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Backlogged or Logjammed?

**An Analysis of the Patterns that Surround the Rape Kit Backlog Across
Jurisdictions**

An Honors Thesis submitted in partial fulfillment of the requirements for Honors Studies
in Political Science

By

Elizabeth (Beth Ann) Dowd

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Political Science

J. William Fulbright College of the Arts and Sciences

The University of Arkansas

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Elizabeth Dowd

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Introduction

According to the Bureau of Justice Statistics, rape has been defined as “forced sexual intercourse, including both psychological coercion as well as physical force. Forced sexual intercourse means penetration by the offender(s). This definition also includes attempted rape, male and female victims, and both heterosexual and same-sex rape. Attempted rape includes verbal threats of rape. The Bureau of Justice Statistics also defines sexual assault as “attacks or attempted attacks generally involving unwanted sexual contact between victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling. It also includes verbal threats.” Concerning victimization rates, “the rate of rape or sexual assault increased from 1.4 victimizations per 1,000 persons age 12 or older in 2017 to 2.7 per 1,000 in 2018” (Morgan and Oudekerk 2019, 1).

Throughout the literature, different terms refer to a rape kit and the rape kit backlog. A rape kit or sexual assault kit (SAK) is a container with the materials and instructions to conduct a sexual assault forensic exam. During the exam, you are asked about your medical history; injuries that need immediate attention are first taken care of. A head-to-toe examination takes place that is based on specific experiences that occurred. Another vital part of the SAK is the accompanying forms that document everything collected, what the victim can remember about the assailant, and the attack itself. The kit is then sent to a laboratory to be tested and later used to help law enforcement investigations and the courts. At the same time, they try to prosecute (Florida Department of Law Enforcement 2015, 1).

The problem with the rape kit backlog is that victims, in many cases, are not receiving justice. Valerie Neumann, a rape survivor, was told three years after her rape kit had been done that her kit remained “untouched and her rapist uncharged after prosecutors told her they did not have the funds or enough of a legal case to justify having her rape kit tested” (Dwyer & Jones 2010). Some states have started implementing tracking systems for rape kits and crafting legislation that holds law enforcement and crime labs accountable for testing rape kits so that what happened to Valerie Neumann does not happen again

On May 24, 2018, episode 122, “Surprise! It’s Paul Holes,” a podcast called My Favorite Murder aired. The true crime comedy podcast done by Karen Kilgariff and Georgia Hardstark discussed an update on the case revolving around the Golden State Killer. Something brought up is testing backlogged rape kits that were being tested and the kits that could not be tested because they had been thrown out. The listener wonders about a point brought up, every rape kit that has not been tested signifies the possibility that there is still a rapist committing the same crimes. As time goes on, evidence decomposes, and the statute of limitations begins to run out on prosecuting the crime of rape and sexual assault. The podcast brings to light a problem within the criminal justice system and the policies and procedures surrounding rape kit testing.

The media ranges from print to broadcasting and can implement change and illicit public response faster than the legislature can, sometimes. The first time I was made aware of the backlog on rape kits was in this podcast about the Golden State Killer. From a research perspective, television shows and podcasts are not considered gold-standard sources. Still, they can start an initiative by shedding some light on public policy

problems. Unseen is a documentary about Anthony Sowell and the 11 women's remains found in his house. Episode 207 of the podcast My Favorite Murder discusses the pillowcase rapist. Another true crime podcast called Jensen and Holes: The Murder Squad discusses unsolved cases and invites listeners to send in tips and theories that could possibly solve an unsolved case. "As one who consumes true crime, you must be aware of the fact that you are a consumer of someone else's tragedy" (McNamara 2020, XIII). For instance, episode three, season twelve of Law and Order: Special Victims Unit, brings to light the rape kit backlog. This episode aired in 2010, and it showed the consequences that the rape kit backlog could have. These consequences include affecting survivors that their stories, experiences, and personal safety do not matter (Fucci 2015, 2).

In 1998, Shannon Schieber was raped and murdered in her apartment in Philadelphia. She was the fifth victim to be assaulted, and seven more were assaulted after her. For years, the police department had a system that let detectives and patrol officers get away with treating rape cases as being classified as non-criminal. This classification was called 2701, which meant it was "something so trivial it required no further police action". It was not until a few years later that all the 2701 shelved cases were to be re-examined. "681 were reclassified as rape and 863 were reclassified as other sexual offenses". Philadelphia was one of the first, behind New York, to change how they handle rape and sexual assault cases. One thing that did come out of the scandal in Philadelphia was an oversight committee that independently reviews how police handle rape cases (Walters 2013).

In 2004, Mariska Hargitay, Olivia Benson in *Law & Order: Special Victims Unit*, started the Joyful Heart Foundation (a nonprofit organization supporting survivors of domestic violence and sexual assault). One of the foundations' programs is End the Backlog, which became an utmost priority in 2009 when Hargitay learned about the backlog of untested rape kits from a Human Rights Watch (HRW) report (Hargitay 2018). This report was about the rape kit backlog in Los Angeles City and County. In the same year, Hargitay teamed up with Kym Worthy (Wayne County Prosecutor) to start an innovative program to track and test the roughly 11,000 SAKs found in an abandoned warehouse used by the Detroit Police Department to store evidence that dated back to the 1980s. This initiative revealed the rape culture and financial issues that allowed this problem to persist (Worthy 2018).

How does one try to solve this problem once and for all? Perhaps, the same system the United Parcel Services (UPS) uses to track and deliver packages could track these kits. It started in 2015 for about a year, and not a single SAK was lost. As technology has progressed, more tools have been created that can bring a criminal to justice. One of these tools is the Combined DNA Index System (CODIS). CODIS allows federal, state, and local forensic laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes to each other and known offenders. How a DNA profile comes about in a rape or sexual assault case is through a rape kit.

Based on the prevalence of this issue, this study will look at the rape kit backlog issue. The crime of rape is often overlooked by law enforcement and legislatures. "Girls' complaints about abuse were, until recently, routinely ignored" (Chesney-Lind 1989, 24). Just as rape kits were put away to sit on shelves, woman's interviews were just that;

interviews. As these kits sat on shelves, a rape kit backlog was obtained. To fix the problem and make sure it does not happen again, the issue must be analyzed. The policies and processes surrounding the testing of rape kits need to be better understood. This research hopes to establish a baseline understanding of the problem and recommend ways to provide some kind of accountability to reduce the backlog of rape kits. However, many states are also seeing a backlog grow as kits sit untested.

Literature Review

Given the importance of these exams, it is imperative to assess the issues arising over these tests. Over the past few years, it has come to the media's attention that many rape kits have sat on shelves and have created a rape kit backlog. Or the numerous kits that were destroyed in dozens of agencies across the country before they could be tested. Since the discovery of the rape kit backlog, there is a great need to accurately count the number of backlogged cases across the country and understand how it became so large. Two issues are surrounding the rape kit backlog. The first part happens once the rape kit has been booked into evidence. A rape kit can either be sent away for DNA testing or remain in a police evidence locker. Rape kits that remain in police evidence are often referred to as the "untested" or "unsubmitted" rape kits backlog (End the Backlog n.d.). The second part of the backlog happens once a rape kit is sent to the lab for DNA testing. When rape kits are not tested in a timely matter, the second part of the rape kit backlog is created. The Joyful Heart Foundation defines a "backlogged" kit at the DNA testing lab as one that has not been tested within 30 days of receipt by the lab. (End the Backlog n.d.)

The Backlog

Two national representative surveys that have been cited in literature time and time again were conducted by Lovrich et al. (2004) and Strom & Hickman (2010). Lovrich et al's study (2004) analyzes unsolved cases dating back to 1982 and found approximately 169,000 rape cases that had not been submitted to the lab. Strom and Hickman (2010) find that from 2003-2007, there were approximately 27,595 unsolved rapes that had not been submitted for testing. Strom and Hickman's (2010) study analyzed cases that had not been sent to the lab for testing. Strom and Hickman (2010) also found that the south had about half of the unsolved cases that had not been submitted for DNA testing. When these two studies took place, CODIS was reasonably new to law enforcement agencies, and there was a lack of funding and a lack of people to test DNA evidence. The main reason for not sending DNA evidence to crime labs for testing was because "a suspect has not yet been identified or the suspect had been adjudicated without forensic evidence testing" (Lovrich et al. 2004 & Strom & Hickman 2010).

The rest of the research about the rape kit backlog comes from case studies that have been conducted across the country. These case studies try to understand the scope of their jurisdictions backlog and how to eliminate it. The most cited case studies come from larger cities such as Los Angeles, New York City, and Detroit. The study done in Detroit, Michigan, tested around 900 untested rape kits. The sampling method was based on the SAK meeting four areas of criteria. The SAK needed to have never been submitted for testing before. The case still needed to be within the statute of limitations. The case had not previously been adjudicated, and the police report included information regarding the relationship between the victim and the offender. Even if the statute of limitations has run

out, rape kits can still be tested to find DNA matches and link the rapist to other crimes and could help to identify patterns of serial sexual assault. Around a third of the rape kits tested yielded DNA hits (Campbell et al. 2018).

Another important finding from the Campbell et al. (2018) study was that testing stranger and non-stranger SAKs could provide leads. Rape kits had been used as a check on the assailant to make sure they had the right person for the crime. This led to advocacy for using DNA testing as an investigative tool, not just as a reactive tool used during a rape investigation. However, Lovrich et al. (2004) and Strom & Hickman (2010) had found that the main reason for not submitting DNA evidence was because a suspect has not yet been identified (Lovrich et al. 2004). This finding goes along with the idea that DNA testing was used as a check on the assailant instead of an investigative tool.

Some of the most novel approaches to testing rape kit backlogs came from Los Angeles, California, and New York. These cities used a “forklift” approach to decrease their rape kit backlogs. The “forklift” approach was used instead of prioritizing cases. Here, all of the untested SAKs were tested and outsourced to private labs for testing because of the massive amounts of untested kits. New York City started testing its backlogged kits in 1999 when they discovered numerous rape kits were found in a police evidence locker that had been forgotten about. Several advocacy groups put pressure on police departments about the number of untested rape kits they have. They also file Freedom of Information Act (FOIA) requests and public records requests to find out the information they were not given. Los Angeles started testing its backlog in 2009 after being pressured by Human Rights Watch and various other advocacy groups that pressured the sheriff’s department to count and log each untested kit. Media reports from

advocacy groups began to come out about Los Angeles's backlog. These two different jurisdictions, Los Angeles and New York City used the same approach, and both had different outcomes and various events that began their project to test all their untested kits.

In New York, the forklift approach was used because vital police paperwork that went along with SAKs was missing, and as a result, they could not figure out which kits to prioritize over others (Vance 2019, 7). The Manhattan District Attorney's viewpoint was that every kit should be tested, whereas other jurisdictions believe that rape kits should be prioritized based on differing factors. Detroit, Michigan based its study on factors such as if the SAK had ever been submitted before, the statute of limitations, whether the case had been previously adjudicated, and what the police report said about the relationship between the victim and the offender (Campbell et al. 2018, 3796).

In the most successful case studies in the literature, New York was one of the first cities that successfully eliminated their rape kit backlog. Their forklift approach was successful and has proved to still have lasting benefits because of the policies implemented that keep a backlog from happening again. The statute of limitations for first-degree sexual assault was eliminated due to the success of the testing efforts in New York City. As all the kits were being tested using a forklift approach, some had been sitting in police evidence for longer than the statute of limitations. DNA matches would come back, but the cases could not be prosecuted because the statute had run out. As a response to this, the New York legislature eliminated the statute of limitations due to the number of kits that had never been tested that had DNA that needed to be tested. Most

states have adopted or have tried to adopt a DNA exception for rape and sexual assault cases to prosecute if there is DNA that needs to be tested and had not been tested yet.

Another lasting benefit is creating the Sexual Assault Kit Backlog Elimination Grant Program, which implements the same forklift model New York City used (Vance 2019, 10). Jurisdictions across the country applied for the grant to be able to test their backlogged or untested SAKs. “32 jurisdictions in 20 states received funding to test roughly 55,000 backlogged kits, generating DNA evidence that will help solve crimes for decades to come” (Vance 2019, 2). The average turnaround time for a SAK in New York now is 60 days, and DNA testing policy decreases the ability of a serial rapist to travel across jurisdictions to commit more crimes (Fucci 2015, 7).

Los Angeles, California, concluded that future testing of all backlogged SAKs is not recommended because there were few immediate case effects (Peterson et al. 2012, 104). Non-backlogged SAKs are untested kits in police property that had not been requested for testing versus backlogged cases, which were investigators from past years who had determined that SAK testing would not benefit the case (Peterson et al., 2012, ii). However, some long-term benefits resulted from testing the backlog, such as DNA profiles being entered into CODIS. The testing of non-backlogged SAKs shows more short-term benefits. If the impact of DNA evidence is to be shown, then the SAK needs to be tracked from the beginning of the process to the final case dispositions in court. One case study that did this was a study done in Cuyahoga County, Ohio.

Cuyahoga County, Ohio, tried to create a framework for other jurisdictions to be able to use to address their unsubmitted SAKs. They came up with four different stages; the testing phase, the investigation phase, the prosecution phase, and the disposition

phase. The testing phase is to extract a DNA profile and determine if it can be uploaded into CODIS. The investigation phase is to determine if a case can be prosecuted and if it cannot be, then why not should be recorded. The prosecution phase takes the completed investigation phase to be presented to a grand jury. The disposition phase consists of if cases are dismissed, proceeds to trial, or a plea bargain occurs. Cuyahoga County used this framework to try and capitalize on opportunities for missed justice. With a relatively high DNA “hit” rate as compared with other jurisdictions, Cuyahoga County was successful in their study of addressing their backlog and creating a framework that others can use (Lovell et al. 2018, 113). Not every jurisdiction that tries to eliminate their backlog is as successful as New York City, Detroit, or Cuyahoga County. They do not all have the same outcomes and resources when it comes to testing the backlog.

