CODIS where it may later match a known subject profile.

Q: How do sexual assault cases reach the courtroom?

A: There are several ways, including simply through arrest and filing charges, or through a grand jury indictment.

Q: Where can I find out more information about this issue?

A: The Joyful Heart Foundation has been on the frontlines in bringing awareness and benchmark approaches to communities facing similar backlog challenges. Information on the issue developed by the Joyful Heart Foundation can be found at: <http://endthebacklog.org/> or <http://joyfulheartfoundation.org/>

####