

Executive Summary
April 7, 2016

Study: Justice Denied: Low Sexual Assault Kit Submission Rates in Utah and Their Predicting Variables

Findings: Results from 1,874 sexual assault kits (SAKs) from four sites in Utah: Salt Lake County (Site A), Washington County (Site B), Iron County (Site C), and Northern Utah (Weber, Davis, Morgan and Box Elder Counties) of rapes from 2010 - 2013. All of the SAKs included in the study were from victims who had fully collected SAKs and wanted to participate in prosecution of the rape crime. Sexual assault nurse examiners collected the evidence for SAKs indicating high caliber of DNA evidence collection. The study counties have sexual assault response teams, found in other studies to improve criminal justice system response to rape.

Sexual Assault Kit (SAK) Submissions per Site Based Upon the Length of Time Submitted from Assault Date to Submission Date

	Site A N=1297	Site B N=120	Site C N=48	Site D N=409	All Sites N=1874
Submitted within 1 month of assault	16.0%	0.8%	14.6%	4.9%	12.6%
Submitted 1-12 months after assault	6.6%	3.3%	22.9%	22.7%	10.2%
Submitted 1 year or later after assault	18.0%	14.2%	2.1%	8.6%	15.4%
Total Submitted	40.6%	18.3%	39.6%	36.2%	38.2%
Total Not Submitted	59.4%	81.7%	60.4%	63.8%	61.8%

Study found that within a year of the assault only 22.8% of sexual assault kits were submitted by law enforcement to the state crime laboratory for analysis. An additional 15.4% were submitted in late 2014 through 2015 following community and media pressure for law enforcement to submit SAKs in storage. Sixty-two percent of SAKs were found not submitted; therefore, they remain in law enforcement custody, have recently been submitted, or have been destroyed.

Predictors of SAK submissions: Statistical analysis controlling for site variability examined legal and extralegal characteristics statistically significant in predicting if SAKs submitted or not. Variables that increased odds of SAK submissions: male victims (46% more likely) and suspected drug-facilitated assaults (25% more likely). Variables that decreased odds of SAK submissions: victim used drugs prior to assault (22% less likely), victim bathed or showered following rape (17% less likely), victim with physical or mental impairment (17% less likely), and victim knew the suspect (16% less likely).

Crime (Legal Characteristics) and Victim (Extralegal Characteristics) Demographics:

Legal Characteristics:

- Weapon: used in 10% of rapes
- Strangulation: occurred in 12% of rapes
- Multiple suspects: 10% of rapes
- Suspected drug-facilitated assault: 17% of rapes
- Documented, visible physical injury: 74% of victims (mean of 6 injuries)
- Documented, visible anogenital injury: 60% of victims (mean of 2 injuries)

Extralegal Characteristics:

- Victim age: mean of 27 years, range of 14-93 years
- Time between assault and exam: mean of 22 hours
- Victim gender: 95% female, 5% male
- Victim race: 78% white, 22% non-white
- Suspect race: 53% white, 34% non-white, 12% unknown
- Victim to suspect relationship: 18% stranger, 82% non-stranger (7% domestic violence)
- Victim drug use: 12% of cases
- Victim alcohol use: 47% of cases
- Victim with physical or mental impairment: in 8% of victims
- Victim bathed or showered post-assault: 35% of victims

Discussion and Recommendations:

SAKs not submitted by law enforcement to the state crime laboratory for analysis indicates **justice denied** for victims of rape. The findings represent an **inequity of justice**, as there is great variability between SAK submission rates within the study sites. For example, in adjacent counties (Site B and C) the SAK submission rate within a year of assault for Site B was 4.1%, while Site C was 37.5%; submission rate from Site C is almost ten times the submission rate from Site B. This extreme variability of SAK submission rates suggests that subjectivity and bias within law enforcement agencies largely determines if SAKs are submitted or not.

Most jurisdictions do not track their SAKs from evidence collection through DNA analysis. Studies in other areas of the United States of similar methodology to this study have found SAK submission rates of approximately 60%. This study found SAK submission rate of only 22.8% within a year of the assault, almost 1/3 the submission rates in other studies.

The only legal characteristic found to predict SAK submissions was if the rape was a suspected drug-facilitated assault. The finding that SAKs collected from male victims were 46% more likely to be submitted indicates gender bias within law enforcement. The other variables predicting SAK submissions relate to characteristics of the victim or relationship between victim and suspect, not crime factors.

The study found 1,163 SAKs collected, but not submitted to crime laboratory. The costs to Utah state government for the collection of these unsubmitted SAKs was \$721,060.00.

Utah has had higher rates of rape than the national average since 1991 as tracked in the FBI Uniform Crime Reports. This study raises concerns that the low criminal justice system response to rape in Utah has failed to identify and prosecute rapists. Multiple studies have found that some rapists identified through DNA analysis of SAKs are serial rapists. If SAKs are not submitted for analysis, serial rapists cannot be identified resulting in **concerns over public safety** in Utah for the violent crime of rape.

The findings on SAK submission rates and predicting variables discovered in this research study revealed low submission rates across Utah and great variability between site locations indicating subjectivity and bias in law enforcement decision-making to submit SAKs. **These findings support standardizing SAK submission through a state law mandating submission of all SAKs.**

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