For example, Houston, Texas, found from its sample of sexual assault cases that testing had a minimal impact in their study. 73% of the SAKs screened positive for biological material, but detectives reported that 95% of the cases would not be advanced. SAKs that were tested had various reasons why many of them would not advance past testing the SAK. The top reasons for a SAK not advancing consisted of non-cooperative contact with the detective, the victim did not want to pursue charges, the victim failed to contact the detective, and the victim’s credibility was called into question (Fallik & Wells 2015, 609).

One difference between the study done in Houston and others in larger cities is the involvement. In Manhattan, the prosecutor’s office led the effort to test the kits. In Wayne County, the prosecutor found untested rape kits in a police storage facility that started Detroit’s initiative. In Houston, prosecutors became involved after the forensic

testing took place. There are benefits of having all groups involved in making decisions regarding cases (Fallik & Wells 2015, p. 614).

Why is there a Backlog?

Many different issues are going on, so sometimes, the backlog can be overlooked or forgotten. The backlog started in some jurisdictions because SAKs were forgotten about or discarded before they could be tested. It is a box that can sit in a warehouse or police evidence room and be forgotten. Although some see it as just a box, it is more than that. Each kit represents a person who had a crime committed against them, and the victim can never get what they lost back. Ultimately there is not enough money that can be allocated to each state without the possibility of bankrupting the state at the same time.

A backlog can occur from the number of kits in police custody that have not been sent away for testing. Law enforcement agencies do not track untested rape kits once they have been collected and put away. Campbell et al. (2018) investigated the rape kit backlog in Detroit, Michigan, to understand why rape kits were not being tested and found that some of the most substantial factors focused on victim credibility and victim cooperation. The law enforcement officer assigned to your rape kit decides whether or not the rape kit is sent to the lab for testing. "A central problem in addressing the rape kit backlog crisis remains a lack of understanding of the issue and a lack of commitment to resolving it because policymakers believe there are more pressing matters to address" (Fucci 2015,19). The cops that are not submitting rape kits are part of the problem behind the rape kit backlog. Campbell et al. (2018) focused on police's focal concerns because they are the ones who make the decisions about if a SAK is sent to the lab for testing. The study found three main reasons why SAKs were not submitted. They did not do anything

about the SAKs because the legitimacy of victims who knew their assailants were questioned, and there was a belief that victims were sex workers. They were unable to do anything about it because of the high number of caseloads and the understaffing that resulted in cutting corners for the unlimited amount of cases they had in a limited period. Then, when the kits were not the issue, some cases were weak in merit, which would not lead to testing the SAK (Campbell et al. 2018, 96).

There is a lack of policies and protocols that surround rape kit testing. Many decisions are made on a case-by-case basis when it comes to each rape kit. A study done in Detroit found that law enforcement personnel had negative perceptions and often fell prey to victim-blaming when it came to sexual assault victims. "Rape survivors were often assumed to be prostitutes and therefore what had happened to them was considered to be their own fault" (Campbell et al. 2015, 5). A study done in Arizona gathered 220 sexual assault reports to assess suspect identification and arrest. How credible a victim appears to the police officer assigned to their case can influence whether the kit will be sent for testing or not (Tasca et al. 2012, 1173). Tasca et al. found that victims with a history of drug use were perceived as less credible. Another finding was that the strongest predictor of lack of suspect identification consisted of rapes that involved strangers. There is a gatekeeping mentality of police toward rape victims, which leads to claims being dismissed and rape kits not being tested (Yung 2017, 206).

One of the main reasons why there are so many rape kits that go untested is a lack of funding and getting back DNA results in a timely matter. With the rape kit backlog, there are technically two different backlogs that can go on at one time. The kits that have been sent away to be tested are awaiting testing because either the number of kits sent

creates a backlog or the lack of money to test all these rape kits. “On average, it costs between \$1,000 and \$1,500 to test one rape kit” (End the Backlog n.d.). There are not enough resources within law enforcement agencies to keep up with the number of kits. Even though the statute of limitations may have run out on a rape case, there is still the issue of whether or not to test the untested rape kits.

According to End the Backlog, there are six pillars of rape kit reform that need to be implemented to ensure that a rape kit backlog never happens again. The six pillars require an inventory of untested rape kits, mandatory testing of backlogged kits, mandatory testing of newly collected kits, rape kit tracking systems, survivors’ right to notice, and state funding.

Some states are implementing the strategies suggested in the prior paragraph. One of the first things done in a majority of states that are attempting to eliminate their SAK backlog is mandating a statewide count of SAKs; in other words, doing what some states call an audit of all the untested SAKs that are either in police storage or in hospitals. What the audit does is gets an accurate count of the number of untested SAKs in the state. Once a precise count is conducted, the state can gauge how much money would be needed to test all SAKs. “On average, it costs between \$1,000 and \$1,500 to test one rape kit” (End the Backlog n.d.). In some cases, enough money can be allotted to test all SAKs, but this is not always the case.

Once a jurisdiction has an accurate account of the extent of their backlog, they can strategize on different ways to reduce their growing rape kit backlog. The types of reforms that are implemented after rape kit backlogs are found show how well the

legislature reacts to these kinds of problems. Once these reforms are implemented, these policies should be assessed to determine these reforms' effectiveness.

However, the only issue surrounding the backlog is not just money and testing capabilities. Another problem arises as the statute of limitations runs for this crime. There have been initiatives to combat this through the me too movement and the case surrounding the prosecution of Bill Cosby. If survivors are silent for too long or their rape kit was not tested for an extended period, the statute of limitations on the crime can run out. As DNA testing advanced very quickly, it became evident that most states statute of limitations for rape were becoming strained. Although you could test DNA and find a match, there was still the possibility that your rape kit took longer to process than the current statute of limitations. Once that time limit ran out, then it ran out, and there was nothing you could do about it. As all this DNA evidence accumulated, it would take longer to test all rape kits. Above every rape kit is a ticking clock that acts as a time limit.

The Media

Ultimately, there seems to be an event brought to the public's attention that incites legislation change or exceptions to be made. Whether it is the publishing of rape kits being thrown out before the statute of limitations expired in Missouri or the finding of 100s of forgotten rape kits in old police evidence storage. In Arkansas. it was an audit in 2015 that started to uncover Arkansas backlog of over 1,500 SAKs that had never been tested. A Fox16 investigation published the results of the initial audit that brought the problem to the public's attention. Texas had their rape kit backlog discovered in 2011 after an audit was done at all the state labs. Missouri was in the news for throwing out rape kits before the statute of limitations had expired. Missouri did not do its first

statewide voluntary audit until 2017 after a Missouri newspaper investigated the backlog. In Louisiana, a DOJ investigation took place in 2010 that brought to light over 800 untested SAKs in NOPD's possession. A yearly mandated audit was made law in the state in 2015. In Tennessee, a Memphis television station started an extensive investigation into rape kit testing, and two days later, Memphis changed its testing policy (Tompkins 2010). A five-part series done by The Frontier in 2017 sheds light on how the crisis of rape is often hidden in Oklahoma. Oklahoma also seems to have a possibility of SAKs being destroyed over the years.

The events that led to the discovery of a backlog or mishandled SAKs can take the public by storm and bring legislatures to enact laws concerning the problem. The media plays a large role in this project because each state in question had events, mostly brought to light by the media, that started the legislative reforms that were put into place to address the rape kit backlog.

National Legislation to Address the Problem

In 2013, Congress enacted the Sexual Assault Forensic Evidence Reporting Act (SAFER Act) as a response to funding that was supposed to be allocated for taking inventory and testing SAKS was being spent elsewhere. The SAFER Act required that at the least "three-quarters of the funding for SAKs is actually used for testing or taking inventory of the kits" (Reilly 2015). The SAFER Act established and implemented a grant program to help establish an inventory, especially in smaller departments that cannot afford to do the inventory independently.

The grant program that stemmed from the SAFER Act is the National Sexual Assault Kit Initiative (SAKI). The program launched in 2015, took the initiative that

every kit in every jurisdiction needs to be accounted for. In four years, the Bureau of Justice Assistance (BJA) has “identified over 200,000 unsubmitted SAKs that spread across 54 jurisdictions in 35 states” (BJA 2019). One finding proves essential for law enforcement in the future. Testing so many SAKs helps identify offender behavioral patterns and the discovery that “many offenders are serial in nature, and that offenders are non-preferential” (BJA 2019). This aligns with one of the conclusions from the Campbell et al. article that testing stranger and non-stranger SAKs can provide leads instead of the age-old negative and victim-blaming beliefs when it came to victims.

This can be seen as attacking a victim’s character. One instance where a woman’s behavior was brought into question was the case of Joan Little. Her behavior “was not up to the general moral standard of the community” (McGuire 2010, 257). By putting Little in this light, the prosecution made her out to be someone who deserved what happened to her. “When prosecutors could not rattle Little, they attacked her credibility and portrayed her as a prostitute” (McGuire 2010, 272). This case took place in 1974, and although there are now rape shield laws in place, some law enforcement officials still believe that some sexual assault victims were just prostitutes and now victims.

One of the first recipients of the SAKI grant was Cuyahoga County, Ohio. The event that started the initiative took place in 2009. Anthony Sowell (The Cleveland Stranger) was arrested after police discovered 11 remains of women in his home. These women revealed inconsistencies in following up on crime reports. This put Cleveland in the same boat as New York City and Los Angeles that caused public outrage across jurisdictions. “What each state did about its backlog depended largely on its law enforcement leadership” (BJA 2018). Hence, the Cuyahoga County SAK Task Force was

formed as a response to the backlog in 2013. In 2015, Cuyahoga County received a SAKI grant that totaled \$7 million. The majority of the grant went to the investigation and prosecution phases. The results began to change the way that law enforcement investigated cases of rape and sexual assault. Note that reported rape across the country has increased since 2015 because of the expanded federal reporting standards that included more types of sex crimes (Phillips 2016). Also, “there is no national database that tracks sexual assault kit testing” (Munson 2018).

States Reporting No Backlog

As of September 2020, Colorado, Connecticut, Florida, Kentucky, Oregon, Utah, Virginia, and Washington D.C. have cleared their backlog. Colorado cleared their backlog in 2016 of 3,542 untested SAKs from nearly 300 law enforcement agencies that resulted in 1,556 DNA profiles and 691 generated investigative leads to pursue. “It took 18 months, \$3.5 million, and four out-of-state laboratories to test all of the kits” (Phillips 2016). Over the years, Colorado has enacted laws that require all law enforcement agencies to report the number of untested SAKs to the Colorado Bureau of Investigation (CBI). The law also requires testing of all previously untested kits within 120 days, and for law enforcement to send new kits for testing within 21 days (End the Backlog, Colorado n.d.)

In 2015, Connecticut became aware of their backlog after a survey had been done that brought to light 1,888 untested SAKs across the state. The Governor established a working group to coordinate tracking and testing of the SAKs, and the state passed a law that requires law enforcement to deliver all SAKs to the state Crime Lab within 10 days, and the kits must be analyzed within 60 days (Munson 2018). Another initiative that

Connecticut took was purchasing the UPS tracking system, which works the same as a tracking number for a package. It goes through the process of testing and moves from the evidence locker to the lab to be tested (Munson 2018). Regarding grants, Connecticut was awarded two grants from the DOJ in 2015 and 2017 that totaled \$3.25 million. Using this grant money, the state completed testing of all old, untouched kits and started analyzing partially tested kits along with the 600 kits the Crime Lab receives every year. From the testing of old SAKs, the state created 368 new profiles in the national DNA database for violent crime, and more than 100 hits already in the database (Munson 2018).

Florida completed a three-year project to process SAKs in labs after a 2016 Sexual Assault Kit Assessment. 8,023 SAKs were processed and resulted in 1,814 CODIS hits, eliminating the backlog (Florida Department of Law Enforcement 2019). Procedures were also adopted to ensure that a backlog would not happen again in the future. SAKs were submitted starting in 2015 through June 2019 (Florida Department of Law Enforcement 2019). The number of CODIS hits that resulted from testing all of these backlogged kits will allow law enforcement to find many of the assailants that committed these crimes hopefully.

One state in particular that has done a lot of work to keep up with their backlog is Kentucky. In 2015, a resolution passed that required the State Auditor to count the untested SAKs in Kentucky. This investigation found 3,090 untested SAKs in law enforcement agencies and at the KSP forensic laboratory. Later that year, the state received a \$1.9 million grant from the District Attorney of New York and began sending kits to be tested at a private lab. In 2016, a group determined guidelines for notifying

survivors whose kits had been tested by looking at best practices from other jurisdictions. The same year the legislature passed a reform that required all SAKs to be submitted and tested within certain time limits. Two SAKI grants were awarded to the Office of the Attorney General to establish a SAKI Cold Case Unit, hire investigators, and an analyst for the Cold Case Unit. In 2019, legislatures passed a bill requiring police to establish a rape kit tracking system (Kentucky Backlog Initiative n.d.).

Current Status of the Backlog

As of July 2019, the ASCLD reported an estimates 98,022 sexual assault evidence kits that need to be analyzed across the United States and Puerto Rico. The ASCLD distributed a survey and received an overall 79% response rate from DNA CODIS Laboratories that they distributed the survey to (Sudkamp 2019, 1). This is the latest nationwide representative survey done regarding this subject. “Over the years, thousands of untested kits collected in police evidence rooms, a result of tight budgets, overworked crime labs and a common law enforcement philosophy that rape kits were useful as evidence only if a stranger had committed the assault” (Grissom 2013). Given the prevalence of this issue and the need to further understand the problem, this study will further assess this topic and add to the literature. The plan to carry out this study is described in the next section.

Research Question and Design

The purpose of this paper is to understand better why these backlogs exist. Given the time limitations to carry out this study, I will focus on states in the country’s southern region. Strom and Hickman (2010) found that the south had about half of the unsolved cases that had not been submitted for DNA testing, and southern states have been slower

to enacting statewide reform. Thus, this study will focus on the following states, Arkansas, Texas, Oklahoma, Missouri, Tennessee, and Louisiana.

This study asks several important questions, to carry out this study, including, first, is there similarities in the southern states I address? If so, what are they? In the states with and without backlogs, what are the resources available to test rape kits? What are the laws regarding the crime of rape and rape kits in each of these states? I will address these questions for each of the studies I focus on in this study. The key source for research will come from data collected from government sources, primarily their state websites. The research in this paper is largely descriptive and will serve as the basis for future research on the topic. The states addressed in this paper, Arkansas, Texas, Tennessee, Oklahoma, Missouri, and Louisiana, have been understudies regarding their rape kit backlog. Most of the case studies done are over large cities or states with a tremendous backlog that has been cleared through different measures. These six states have customarily been left out of the topic because their numbers are smaller, and the information available is not readily available. Each state in this study has similar laws and procedures concerning the subject at hand. Each state also follows the same pattern of adopting new legislation.

Research Findings

Arkansas

During the 87th General Assembly, House Bill 1058 was drafted originally to eliminate the Statute of Limitations indefinitely for rape. The bill was pre-filed before the 2009 session. Concerns were raised about removing the statute of limitations completely, so it was revised to abolish time limits on prosecution only if DNA evidence exists. In

Arkansas, rape is a Class Y felony, which is the most serious classification that is not punishable by death (RAINN 2020).

In 2015, Act 1168 was passed in Arkansas, requiring a statewide audit of any untested SAKs and associated evidence stored in law enforcement agencies and health care facilities. The first audit was published in a newspaper article back in 2015. After looking for the audits that followed in the years after, I realized that these audits are sent to specific congress members in the Arkansas legislature. So, I reached out and asked if I could have access to them, and my wish was granted. The information provided below came from those audits.

To make sure the act was complied with, requirement letters were distributed to organizations and associations across the state that would need to comply with Act 1168. Act 1168 requires that each year “on or before February 1st, the State Crime Laboratory shall prepare and transmit to the President Pro Tempore of the Senate and the Speaker of the House of Representatives a report containing:

1. A compilation of the data submitted by law enforcement agencies and healthcare providers under this section, with the data reported in the aggregate; and
2. A plan to address any backlog of untested sexual assault collection kits.

Before Act 1168 was enacted, the state crime lab audit of the 10 largest law enforcement agencies to the number of untested SAKs. “This survey identified 1,513 sexual assault kits” (Channell 2015, 1). As a response to Act 1168, 704 untested SAKs were identified in 184 law enforcement agencies and nine health care providers.

Throughout the state, there are 237 law enforcement agencies. The 704 untested SAKs

brought the total to 2,217 as of December 2015. This is not all that was found. The reasons why kits were not submitted were also listed. The top reasons listed were, the victim elected not to go into Criminal Justice System (130), kits were identified with no other information from law enforcement (111), and they were not relevant/suspect claims consent/juvenile (84). What came from using the forklift approach to test all these SAKs was that “the lab had 179 hits in the process of testing the kits” (Zygowicz 2018). The funding to test the initial 1,513 SAKs came from the Manhattan District Attorney’s Office, which totaled \$97,121. Out of the 1,260 backlogged kits sent for DNA testing, they resulted in 274 DNA profiles entered into CODIS. This grant program allowed Arkansas to take the “first step in a holistic, victim-centered approach to sexual assault investigation” (Vance 2019, 31).

In 2014, the Arkansas State Crime Lab was awarded \$805,759 to prevent future backlogs in the state (BJA Awards 2014). In 2016, the Arkansas State Crime Lab was awarded \$734,944 from the DNA Backlog Reduction Program to decrease its around 1,000 backlogged cases and decrease testing kits’ turnaround time (BJA Awards 2016). In 2018, the Arkansas State Crime Lab was awarded \$880,122 from the DNA Backlog Reduction Program to decrease its around 3,200 backlogged cases, purchase additional equipment for DNA testing, and hire more DNA analysts (BJA Awards 2018).

In 2016 and 2017, in accordance with Act 1168, 24 law enforcement agencies submitted a response to the audit. 96 SAKs were identified that had never been submitted for testing; 83 of those were accounted for in the 2016 inventory (Channell 2017, 1). The top reasons for the other 13 not being submitted are that the prosecutor declined (6) or currently being investigated (4). Three health care providers reported 19 SAKs as

unsubmitted to the lab. Health care provider's main reasoning is that the patient did not want the incident to be reported to law enforcement (Channell 2017, 1-2). The Arkansas State Crime Lab then was still processing older SAKs that were identified before 2017 and any cases that were actively being investigated.

For the 2018 and 2019 audit, 14 law enforcement agencies and two health care providers submitted responses, and 145 SAKs were identified as unsubmitted for testing. 125 were accounted for in the 2018 inventory, and the remaining 20 came from the 2019 inventory (Channell 2019, 1). The main reasoning reported for those 20 SAKs were either they were currently being investigated (8) or the victim was a Jane Doe (6). The initial 1,260 SAKs sent for testing in 2015 had all been tested and reported to law enforcement as of January 2019. Around this same time, the website was launched to track and inventory SAKs across the state. This program is utilized by all hospitals and 64 law enforcement agencies in the state. As of November 2019, according to End the Backlog's map, Arkansas has a backlog of 370 SAKs that are part of an active backlog, meaning they are in the process of testing and analyzing the data in the kits.

In 2019, Arkansas enacted a law that "required health care providers to enter rape kit evidence into an online tracking system" (Bowden 2019). The online tracking system is utilized by 68 Health Care Providers and 120 Law Enforcement agencies as of December 2019. It allows victims to track the progress of their rape kit. The bill also "gives the Crime Lab 60 days to test the kits" (Bowden 2019).

For the 2020 audit, 39 SAKs were not submitted for testing (Channell 2020, 2). Of these 39, the main reasons they were not supported are that the prosecution declined (10), the victim refuses to prosecute, or at least not to participate further in the criminal

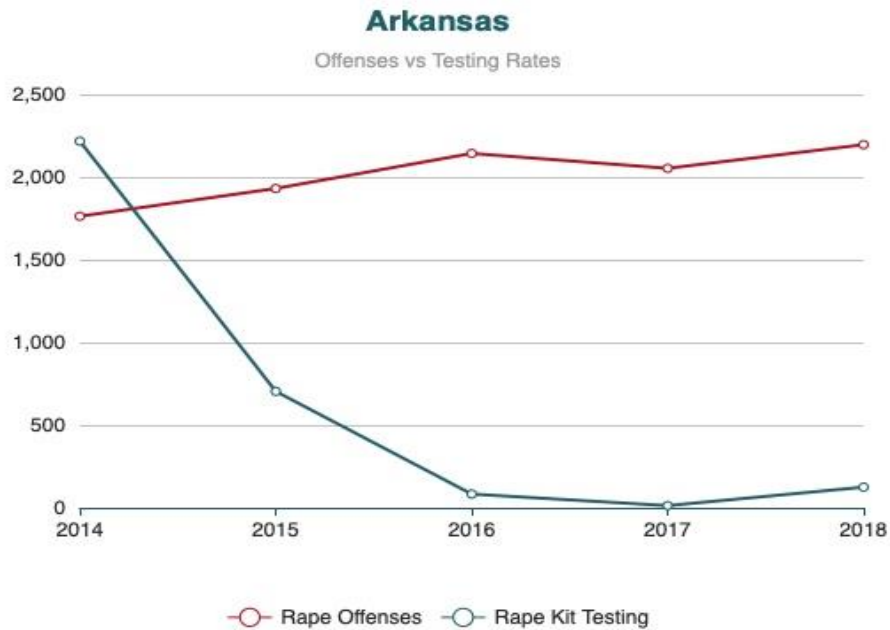
justice process (10), or other (11) (Channell 2020, 1). One of Arkansas's main problems is a lack of DNA analysts to test SAKs at the Arkansas Crime Lab. Other factors that contribute to whether the SAKs are completed in a timely matter depending on the number of SAKs sent to the lab, lab requests from different crime categories, and the technology/testing methods available.

As of 2014, in Arkansas, "1,500 sexual assault evidence collection kits are provided to the state crime lab each year, which are then dispersed to local hospitals, and it costs \$10,350 annually" (Glisovic 2014). Although according to the FBI's Uniform Crime Report (UCR), the reported rape offenses in Arkansas in 2014 were 1,763. Now, the number of kits distributed each year is not equal to the number of offenses committed. Legislatures cannot plan for how many rapes or sexual assaults will be committed in a year, but they can plan based on crime statistics in the past. Not every person who gets raped or sexually assaulted will get a rape kit done, and not every rape kit gets recorded as an offense of rape or sexual assault. Police or investigators can interview a witness and decide whether their case would stand. If the case does not stand, then the SAK does not get sent for testing at a crime lab.

Something to note that I mention in all of the graphs is the new rape definition that changed the Uniform Crime Reports (UCR) definition of rape. The new definition went into effect at the beginning of 2013. The old UCR definition was: "the carnal knowledge of a female forcibly and against her will" (FBI: UCR 2013). The new definition of rape is "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" (FBI: UCR 2013). The term forcible was removed from the new

offense, and the new definition allows the crime of rape to happen to both male and female victims.

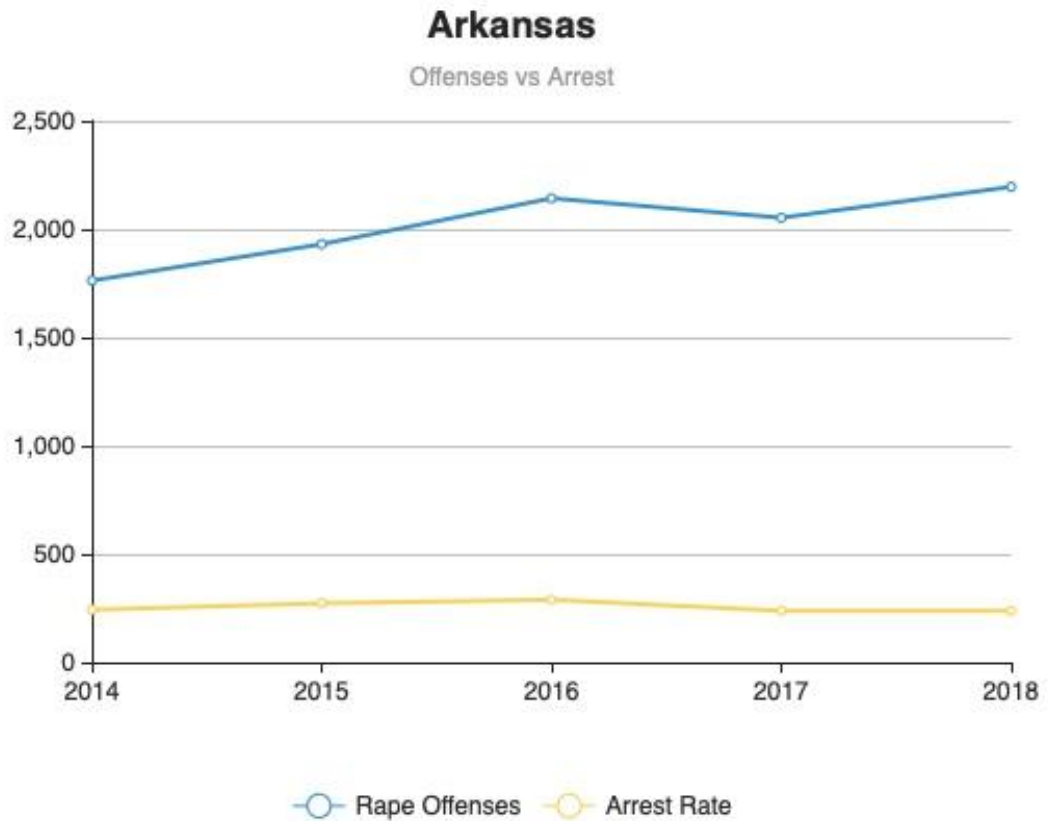
The table below details the offenses of rape in Arkansas from 2014 to 2018 and the testing rates that were exhibited over the years.¹



As you can see, the rate of offenses is over the amount of testing completed in the state. As more and more offenses are committed, the backlog can grow if the testing rate is not consistent with each year’s offenses. We see in 2014 where the testing rate exceeds the offenses, and that is because this was right after Arkansas received a grant to test its backlogged kits. For the backlog to be eliminated, testing rates have to be consistent with the offenses committed.

¹ The data was compiled from various state websites that detailed Arkansas backlog testing and the offense rates come from the FBI’s UCR tables.

The next graph is the number of reported offenses compared to the arrest numbers in Arkansas. The year range is 2014 to 2018, again for this graph. ²



As you can see, the offense data and the arrest numbers are not consistent. Note, there is a jump in 2016 concerning the rate of arrests. The lowest number of arrests is in 2017 and 2018. The lowest offenses took place in 2014. However, the arrest numbers in 2016 spike upwards and then decrease the year after. The offenses jumped up in 2016 after the definition of rape was revised in 2013 to be a more exclusive definition. More offenses are committed as time goes on, and the arrest numbers should coincide with the offenses

² The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018. There was not a singular table over the years in question, so I had to go and find all of the ones for subsequent years. Same goes for the other states.

recorded. Although they do not, this allows more offenses to be committed and the ability for serial rapists to continue committing their crimes.

Texas

Texas began its legislation efforts toward ending its backlog in 2011. Texas was one of the second states to enact a law that requires newly collected SAKs to be sent to a crime lab within 30 days for testing. Another requirement is for law enforcement agencies to conduct an audit of untested SAKs in storage facilities. The initial deadline for the audit was October 2011, but it was met with resistance. In Texas, there was the worry that “requiring DNA testing on all rape kits could do more harm than good...it might further clog the system” (Grissom 2013). Cities such as Houston, Texas saw results from eliminating their SAK backlog, using unconventional means to raise funds to pay for SAK testing, such as “a fee collected from strip club patrons” (Grissom 2013). In 2013, Texas legislators appropriated \$11 million that was earmarked for the Texas Department of Public Safety (Aguilar 2013).

In 2015, the Austin Police Department, Jefferson County Regional Crime Lab, and the Travis County Sheriff’s Office received funding from the Manhattan District Attorney’s Office. The funding totaled \$2,881,176 to test 4,515 SAKs. In the Austin Police Department, there were 2,450 backlogged SAKs that were outsourced for DNA testing. This resulted in six DNA profiles being entered into CODIS and two CODIS hits. In the Jefferson County Regional Crime Laboratory, 586 backlogged SAKs were sent for DNA testing. This resulted in 229 DNA profiles being entered into CODIS and 122 CODIS hits. The Travis County Sheriff’s Office had 83 backlogged SAKs that were sent

for DNA testing. This resulted in 34 DNA profiles being entered into CODIS and 13 CODIS hits (Vance 2019, 43-44).

In 2015, the U.S. Department of Justice Bureau of Justice Assistance (BJA) awarded Dallas County \$1,559,170 (End the Backlog Texas n.d.), and this money came from the SAKI grant program. In Dallas County, there were around 4,000 SAKs that needed to be tested. In September of 2015, approximately one-quarter of the kits had been tested, which “yielded 170 hits in a DNA database” (Mervosh 2015). The grant also provided funding for six new employees. The employees who would handle prosecuting’s workload include “four prosecutors, four investigators, two victim advocates, and a legal assistant” (Mervosh 2015). In 2018, BJA awarded Dallas County \$1.83 million to sustain the work they had been doing (End the Backlog Texas n.d.).

In 2017, BJA awarded the City of Austin Police Department \$2 million in grant money to test at least 3,700 untested SAKs and to hire new staff to help to clear the backlog (SAKI, n.d.). To keep up with the initiative that Austin showed, in 2018, the BJA awarded another \$1 million to sustain their work (End the Backlog Texas n.d.). Part of that grant goes toward hiring an additional employee for the “Sexual Assault Evidence (SAE) Tracking Program who will facilitate the implementation of the SAE Tracking Program” (NIJ 2018). This grant allowed the Texas Department of Public Safety to utilize CODIS software that will enable them to track a CODIS hit through every stage of the criminal justice process, including the prosecution or disposition of the case.

In 2019, SAKI awarded the Denton Police Department \$499,890 to test, track, and inventory SAKs. Denton plans to do with the grant to “improve evidence storage and preservation of physical evidence” (SAKI, n.d.). The Texas DPS was also awarded two

grants in 2019 that totaled around \$2 million. The funding is to collect DNA samples from sex offenders and felons in the state (SAKI, n.d.).

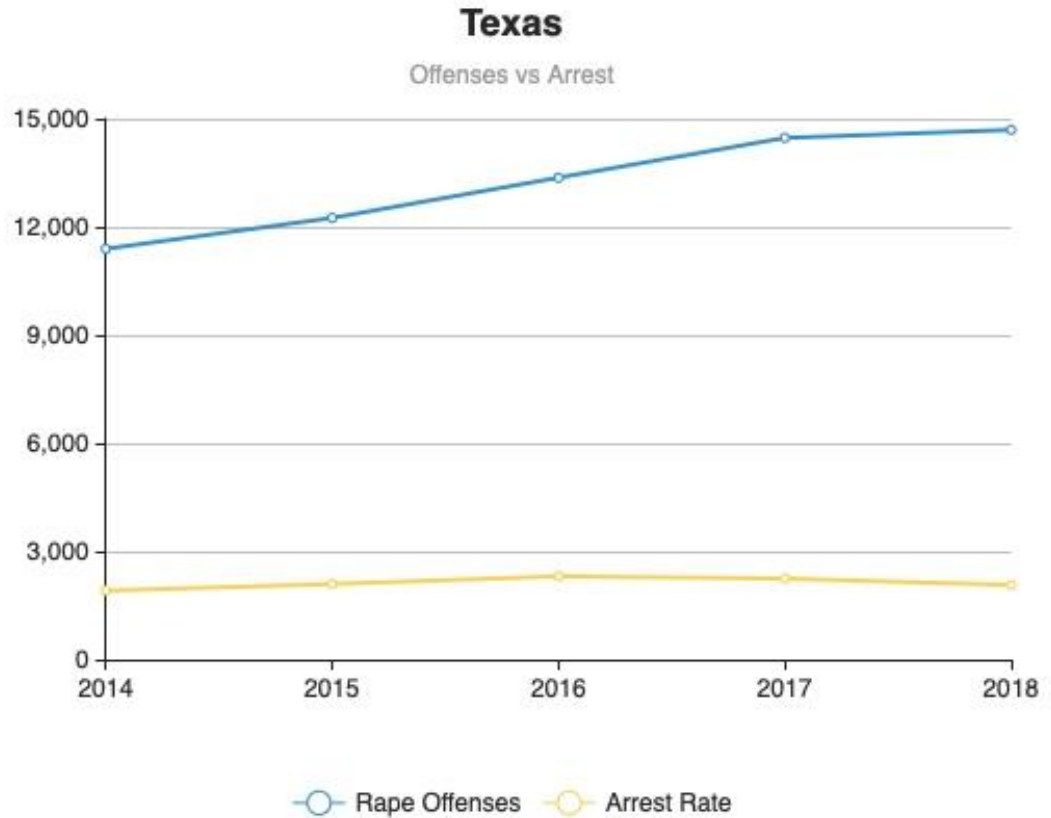
Regarding legislation passed, Texas enacted multiple rape kit reform laws in 2017. House Bill 1729 allows a voluntary contribution to the evidence testing grant program when people renew their driver's license or I.D. (Neave 2017). House Bill 3152 designates which Texas health care facilities are "SAFE-ready", SAFE meaning a Sexual Assault Forensic Examiner who has specialized training when it comes to conducting this type of exam (Thompson 2017). In a way, the bill strengthens the access that survivors have to a high-quality exam (End the Backlog Texas n.d.). This bill is a way to address the problem of the lack of SANE nurses across the country. Texas did it in 2017, but a U.S. Senator, Patty Murray, has been trying to introduce the Survivors' Access to Supportive Care Act every year since 2016. It still has not been passed by Congress (Lavoie 2019). House Bill 281 required that a statewide SAK tracking system be established. It enables survivors to track their SAK anonymously and allows any entity providing a chain of custody to track the SAK or update its progress (Howard 2017). In 2019, House Bill 8 was enacted, which removes the statute of limitations for sexual assault if, during the investigation, DNA is collected and in the case that the SAK has not been submitted for DNA testing. The bill also requires that SAKs be tested within 90 days of arriving at the crime lab, mandates an audit of all rape kits in the state, prohibits the destroying of SAKs for 40 years, and requires a protocol to be developed to notify victims before a SAK is planned to be destroyed (End the Backlog, Texas n.d.). House Bill 8 is also known as is the Lavinia Masters Act. Masters was raped at knifepoint at 13, and "her rape kit was not tested for more than 20 years, which was the statute of

limitations for the crime at the time” (AGN Media Editorial Board 2019). The estimate of the budget that will be set aside to test the backlog for cases such as Masters is around \$54 million.

The Survivors’ Access to Supportive Care Act was first introduced in 2016 and every year since. The bill tries to resolve one of the problems associated with the rape kit backlog, lack of funding to provide specialized training to nurses because there is a shortage of Sexual Assault Nurse Examiners (SANE) that are trained to do the forensic exam associated with a SAK. Another problem arises with retaining SANE because “being a forensic nurse can be emotionally toxic at times” (Lavoie 2019).

This graph compares the number of offenses compared to the arrest numbers in Texas. The year range is 2014 to 2018, and Texas is the state in this study with the highest number of offenses for rape. ³

³ The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018.



As you can see, the number of offenses and the arrest numbers are not consistent. More offenses are committed as time goes on, and the arrest numbers should coincide with the offenses recorded. There is a spike in arrests in 2016, but the arrests declined in 2017. A trend in this state, as with many others, is that as time goes on, the offenses increase. In this state, we also see that after 2015, offenses rise tremendously, which could be attributed to the definition of rape changing.

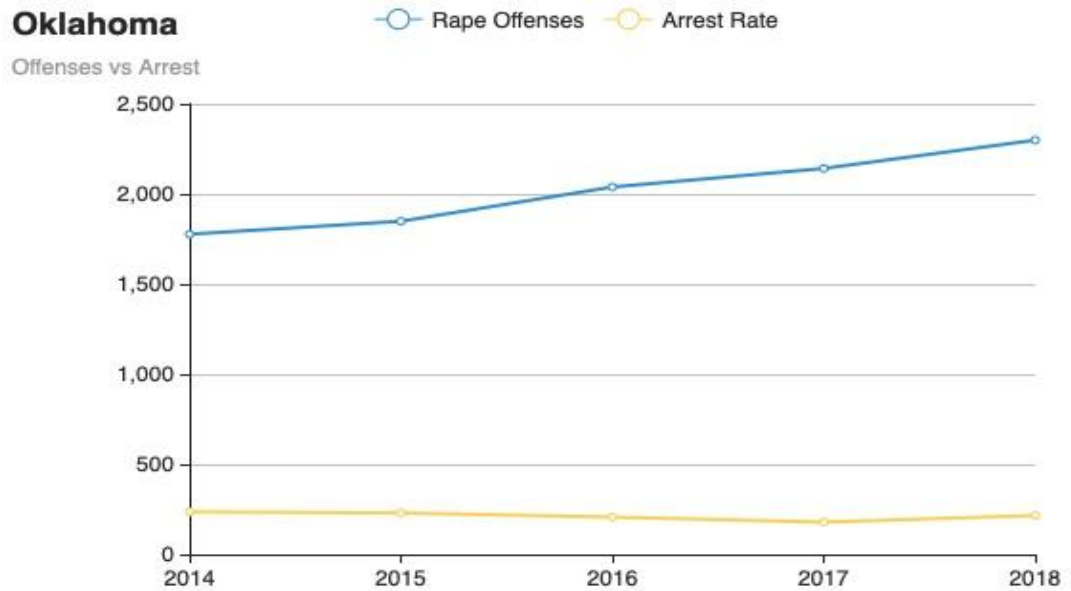
Oklahoma

Oklahoma’s story starts a little later than most other states. In 2017, the Governor signed an executive order that told law enforcement to audit and report their numbers of untested SAKs. Out of 432 law enforcement agencies in the state, 312 responded to the survey. Out of those 312 law enforcement agencies, there was a total of 7,270 untested SAKs (Slipke 2018). In Oklahoma, the Governor created a statewide task force to

determine the number of untested SAKs and figure out which recommendations to move forward. In 2018, Oklahoma legislators introduced a bill to mandate annual inventory reports, as Arkansas does, but the bill failed to pass (End the Backlog Oklahoma n.d.). In 2018, the U.S. Department of Justice Bureau of Justice Assistance (BJA) awarded Tulsa \$1.5 million. According to the audit, Tulsa had 3,000 untested SAKs in their possession. As a result of the grant money, 750 of the 3,000 SAKs will be tested with the SAKI grant Tulsa received. The other portion of the SAKI grant will hire a detective to work on cold cases, an investigator for the DA's office, a victim advocate for the SVU unit, and a Tulsa graduate student to serve as a research partner (Slipke 2018). In 2019, the BJA awarded the Oklahoman Office of the Attorney General \$2.3 million to review legislation, protocols, and policies on how to handle SAKs (SAKI, n.d.). Oklahoma had enough grant money to provide funding for 1,250 SAKs to be tested in private labs, and the Attorney General estimates that "testing those kits will take about 80 to 90 days" (Four States Homepage 2020).

Oklahoma also enacted two new laws in 2019. One established a statewide rape kit tracking system that requires that every law enforcement agency, medical provider, or forensic lab that participated in the initial audit must participate in the new tracking system. The other law requires that SAKs be submitted for testing within 20 days, requires each crime lab to adopt procedures when it comes to dealing with newly collected SAKs and untested SAKs, and that the SAK be retained for no less than 50 years or the length of the statute of limitations (Floyd et al. 2019). Unfortunately, "legislation that grants survivors a right to know the status of their rape kit did not pass out of committee, for the second year," (End the Backlog Oklahoma n.d.).

The graph below details offenses of rape committed in Oklahoma during 2014-2018 and compared it to the number of arrests for the crime. ⁴



As with other states discussed in the study, Oklahoma’s offense numbers and arrest rates are not similar. Offenses in this state increase in 2015 and increase again, tremendously in years after. The arrest rate stays pretty much the same across the years, with the lowest year being in 2017. With this state, as is with others, the spike in offense can be attributed to the new definition of rape that went into effect in 2013.

Missouri

The situation in Missouri is Mixed. In Springfield, Missouri, it was revealed that around 200 SAKs had been destroyed since 2010. “In at least 108, the kits were destroyed before the statute of limitations expired or when there was no time limit to prosecute” (Fantz 2018). This emerged shortly after CNN had done an investigation into

⁴ The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018.

rape kits being destroyed. In 2014, The Accountability Project issued an open records request for the cities of Kansas City and St. Louis. These records request revealed 1,324 untested SAKs in Kansas City. Still, surprisingly, the St. Louis Police Department Crime Lab screened or processed almost all SAKs between 2004 and 2014 (End the Backlog Missouri n.d.).

By 2015, the Manhattan DA's Office awarded the Kansas City, Missouri Board of Police Commissioners \$337,197 to test 527 untested SAKs. This resulted in 156 DNA profiles being entered into CODIS and 103 CODIS hits. Part of the impact from this grant "found that anonymous and non-reported kits were inflating perceived backlogs in Kansas City and with new legislation prompted the implementation of a new DNA workflow (Y-screening) where SAKs with no requests for testing may now be evaluated for male DNA" (Vance 2019, 40).

In October 2017, a media report shed light on Missouri's policies concerning sexual assault and rape evidence. Typically, agencies did not send evidence to be tested "unless the survivor wants to go forward with possible charges" (Brett 2017). When the article was released, there was no law requiring any agencies to audit the number of unprocessed SAKs stored in their facilities, so many did not. The Missouri Coalition Against Domestic and Sexual Violence, at this time, was prioritizing a "standardized sexual assault kit to be used and standardized curriculum for sexual assault forensic examiners" (Brett 2017). The Highway Patrol provided the kit that was being used beforehand. Practices used in Missouri, at this time, concerning SAKs ranged; "some hospitals destroy the evidence after 30 days, and others hold them for years, even though

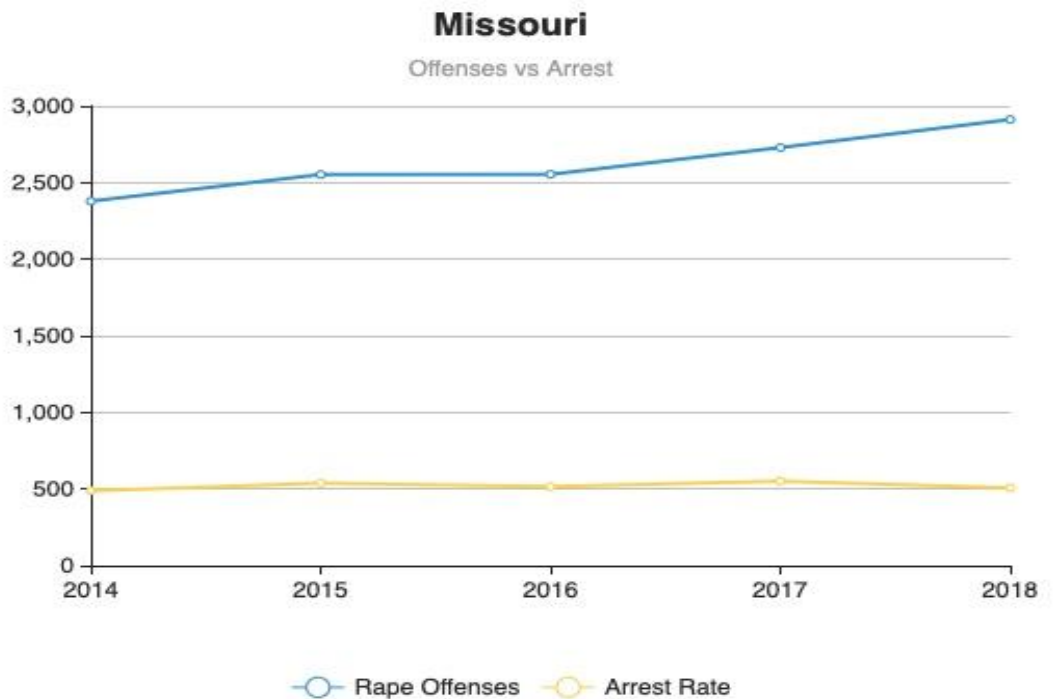
the DOJ recommends that sexual assault evidence should always be transferred to law enforcement” (Brett 2017).

In May of 2018, an inventory report showed that 4,889 SAKs in Missouri had not been submitted for DNA testing. In October of 2018, the Office of the Attorney General reported 5,424 untested SAKs (End the Backlog n.d.). In 2018, the U.S. DOJBJA awarded the Attorney General’s office \$2.8 million to complete a statewide SAK inventory and submit SAKs for testing based on the statute of limitations deadline (SAKI, n.d.). As of March 2020, there is only a statute of limitations for second-degree rape, which is three years (RAINN 2020). The inventory revealed 7,019 untested SAKs, and 5,285 of those had accompanying police reports, and all previously tested kits were considered reported, leaving 4,455 untested reported SAKs (Schmitt 2019, 8).

By 2018 Missouri also enacted a law requiring the state to develop procedures for SAKs. The procedures must require law enforcement to submit a SAK within 14 days of possessing it and must keep the SAK for 30 years if not adjudicated (End the Backlog n.d.). In 2019, a bill was introduced to keep a SAK for the maximum statute of limitations allowed. The bill also tried to allow survivors to be notified regarding their SAKs progress and be notified at least 60 days before a kit was destroyed. This bill failed to pass (End the Backlog Missouri n.d.). In 2020, legislators introduced three rape kit reform legislation: House Bill 1815, Senate Bill 569, and Senate Bill 812. House Bill 1815 and Senate Bill 569 are similar and require that the Attorney General establish an electronic tracking system, allow survivors to monitor their kit’s status, and be notified of any updates (Kelly 2020). Senate Bill 812 would establish Missouri’s Sexual Assault Survivors’ Bill of Rights, granting victims the right to be informed about their kit’s status,

among other rights (Bruntrager 2020). In July of 2020, Senate Bill 569 was signed into law, which requires SAKs to be taken to the crime lab within 14 days and mirrors House Bill 1815 and Senate Bill 812, which were introduced in 2020 (End the Backlog Missouri n.d.).

The graph below details the offenses of rape committed in Missouri during 2014-2018 and compares it to the number of arrests for the crime. ⁵



Missouri’s rape offenses increase after 2016 as with other states coinciding with the new definition of rape. The offenses stay around the same area that is slightly above and below 500 arrests for the crime of rape. The offenses are still much higher than the arrest numbers that are recorded in Missouri. Something to note in Missouri is that the state’s

⁵ The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018.

offenses are most similar to that of Tennessee. Although, Tennessee's arrest rate is tremendously lower than that in Missouri.

Tennessee

A major part of the problem that the rape kit backlog in Tennessee is a lack of funding. Tennessee is no different, but there was a possibility that a large number of untested SAKs could have been tested earlier than they were. Also, victims have taken the accountability of law enforcement to further lengths. Three victims sued Memphis and other officials because their rape kits had not been tested. Memphis moved for summary judgment, and the case was dismissed in 2017. Two of the Jane Does's appealed to the Sixth Circuit Court of Appeals, and the case was reversed and remanded to allow for more discovery to take place (Langford 2019). Other states do not see rape or sexual assault victims trying to sue the city and get as far for the case to be reversed and remanded by a Court of Appeals. Tennessee is different in this way as they are different from the number of SAKs found untested after numerous years.

The untested rape kits present in Tennessee are larger than the other five states in this study. The Accountability Project "Uncovered that Metro Nashville Police Department (MNPd) booked 4,524 rape kits into evidence between 1995 and 2014" (End the Backlog Nashville n.d.) In 2003, the Tennessee Bureau of Investigation (TBI) received a federal grant to test DNA on cold cases with no known suspect. The grant was \$3.4 million, but only \$537,000 of the grant was used due to poor planning and a lack of cooperation from police departments across the state (Ohlheiser 2014).

In 2013, Memphis identified 12,375 untested SAKs (Tennessee Bureau of Investigation n.d.). This discovery prompted a new law to be passed in 2014. This law

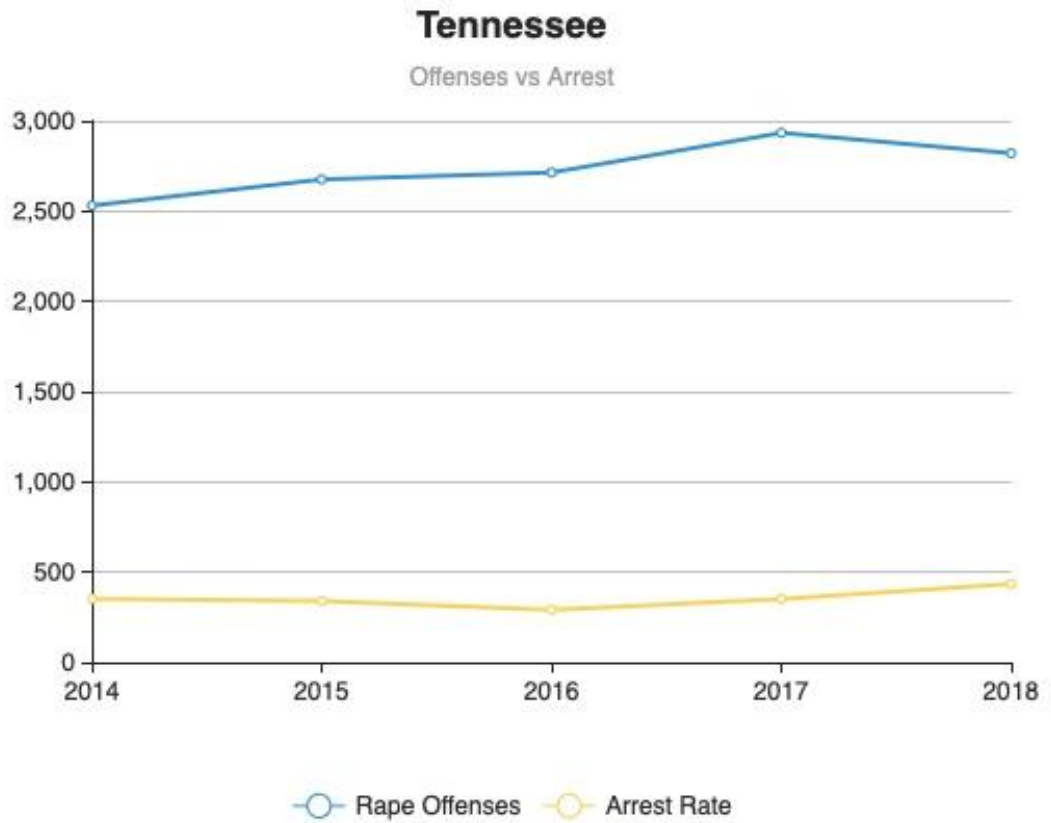
required that by July of 2014, every law enforcement agency/department responsible for maintaining, storing, and preserving SAKs shall inventory all SAKs and report the number of untested SAKs and the date it was collected. This report was given to the TBI, and by September of 2014, the TBI compiled a report of the untested SAKs in each county and gave it to the Speaker of the Senate and House (Norris n.d.). The report detailed that the state of Tennessee had 9,062 untested rape kits. A majority of the kits (6,942) came from the Memphis Police Department (MPD). The second-largest number reported came from the Knoxville Police Department (KPD), which was 394 untested rape kits. The audit that took place received answers from 44 police agencies and 37 of the 95 county sheriff's offices in the state (Locker 2014).

In 2015, the Memphis Police Department was awarded \$1,909,124 from the DOJ BJA (Bureau of Justice Assistance) to eliminate their backlog and ensure that all SAKs are inventoried and processed. The funds awarded in 2015 from the SAKI grant were used to continue the effort to ensure that all SAKs are inventoried and processed, focus on a victim-centered approach, implementing a better SAKI tracking system, and hiring more officials to address those problems that surround the rape kit backlog (BJA Awards 2015). Over the next few years, the Memphis Police Department was awarded another \$1,071,394 in 2017, \$1,500,000 in 2018, and \$1,899,781 in 2019 from the SAKI grant (BJA Awards 2020). The award in 2017 was used to enhance the BJA model to address unsubmitted SAKs, collecting lawfully owned DNA samples, and to expand the SAKI project in Memphis (BJA Awards 2017). The award in 2018 provided funding to further implement the purpose of the funding in 2015 and 2017 and required that all criteria cases must be entered into The Violent Criminal Apprehension Program (ViCAP) “to

increase the chances of identifying and apprehending violent serial offender who pose a serious threat to public safety” (BJA Awards 2018). The award in 2019 purpose is to continue the initiatives put forth in past awards, inventory all unsubmitted SAKs, build jurisdictions capacity to prevent conditions that could lead to large numbers of unsubmitted SAKs, and to improve the practices that are related to every aspect of the crime being prosecuted (BJA Awards 2019).

Regarding legislation passed, Tennessee enacted Senate Bill 1426 in 2014, that required the TBI to conduct an audit of untested rape kits in the state. Tennessee enacted Senate Bill 981 in 2015 that requires law enforcement to send rape kits to the TBI or another accredited lab for testing within 60 days (End the Backlog Tennessee n.d.). Tennessee legislators have made other attempts regarding how SAKs are handled and the deadlines surrounding them, but various bills failed to pass. The bills that failed to pass in 2017 were Senate Bill 608, which would have shortened the deadline for submitting newly collected rape kits. Tennessee law at the time does not require that law enforcement agencies have to track rape kits as they are processed through the system (End the Backlog Tennessee n.d.).

The graph below details the offenses of rape committed in Tennessee during 2014-2018 and compares it to the number of arrests for the crime.⁶



Tennessee’s recorded offenses increase after 2016 after the new definition of rape became effective at the beginning of 2013. Compared to the offenses, the arrest numbers are not consistent, as is the same case with other states in this study. The offenses of rape are much higher than the number of arrests that are recorded in the state. The number of arrests decreases in 2016 and then continues to rise in the years after.

Louisiana

⁶ The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018.

In 2010, a DOJ investigation revealed over 800 untested and uninvestigated SAKs in possession of the New Orleans Police Department (NOPD), dating back to the 1980s and 1990s. The next year the National Institute of Justice (NIJ) leveraged resources and academic partnerships to address this backlog. The project tested 1,008 SAKs, resulting in 256 male DNA profiles, which later resulted in 139 CODIS matches. This project directly resulted in 40 cases that were investigated and closed, with six cases being adjudicated. To reduce delays, NIJ arranged for the use of CHOP (CODIS Hit Outcome Project), which networked different organizations to update and share information across agencies and achieved high success (NIJ 2013).

In 2015, the BJA awarded the New Orleans Police Department \$1,058,214 to address the untested SAKs and the overarching issues that allow the number of untested SAKs to grow and strengthen collaborations with the New Orleans Sexual Assault Response Team (SART). This money was also used to take inventory, submit untested SAKs for testing, upgrade its evidence tracking system, and analyze and develop new policies for SAK testing, investigations, and prosecutions (BJA Awards 2015).

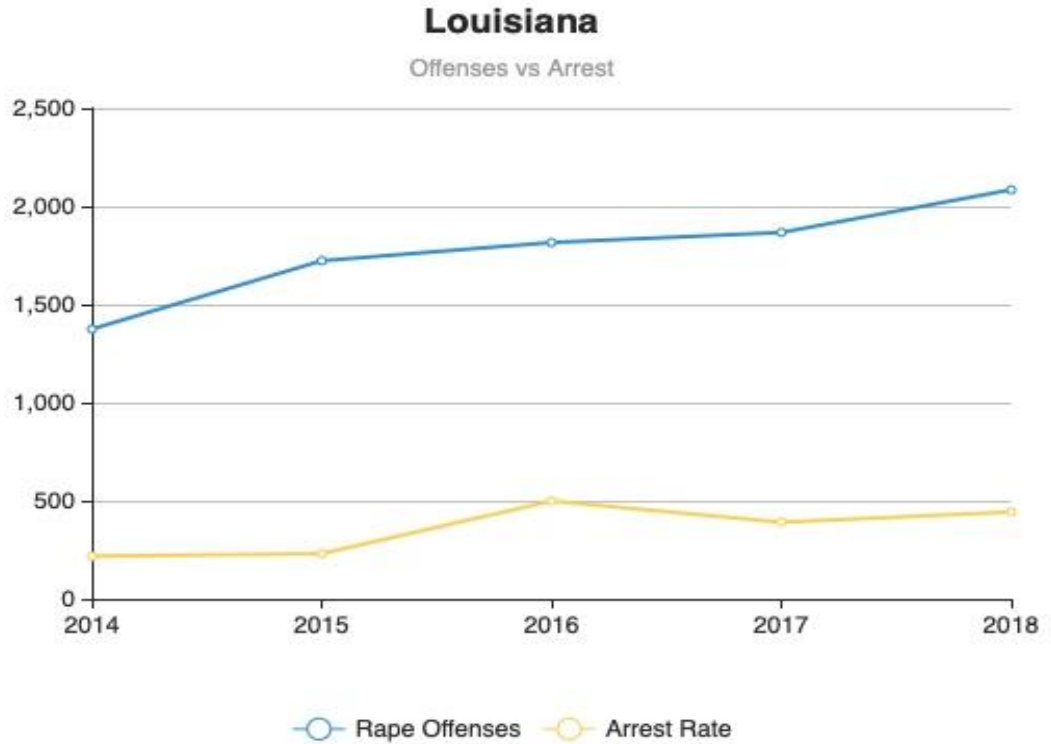
Additionally, in 2016, NOPD was awarded a BJA supplemental award of \$653,395 (BJA Awards 2016). In 2017, the BJA awarded the Orleans Parish District Attorney \$1,009,485 to build other infrastructure for the SAKI model in New Orleans, staff additional Prosecutors, Investigators, and Victim Service Advocates to investigate and prosecute cases that come from SAKs DNA testing (FY17 SAKI 2017). In 2018, the NIJ awarded the New Orleans Police Department an additional \$906,660 to implement an evidence management program to inventory, track, and report untested kits (End the Backlog, Louisiana n.d.).

As a result of these resources, in 2015, the state crime lab reported more than 1,300 SAKs that had not been tested for DNA evidence, and one-third of these kits sat untested for at least five years. New Orleans Senator J. P. Morell said, “when you see these dates and the explanations, it’s hard to make the case that law enforcement is taking sexual assaults seriously” (Bullington 2015). The report does not include data from 128 police departments in the state, which means that the numbers are actually higher than reported. According to the report, many of the kits collected in the 1990s came from the Alexandria Police Department and the St. Tammany Parish Sheriff’s Office. The New Orleans Police Department tops the list with 458 untested SAKs (Bullington 2015).

Regarding legislation passed, Louisiana enacted Senate Bill 296 in 2014, requiring a one-time audit. A year later, the audit was mandated to take place annually. In 2017, a concurrent resolution was adopted that directed the State Police Crime Lab to make recommendations for a statewide tracking system for rape kits. In 2018, Senate Bill 101 was enacted that created the Louisiana Sexual Assault Oversight Commission (End the Backlog, Louisiana n.d.).

The graph below details the offenses of rape committed in Louisiana during 2014-2018 and compares it to the number of arrests for the crime.⁷

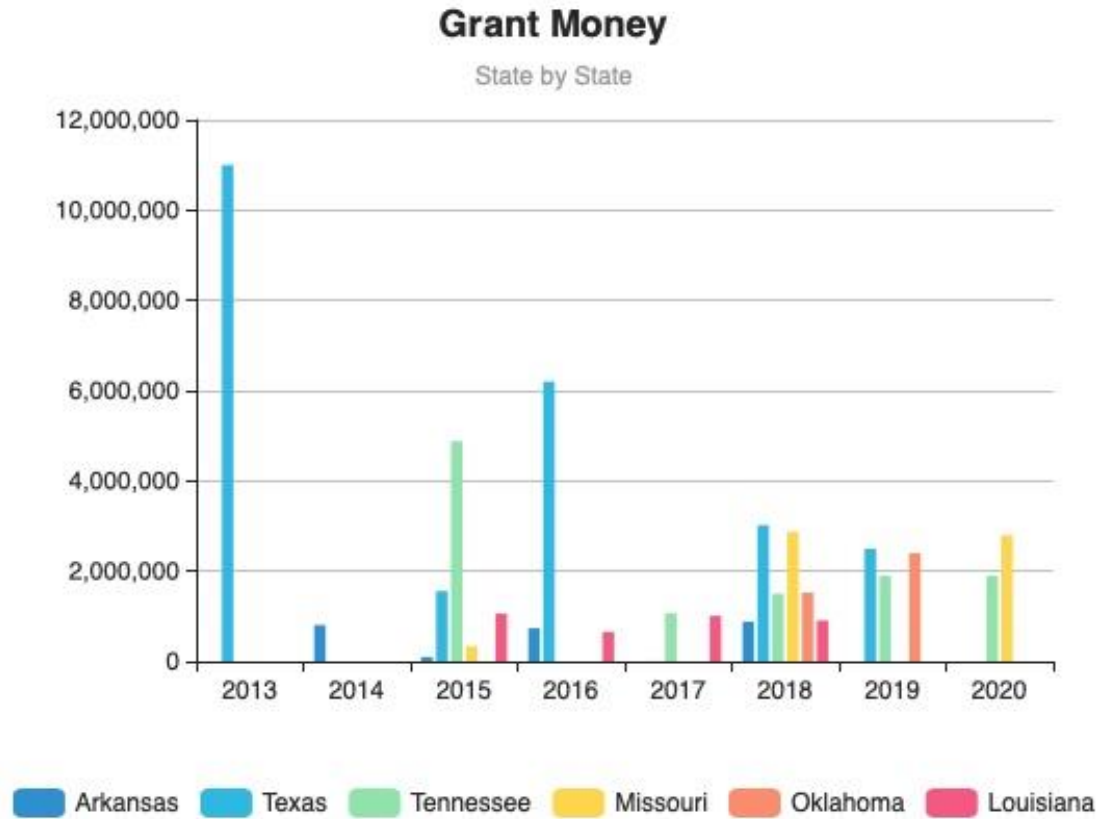
⁷ The data in this graph was compiled from the FBI’s UCR over the years 2014 to 2018.



The graph shows that the number of offenses is much higher than the arrest numbers reported in Louisiana during the five years. We see an increase in offenses after 2015, which could be attributed to the new definition of rape that went into effect. The arrest numbers see a spike in 2016 and continue to decrease in the years that follow. Out of all the states reported on in this study, Louisiana has the lowest number of rape offenses committed over the years. Although, Louisiana does not have the lowest number of arrests than other states due to its spike in 2016.

Grant Money

Above each state’s section, there were details on the amount of grant money that each state was awarded over the years. This graph below details the amount of grant money that has been awarded to each state in this study from 2013 to 2020 so far.⁸



Texas receives the largest amount of grant money in 2013 out of each state’s amount over the years in question. Texas has also received subsequent grants over the years to continue its work regarding the rape kit backlog in the state. In 2014, the only state to receive funding was Arkansas, and the state received funding three more times in 2015, 2016, and 2018. In 2015, we saw every state except for Oklahoma. This could be attributed to the fact that Oklahoma started its initiative toward ending its backlog later

⁸ The data in this chart was compiled from all of the sites listed in each state individual data sections and was combined into one graph to showcase all of the grant money from these six different states over the years.

than the other five states in this study. 2018 reflects a year that every state in this study was awarded grant money for the backlog. Grant money over the years has led to a decrease in the rape kit backlog across these six states as it has allowed money to be used to test kits that had either never been submitted or very awaiting testing in a crime laboratory.

All six states have an increasingly lower number of arrests than the number of offenses of rape that are committed each year. Texas has received the largest amount of grant money from the federal government, such as the SAKI grant. They also need more money than other states assessed in this paper because the number of reported rapes is higher than other states given their dense population. Texas has also started crowdfunding to raise money to eliminate their rape kit backlog. In Texas, there are 16 different crime labs across the state versus one in Arkansas, two in Oklahoma, eight in Missouri, at least three in Tennessee, and 10 in Louisiana. The number of crime labs is not the only problem; the low number of people who work there is also a concern. Some of the grant money received by states has even gone towards hiring new technicians to work in the crime labs to keep up with the load of kits that need to be tested. Overall, money is an issue because once the problem grows, it takes even more money to solve the problem.

Allocating large parts of a state's budget to end the backlog takes resources away from other areas. This is why many states have begun to use federal government grants to solve their rape kit backlog. States start to receive funding once they establish that they have a backlog of untested SAKs. Arkansas started receiving funding in 2015 after conducting an audit to reveal the number of untested SAKs in police custody and held in

health care facilities. Texas first appropriated funding from the legislature in 2013 after requiring an audit of untested rape kits. Texas received its first federal funding in 2015 after the audit had been conducted for a few years, and kits were being sent for testing regularly. Louisiana, Missouri, and Tennessee received their first federal funding in 2015, also. These five states all received funding in 2015 from the Manhattan District Attorney's Office. This initial funding stemmed from those states applying for more funding over the years from the federal government to continue to test kits concerned in the backlog and keep a backlog from continuing to occur. Oklahoma is the one that stands out here because it did not receive federal funding until 2018. Oklahoma's initiative to end its backlog also started later than most states in the country did.

Every state in this study, but one, require that rape kits must be sent to a lab within certain time limits. The state that does not currently have a law on the book about the mandatory submission of SAKs in Louisiana. Louisiana does not require a SAK to be submitted for testing if the suspect is known, but an unknown suspect kit must be submitted. DNA has come to be seen as a check on a suspect and the emergence of it as an investigative tool. Louisiana's statutes give off the impression that it is only used as an investigative tool while the other five states use it as a check and an investigative tool.

Disregard for rape and sexual assault cases can be seen in Missouri as they threw out untested SAKs and in other states that have discovered a backlog that can date back as long as 30 years. Arkansas, Louisiana, Tennessee, and Oklahoma do not require that SAKs must be kept for a certain amount of time after the kit has been tested. In Texas, SAKs cannot be destroyed for 40 years; and 30 years in Missouri. Kits are being kept up with and all states in this study, but one has implemented a tracking system or are trying

to. That way, a victim or someone associated with the case can know where it is at all times. Louisiana is the only state that does not require that SAKs must be in a tracking system.

Law enforcement can overlook or forget about a warehouse that is full of untested SAKs, but it is not something that should happen regularly. Arkansas has not had this problem yet. The untested SAKs were either in police custody or in health care facilities, and to establish the numbers of untested SAKs, there needed to be an audit done each year, and it had to be mandated that kits be sent for testing. Although a problem does arise, and that is the response rate. Agencies can either not reply because they do not have a backlog in their possession, or do not comply because they are not aware of the backlog. There are around 237 law enforcement agencies in the state, and since the audit was first mandated back in 2015, compliance from law enforcement and health care providers has decreased. In 2019, around 1,200 new kits were distributed, but in 2018 the reported offenses of rape in Arkansas were over 2,000. This issue of compliance with the audit was also apparent in Tennessee.

There is nothing on the books that the kit itself expires before it can be used, so kits from past years that were not used could be used later. Still, the number of offenses committed is higher than the number of new kits distributed each year. I could not find data on the other states regarding the number of distributed kits each year. Arkansas only has one crime lab, and a backlog can overrun it, so other private laboratories can be utilized to speed up testing. That is one reason why each state has a different rate at which its backlog decreases. The number of crime labs in the state and the private labs they have access to are different in every state. Various states that do not have a backlog

all profited from using private labs or labs in other states. Louisiana profited from using out of state crime labs, and some states that received funding from the Manhattan DA's office sent their kits to private labs for testing. There were extraordinary results from the mass testing that took place.

Regarding the states in question in this paper; Missouri and Tennessee have no DNA exceptions on the book, Arkansas and Texas both have a DNA exception that eliminates the statute of limitations if it identifies a suspect. In Oklahoma if there is DNA and the crime is reported within 12 years there is no statute of limitations. In Louisiana, there is a DNA exception that increases the statute of limitations by three years if the DNA identifies the perpetrator (RAINN n.d.). The factors that plague the rape kit backlog are many and seem to hinder states' ability to eliminate their rape kit backlog.

Discussion

The states addressed in this paper, Arkansas, Texas, Tennessee, Oklahoma, Missouri, and Louisiana, have been understudies regarding their rape kit backlog. It was essential to do so because each state has similar laws and procedures concerning the subject at hand, and most studies stick to one state or jurisdiction. Each state also followed the same pattern of adopting new legislation. First, it was an audit, then deadlines were put in place to test all backlogged kits, and tracking systems are being implemented tracking rape kits. Implementing all of these changes takes money, and while there are federal grants available, they are limited. States could implement a form of crowdfunding in the same way that Texas did, which allowed them to raise a lot of money, and it is something other states could try implementing; however, this is not a stable form for revenue. People normally renew their driver's licenses every few years,

depending on the state. Another initiative that should be implemented is the use of private laboratories, when possible. Private labs can process kits faster and focus on a select number of kits instead of overrun by evidence that needs to be tested for other crimes.

At the very least, SAKs should be kept for at least the statute of limitations or longer if the crime has been considered a cold case. Only Texas and Missouri have implemented laws that keep SAKs for a specified period after the public outcry that untested SAKs had been thrown out before they were tested in many of these states. These tests must be kept for at least the statute of limitations if new evidence comes forward or the kit was finally tested and came up with a DNA match. A victim could have her/his rape kit tested, and it comes back with a DNA match. Once there is a DNA match, the victim can be taken to do a police line-up and pick the perpetrator out of the line-up. The prosecutor could come in and say that they could not prosecute because the statute of limitations had expired due to the time that it took to get the kit tested. Once these scenarios occurred, DNA exceptions were introduced so that prosecution could occur.

Furthermore, kits in cold cases should also be kept because another crime could be committed that can link the DNA to that kit and possibly prosecute that person. In June 2020, Joseph DeAngelo (Golden State Killer) was put away for his murder spree in the 1970s and 80s. Discarded DNA was tested and used to match him to the crimes he committed decades before, but he could not be prosecuted for some 50 rapes he committed because the statute of limitations had expired. When the crimes were committed, there was not the same technology in place that we have today, and there

were no exceptions to the statute of limitations in cases with DNA. Those exceptions are now in place and should be kept in place if something such happens again.

It is imperative that backlogged kits should be kept so they can be tested, and cold case kits should be kept so that someday, hopefully, the rapist can be put away, and no survivor has to fear that their rapist is walking down the street a free man or woman. Without a doubt, every kit should be tested. There is a broad understanding that kits collected with an unknown assailant should be tested for DNA evidence, but the same understanding is not among known assailant cases. Serial rapists commit three or more of the same offense, and the victim could either know the assailant or not know the assailant. Whether they know their assailant or not, the kit should still be tested because it could later be connected to another crime. It can be seen as a way of connecting the dots of serial offenders. If the kit had been tested earlier or connected to another crime, there could be fewer crimes committed by that criminal if caught earlier. Testing all the kits gives survivors hope and lets them know that their kit is not just a kit. Each kit represents a person who had a crime committed against them and deserves to know that their assailant is not out there committing more crimes.

Additionally, the crime of rape and sexual assault needs to be addressed, and so does the culture surrounding rape. Girls and women are told not to wear certain clothes or do things that would make someone believe that they have the right to rape you. They say you were asking for it or that it was your fault. That perception has to come to a stop, and the idea of rape culture needs to end. Whether it comes from parents, friends, family, legislators, prosecutors, judges, or law enforcement personnel. Law enforcement has a history of disbelieving victims, and this can be fixed through training on the subject and

how to treat a victim reporting an assault. Victims are not believed, and they are less likely to report a future occurrence of the crime. Victims speak to each other through support groups or movements such as the me too movement that bring awareness to the crime. Movements such as those need to take place to bring awareness to the problem.

Lastly, there needs to a push for a nationwide tracking system of rape kits in the same way that we track packages that we order. Compliance with audits is a large issue because not every law enforcement agency and health care providers who have rape kits in their possession report their numbers or tested. There needs to be a push for legislation that mandates that agencies report the numbers in their possession. If they do not comply, their funding can always be up for grabs. It is a serious response for not complying, but voluntary compliance is not 100% across the board, which is needed for the problem to be fixed on a nationwide scale.

Conclusion

No one tells you that when you start this journey, it is mentally draining. Victims and survivors' stories overwhelm the majority of the research, and the disregard that surrounds their kits is overwhelming. The disregard just goes to show that rape culture is still very prevalent across the United States and that victims are still being ignored.

Sources of funding come from all different sources and are one of the main hurdles in the way of eliminating the rape kit backlog. Federal grants have been issued in all six states in this study and have helped to work towards eliminating the rape kit backlog. Other forms of funding have also proven to have a positive impact. The number of crime labs a state has access to contributes to eliminating the backlog based on the workload they can take on. Each state has a different number of crime labs, and some

have access to private labs that can speed up the process. The legislative efforts that have been enacted by the states contribute to the better handling of rape kits and making sure they are tested. Auditing the untested rape kits in a state and having that mandated every year lets states start with a specified number to test and being aware of a range of money needed to test all the kits. This should be an issue that is on every legislative bodies mind once a new session starts.

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Campbell, Rebecca, Hannah Feeney, Steven Pierce, Dhruv Sharma, and Giannina Fehler-

Cabral. 2018. "Tested at Last: How DNA Evidence in Untested Rape Kits Can Identify Offenders and Serial Sexual Assaults." *Journal of Interpersonal Violence*, Vol. 33, Issue. 24 3792-3814

The article discusses that over time there has become a large backlog with the number of untested rape kits. With this amount of untested rape kits, there is also a large number of rapists who have never been prosecuted. This article addresses that even if the evidence is old it should still be tested because it could link to someone else's rape. It also states that DNA testing is critical, and they must be up to date on the technology to do it in a timely matter.

Campbell, Rebecca, Giannina Fehler-Cabral, Steven Pierce, Dhruv Sharma, Deborah

Bybee, Jessica Shaw, Sheena Horsford, and Hannah Feeney. 2015. "The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report." *National Criminal Justice Reference Service*: 1-551.

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This Bill addresses the new requirements for DNA evidence being submitted for testing and the protocols that surrounding testing and the aftermath in the state of Oklahoma.

Four States Homepage. 2020. "Attorney General Gives Update on Missouri's Untested Rape Kit Process." KSN, January 25, 2020.

<https://www.fourstateshomepage.com/news/attorney-general-gives-update-on-missouris-untested-rape-kit-process/>

This article addresses the start of Missouri's attempt to end their rape kit backlog, the attorney general's recommendations to lawmakers on the subject, and talks about the federal grant that would allow part of the backlog to be tested.

Fucci, Glenne. 2015. "Note: No Law and No Order: Local, State, and Federal Government Responses to the United States Rape Kit Backlog Crisis." *Cardozo Public Law, Policy, and Ethics Journal* 14.

This article looks at the cities that have attempted to get rid of their rape kit backlog and how they plan to keep it from coming back as a problem.

Glisovic, Marine. 2014. "Rape Kit Testing: How Does Arkansas Measure Up?" KATV News, November 10, 2014. <https://katv.com/archive/rape-kit-testing-how-does-arkansas-measure-up>

This article details the progress that the state of Arkansas has made over the years on their journey to get rid of their rape kit backlog.

Grissom, Brandi. 2013. "Clearing Texas Rape Kit Backlog Will Cost Millions." *The Texas Tribune*, January 4, 2013.

<https://www.texastribune.org/2013/01/04/clearing-texas-rape-kit-backlog-brings-hefty-price/>

This article addresses the amount of money it would cost to test Texas's rape kit backlog. It also addresses the initial resistance with a requirement for law enforcement agencies to audit their facilities.

Hargitay, Mariska. 2018. "Rape Kit Backlog and Destruction is Outrageous." CNN Opinion, December 3, 2018. <https://www.cnn.com/2018/12/03/opinions/rape-kit-destruction-outrageous-mariska-hargitay/index.html?no-st=9999999999>

This article addresses how Hargitay found out about the rape kit backlog and what her and her organization has done to end the backlog. It also discusses the kind of change that needs to be implemented to warrant long-term effects.

Howard, Donna. 2017. "H.B. 281." Texas Legislature Online History.

<https://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00281I.htm>

This bill addresses the establishment of a statewide tracking system for SAKs in Texas.

Kelly, Hannah. 2020. "H.B. Evidentiary Collection Kits." Missouri House of Representatives, August 28, 2020.

<https://www.house.mo.gov/billtracking/bills201/sumpdf/HB1815I.pdf>

This bill details modifications made to laws in Missouri that regard tracking SAKs.

“Kentucky’s Backlog Initiative: A Timeline.” Kentucky Backlog. Accessed October 5, 2020. <https://www.kentuckybacklog.com/background>

This website details the initiative taken by Kentucky to get rid of their rape kit backlog.

Langford, Cameron. 2019. “Sixth Circuit Reinstates Rape Kit Claims Against Memphis.” *Courthouse News Service*, June 28, 2019.

<https://www.courthousenews.com/sixth-circuit-reinstates-rape-kit-claims-against-memphis/>

This article details the journey taken by three Jane Doe’s to try and hold the city of Memphis accountable for their rape kits not being tested.

Lavoie, Denise. 2020. “National Shortage of Forensic Nurses Frustrates Rape Victims.” *Associated Press*, February 19, 2020.

https://apple.news/AIYy5yZDfTjeOhWFlodtE_w

This article details the shortage of SANE nurses across the country, but especially in Virginia. It also addresses the initiatives at different levels to increase accessibility to SANE nurses and having a rape kit done.

Locker, Richard. 2014. “TBI: Memphis’ 6,942 Untested Rape Kits Account for 77% of State Total.” *The Commercial Appeal*, September 2, 2014.

<http://archive.commercialappeal.com/news/government/state/tbi-memphis-6942-untested-rape-kits-account-for-77-percent-of-state-total-ep-591929108-324339211.html>

This article details the results of Tennessee's first state-wide audit done that looks into the amount of untested rape kits in the state.

Lovell, Rachel, Misty Luminais, Daniel Flannery, Richard Bell, and Brett Kyker. 2018.

“Describing the Process and Quantifying the Outcomes of the Cuyahoga County Sexual Assault Kit Initiative.” *Journal of Criminal Justice* 57, p. 106-115.

This article tried to establish a framework for other jurisdictions to address their unsubmitted SAKs. There were four stages that ultimately showed that if all SAKs are tested, investigated, and prosecuted thoroughly that missed opportunities for justice could be potentially capitalized.

Lovrich, Nicholas, Travis Pratt, Michael Gaffney, Charles Johnson, Christopher Asplen, Lisa Hurst and Timothy Schellberg. 2004. “National Forensic DNA Study Report, Final Report.” Washington, DC: National Institute of Justice, February 2004.

Lovrich and others used a stratified national random sampling method that used a mail assessment sent out to law enforcement agencies across the country. This mail assessment asked agencies to count unsolved cases dating back to 1982. This allowed them to approximate the size of the rape kit backlog and how it became so large. There were various reasons as to why the backlog became so large.

Manhattan District Attorney's Office. 2020. “Ending the Rape Kit Backlog.” Manhattan District Attorney's Office. Retrieved from <https://www.manhattanda.org/our-work/signature-projects/ending-the-rape-kit-backlog/>

This article details the accomplishments of the Manhattan DA's Office project to eliminate the rape kit backlog across different jurisdictions.

McGuire, Danielle. 2010. *At the Dark End of the Street: Black Women, Rape, and Resistance- a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. New York, NY: Vintage Books.

This book details the story of Rosa Parks and her initiative to help Recy Taylor. The book also details a reinterpretation of the history of sexual violence committed against Black women by White men.

McNamara, Michelle. 2018. *I'll Be Gone in the Dark*. Harper Collins Publishers: New York, New York.

This book details a woman's story as she committed herself to find out the identity of the Golden State Killer. Through the use of citizen detectives, the author engulfed herself on the journey of trying to solve an unsolved case.

Mervosh, Sarah. 2015. "Dallas County DA's Office Gets \$1.5 Million Grant to Handle Rape Kit Backlog." *The Dallas Morning News*, September 15, 2015. Retrieved from <https://www.dallasnews.com/news/crime/2015/09/15/dallas-county-da-s-office-gets-1-5-million-grant-to-handle-rape-kit-backlog/>

This article addresses the DOJ initiative that funded an expansion of Dallas County's sexual assault unit.

Miller, Kermit. 2020. "Effort to Test Missouri's Backlog of 6,000 Rape Kits Begins to Yield Results." 13 KRCG TV, September 11, 2020. <https://krcgtv.com/news/local/effort-to-test-missouris-backlog-of-6000-rape-kits-begins-to-yield-results>

This article discusses how Missouri has begun its efforts to test its long lasting SAK backlog and the results that have started to appear from testing these SAKs.

Morgan, Rachel E. and Barbara A. Oudekerk. 2019. "Criminal Victimization, 2018."

Bureau of Justice Statistics, Office of Justice Programs: 1-34.

<https://www.bjs.gov/content/pub/pdf/cv18.pdf>

This article shows the rise of criminal victimizations across the country in 2018.

There is a focus on sexual assault and rape for this paper.

Mumphrey, Nicole. 2019. "Accused Serial Rapist Indicted for 5 New Orleans

Kidnappings, Rapes." Fox 8, March 21, 2019.

<https://www.fox8live.com/2019/03/21/accused-serial-rapist-indicted-new-orleans-kidnapping-rapes/>

This article details the use of DNA from cold cases to help solve 5 unsolved kidnappings and rapes in the state of Louisiana.

Munson, Emilie. 2018. "Keeping Track of Kits a Tool Against Rape." *Connecticut Post*,

October 9, 2018. <https://www.ctpost.com/local/article/Keeping-track-of-kits-a-tool-against-rape-13287441.php>

This article discusses the ways that Connecticut was implemented laws that allow it to no longer have a backlog and ways to keep a backlog from developing again.

National Institute of Justice. 2013. "Analysis of Untested Sexual Assault Kits in New

Orleans. NIJ. May 29, 2013. <https://nij.ojp.gov/library/publications/analysis-untested-sexual-assault-kits-new-orleans>

This article details what came out of New Orleans initiative to test over 800 SAKs and their ability to do so in so little time.

National Institute of Justice. 2018. "FY 18 SAFE-ITR State of Texas Application Tasks 2-3." NIJ. Last modified September 27, 2018.

<https://nij.ojp.gov/funding/awards/2018-dn-bx-0164>

This website details the description of what comes from Texas receiving a grant to improve their Sexual Assault Evidence Tracking Program.

Neave, Victoria. 2017. "H.B. 1729." Texas Legislature Online History.

<https://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB01729F.htm>

This bill authorizes the ability for voluntary contributions to be made to test SAKs and for establishing a grant program to test SAKs also.

Norris, Mark. n.d. "Senate Bill 1426: An Act to Amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1, Relative to Forensic Medical Examinations."

Tennessee General Assembly.

<http://www.capitol.tn.gov/Bills/108/Bill/SB1426.pdf>

This bill clarifies definitions of various terms in relation to sexual assault kits and the requirement that the number of untested SAKs be accounted for.

Ohlheiser, Abby. 2014. "There are More than 9,000 Untested Rape Kits in Tennessee." *The Washington Post*, September 2, 2014.

<https://www.washingtonpost.com/blogs/govbeat/wp/2014/09/02/there-are-more-than-9000-untested-rape-kits-in-tennessee/>

This article addresses the fact that new laws in Tennessee helped discover their backlog of untested SAKs that had not been discovered before.

Peterson, Joseph, Donald Johnson, Denise Herz, Lisa Graziano, and Taly Oehler. 2012.

“Sexual Assault Kit Backlog Study: Final Study.” National Institute of Justice, California State University, June 2012.

The article took a random sample of backlogged SAKs from Los Angeles crime labs and found that there were benefits from testing due to CODIS entry and case-to-case hits. Overall there was not a recommendation for future testing of all backlogged SAKs, there should be a SAK advisory committee and that all associated agencies need to share and compile data.

Phillips, Noelle. 2016. “Colorado Eliminates Backlog of Rape Test Kits, Identifies Suspects in Hundreds of Old Cases.” *The Denver Post*, July 16, 2016.

<https://www.denverpost.com/2016/07/16/rape-kit-backlog/>

This article discusses how over the years Colorado has worked to eliminate its rape kit backlog using many resources afforded to them.

RAINN. 2020. “Criminal Statutes of Limitations Missouri.” Last updated March 2020.

https://apps.rainn.org/policy/policy-crime-definitions.cfm?state=Missouri&group=7&_ga=2.59509677.1283009598.1588373226-1816233847.1576265228

This website details the statute of limitations for crimes in the state of Missouri.

Reilly, Steve. 2015. "No Action on Rape Kits Despite Laws." *Star - Gazette*, July 19,

2013. <https://search.proquest.com/docview/1697082874?accountid=8361>

This press release details the failure the Department of Justice in issuing grants for funding under the SAFER act.

Schmitt, Eric (Missouri Attorney General). 2019. "SAFE Kits Initiative Inventory Report." Missouri Attorney General's Office, November 20, 2019.

https://ago.mo.gov/docs/default-source/press-releases/2019/safe-kits-inventory-report.pdf?sfvrsn=bb6708ab_2

This press release details the elements that will be addressed from the SAKI grant that the Attorney General's Office of Missouri received.

Sexual Assault Kit Initiative Grantee. n.d. "City of Austin (Texas)." Retrieved from

<https://sakitta.org/austin/>

This details the extent of the SAKI grant awarded to Austin, Texas and what the grant money would go towards.

Sexual Assault Kit Initiative Grantee. n.d. "City of Denton (Texas)." Retrieved from

<https://sakitta.org/denton/>

This details the extent of the SAKI grant awarded to Denton, Texas and what the grant money would go towards.

Sexual Assault Kit Initiative Grantee. n.d. "Dallas County (Texas)." Retrieved from

<https://sakitta.org/dallas/>

This details the extent of the SAKI grant awarded to Dallas County, Texas and what the grant money would go towards.

Sexual Assault Kit Initiative Grantee. n.d. "Missouri Office of the Attorney General."

Retrieved from <http://sakitta.org/missouri/>

This details the extent of the SAKI grant awarded to the Missouri Office of the Attorney General and what the grant money would go towards.

Sexual Assault Kit Initiative Grantee. n.d. "Oklahoma Office of the Attorney General."

Retrieved from <https://sakitta.org/oklahoma/>

This details the extent of the SAKI grant awarded to the Oklahoma Office of the Attorney General and what the grant money would go towards.

Sexual Assault Kit Initiative Grantee. n.d. "Texas Department of Public Safety."

Retrieved from <https://sakitta.org/texas/>

This details the extent of the SAKI grant awarded to the Texas Department of Public Safety and what the grant money would go towards.

Sledge, Matt. 2019. "Serial Rapist Gets 35 Years; Women Testify: You Probably Don't Remember me, but I Remember you." NOLA.com, September 23, 2019.

Retrieved from https://www.nola.com/news/courts/article_e5ab2018-de3f-11e9-9656-635095475617.html

This article details a serial rapist in Louisiana who was brought to justice with the use of DNA testing in 6 cold cases where survivors had been looking for justice for years.

Strom, Kevin and Matthew Hickman, M. J. 2010. "Unanalyzed Evidence in Law-enforcement Agencies: A National Examination of Forensic Processing in Police Departments. *Criminology & Public Policy*, Vol 9, Iss. 2 p. 381-404

A nationally representative sample of state and local law enforcement agencies that sent out a questionnaire about the number of cases with DNA evidence, storage procedures, evidence processing reasoning, and the existence of a cold case squad. The sample spanned over a 5-year-period for untested rape kits.

Slipke, Darla. 2018. "Grant Will Fund Testing on Some Tulsa Rape Kits." *The Oklahoman*, October 18, 2018. <https://www.pressreader.com/usa/the-oklahoman/20181018/281582356603260>

This article details how untested rape kits in Tulsa, Oklahoma will be tested through receiving a grant from the U.S. Department of Justice's Bureau of Justice Assistance.

Slipke, Darla. 2018. "Oklahoma Rape Kits Task Force Working to Finalize Recommendations." *The Oklahoman*, June 25, 2018. <https://oklahoman.com/article/5599230/oklahoma-rape-kits-task-force-working-to-finalize-recommendations>

This article details what the task force in Oklahoma plans to do next after discovering over 7,000 untested rape kits that had been identified in Oklahoma.

"State by State Guide on Statute of Limitations." RAINN. Accessed October 10, 2020. <https://www.rainn.org/state-state-guide-statutes-limitations>

This website details the statute of limitations for varying degrees of sex crimes in the states across the United States.

Sudkamp, Laura et al. 2019. "ASCLD statement on volume of untested sexual assault evidence kits." *Forensic Science International: Synergy*, December 2, 2019. <https://doi.org/10.1016/j.fsisyn.2019.12.001>

This details the results of a survey sent out to DNA CODIS Laboratories in the United States to try and receive data on the numbers of "latent" and "backlogged" SAKs across the country.

Tasca, Melinda, Nancy Rodriguez, Cassia Spohn, and Mary Koss. 2012. "Police Decision Making in Sexual Assault Cases: Predictors of Suspect Identification and Arrest."

Journal of Interpersonal Violence, 28 (6), p. 1157-1177

This article assesses the influence of extralegal and legal factors on suspect identification and arrests that is done in a large city in Arizona. The article found that police value forensic evidence and that victims with a history of drug use are seen as less credible than others.

Tennessee Bureau of Investigation. n.d. "Sex Assault Kits." Retrieved from

<https://www.tn.gov/tbi/tbi-newsroom/newsroom/sex-assault-kits--sak-.html>

This website details the laws enacted in Tennessee to combat the rape kit backlog and to answer any frequently asked questions that relate to SAKs.

Thompson, Senfronia. 2017. "H.B. 3152: An Act Relating to the Care and Transportation Provided to a Sexual Assault Survivor by a Health Care Facility." Texas

Legislature Online History.

<https://www.capitol.state.tx.us/tlodocs/85R/billtext/html/HB03152F.htm>

This Act details the amendments made to House Bill 3152 with definitions relating to places where SAKs take place and the treatment that can be expected from a sexual assault survivor looking to get a rape kit done.

Tompkins, Al. 2010. "Memphis TV Station Finds Hundreds of Rape Kits Untested for

DNA." *Poynter*, March 4, 2010. [https://www.poynter.org/reporting-](https://www.poynter.org/reporting-editing/2010/memphis-tv-station-finds-hundreds-of-rape-kits-untested-for-dna/)

[editing/2010/memphis-tv-station-finds-hundreds-of-rape-kits-untested-for-dna/](https://www.poynter.org/reporting-editing/2010/memphis-tv-station-finds-hundreds-of-rape-kits-untested-for-dna/)

This article details one TV stations investigative efforts that changed the way Memphis, Tennessee handles rape kits. It shows that investigate reporting can be used as a way to implement change in areas of public policy.

Travers, Julia. 2019. "In Pursuit of Justice, Nonprofits and Funders Push for Rape Kit Reform." Chicago Foundation for Women, October 30, 2019.

<https://www.cfw.org/?news=in-pursuit-of-justice-nonprofits-and-funders-push-for-rape-kit-reform>

This article addresses how different social movements have brought to light the crime of rape and sexual assault. It also discusses the nonprofit groups that are pushing for reform and the way they are getting reform efforts to take place. It also discusses the rise in funding to combat the rape kit backlog.

Vance, Cyrus. 2019. "Test Every Kit: Results from the Manhattan District Attorney's Office's." Office of Manhattan District Attorney, March 2019.

The Manhattan District Attorney's Office created the Sexual Assault Kit backlog elimination grant program to help eliminate the rape kit backlog across the country. Multiple states received funding and began to test their backlogs using a forklift approach. The testing of backlogged kits has contributed to CODIS hits, arrests and convictions across the United States.

Walters, Joanna. 2013. "Investigating Rape in Philadelphia: How One City's Crisis Stands to Help Others." *The Guardian*, July 2, 2013.

<https://www.theguardian.com/world/2013/jul/02/rape-philadelphia-investigation-crisis-crimes>

This article details how police in Philadelphia in the 80s and 90s ignored rape cases on a regular basis. It also details how the department has transformed into a model that many other police departments can follow as a model.

Worthy, Kym. 2018. "What Happened When We Tested Thousands of Abandoned Rape Kits in Detroit." TED Talk Curated Event in Partnership With UPS, Filmed July 2018.

https://www.ted.com/talks/kym_worthy_what_happened_when_we_tested_thousands_of_abandoned_rape_kits_in_detroit/up-next

This Ted Talk details what happened after 11,341 untested rape kits were found in a Detroit abandoned warehouse that was once used to store evidence. The project that began after the discovery became a model for other jurisdictions to follow as similar situations across the country were uncovered.

Yung, Corey. 2017. "Rape Law Gatekeeping." *Boston College Law Review*, Vol. 58

This article details how police across the United States can act as hostile gatekeepers when it comes to rape complaints advancing through the criminal justice system. It also details ways to overcome the obstacles that police put in place when survivors of sexual assault try to advance their cases through the criminal justice system.

Zygowicz, Melissa. 2018. "Arkansas State Crime Lab Clears More than 1,300

Backlogged Rape Kits." 2018. *Forensic Magazine*, Oct 26, 2018.

<https://search.proquest.com/docview/2126352081?accountid=8361>

This article details the ability of Arkansas to complete testing of backlogged rape kits that had gone untested for around 10 years.