



INFORMATION FOR SURVIVORS

PREVIOUSLY UNSUBMITTED SEXUAL ASSAULT EVIDENCE KITS IN KENTUCKY

Kentucky is one of many states taking steps to address previously unsubmitted sexual assault evidence kits. You are being contacted because your sexual assault evidence kit was previously unsubmitted and only recently tested.

We regret that your kit was not tested at the time of your assault allowing for one of these two outcomes. While we cannot undo any harm that may have resulted from this delay, we are committed to easing this process for you by providing information about your case and connecting you with services that may assist you in healing and seeking justice.

In this guide, you will find important information about the initiative, answers to some of the most commonly asked questions, and a list of resources and service providers in your area.

FREQUENTLY ASKED QUESTIONS

Q. How is Kentucky addressing previously unsubmitted sexual assault evidence kits?

A. In 2015, Kentucky passed a law requiring a one-time statewide audit of untested sexual assault evidence kits. Following the completion of the audit, the Manhattan District Attorney's Office awarded the Kentucky State Police (KSP) Forensic Laboratories funding to test 3,300 previously unsubmitted kits.

In 2016, the Kentucky General Assembly passed the Sexual Assault Forensic Evidence Act ("SAFE" Act) which states that all sexual assault evidence kits are to be tested, establishes deadlines for testing, and creates manda-

tory policies and training for law enforcement on sexual assault and other changes.

In 2017, the U.S. Bureau of Justice Assistance awarded the Kentucky Attorney General a grant to test previously unsubmitted sexual assault kits, investigate and prosecute cases, and re-engage survivors. The Attorney General used this funding to create the Sexual Assault Kit Initiative (SAKI) Cold Case Unit, a team comprised of a prosecutor, law enforcement agent, victim advocate and coordinator whose efforts are solely dedicated to previously unsubmitted sexual assault evidence kits.

Ultimately, we believe that there may be as many as 5,000 kits – each representing a victim of sexual assault in Kentucky – that will be identified and tested as a result of the important work being done across the state.

Q: How do I find out if my kit was submitted for testing?

A: To find out whether your kit was submitted for testing and/or to learn where your kit is in the testing process, please call 502-696-5312 and ask to speak to a member of the KySAKI Cold Case Unit.

Q: Why wasn't my kit tested?

A: There is not necessarily a good answer to the question of why your kit was not tested at the time of your sexual assault. Common examples of cases in which a kit was not submitted to KSP for testing are as follows: the perpetrator admitted to sexual contact but claimed that the contact was consensual; the perpetrator admitted to nonconsensual sexual contact and plead guilty; the survivor declined to prosecute and/or could not be located following the report.

Additionally, an investigation by the state Auditor in 2015 identified the following: law enforcement was unfamiliar with CODIS; DNA was not recognized as an investigative tool in addition to its use as evidence at trial; cases were prioritized in order to lessen the burden on laboratory resources.

Q: How are the kits processed and tested?

A: If a survivor chooses not to file a police report following their exam, the sexual assault evidence kit is stored by the hospital for at least a year before being destroyed. If a survivor chooses to file a police report, the appropriate law enforcement agency will collect the kit from the hospital and send it to the KSP central lab located in Frankfort, Kentucky. KSP conducts a preliminary screening of each kit. If the kit is identified

as a previously unsubmitted kit, KSP sends the kit to an outside lab for testing in order to speed up the process. Once the outside lab has completed their testing, the kit is returned to KSP where the results are reviewed and any additional testing is completed. This process will take several months to complete. The final results are sent to the law enforcement agency investigating the case. The law enforcement agency, most likely together with an advocate, will notify you about the results, discuss possible next steps in your case, and connect you with resources and services that are available in your area.

Q: What are the possible results of kit testing?

A: Kit testing may produce a variety of results that lead to a range of outcomes. Generally speaking, your results will fall into one of the following categories:

- Little to no DNA contained in sample
- DNA is that of a consensual partner and not the perpetrator
- DNA does not match known suspects or generate a hit in CODIS
- DNA matches a known suspect or generates a hit in CODIS

Q: What if there is little to no DNA evidence in my kit?

A: In the context of a cold case in which all other investigative leads have been exhausted, a negative kit will generally mean the end of a case. If DNA evidence is not found, it does not mean that the sexual assault did not occur. The perpetrator may not have left DNA, it may have been washed off, or the sample degraded over time. Any number of variables could have affected the ultimate result.

Kentucky has enacted new laws requiring that sexual assault evidence kits be stored for at least ten and as many as fifty years. Part of the reasoning behind this law is that forensic science is constantly evolving and improving. It is possible that a future scientific breakthrough will enable analysts to detect DNA and develop a profile in cases where it is currently impossible.

Q: What if there is no hit in CODIS?

A: Having a perpetrator's DNA does not always give us their identity. Without a suspect to compare it to or a hit in CODIS, DNA is merely another investigative tool. However, unless you've indicated that you want your case to be closed, the DNA profile from your kit has been entered into CODIS and will remain there indefinitely. If the same individual has committed or does commit a future crime in which DNA

is obtained, there's a strong possibility that this profile will be entered into CODIS and it will match to your case.

Q: What if my kit was compromised or destroyed?

A: The unfortunate truth is that not all of the kits could be tested. In some cases, the kits were stored improperly and any DNA evidence they may have contained was contaminated or compromised. In other cases, the kits were destroyed before they could be tested. If either of these scenarios apply to you, please know that this does not change the level of our dedication to you or your case. As with any sexual assault victim, we are committed to empowering you with information about your case and connecting you with service providers who can help guide you through the healing process.

Q: Where is my perpetrator?

A: Law enforcement should make every effort to locate your perpetrator before contacting you and will likely have the answer to this question. Keep in mind that while it is relatively simple to locate an individual who is in custody, on probation/parole, or deceased, individuals living outside of those parameters may be more difficult to track down. When a more time-consuming search is required, local law enforcement agencies and survivors are encouraged to utilize the SAKI team investigators.

Q: What if my perpetrator is imprisoned?

A: If your perpetrator is imprisoned and you would like to be notified of their release, it is possible for you to register with Victim Information and Notification Everyday (VINE), an online database that will notify you every time an inmate is moved to another facility, up for parole or released from incarceration. Your information is confidential and will not be released under any circumstances. However, the service is only as accurate as the information is current, so if you would like to continue to receive notifications, you must update VINE any time your address or phone number changes.

Q. What if I have more questions?

A: We are here for you! Whether your questions are immediate or years down the line, you have a network of people who are dedicated to helping you find answers. If you're not sure where to begin, the Office of the Attorney General's SAKI Cold Case Unit is a good first step. The KySAKI team is honored to partner with prosecutors, law enforcement agencies, victim advocacy centers and forensic laboratories across the

state of Kentucky (and beyond), and will be happy to provide answers or connect you with the appropriate individuals or agencies. To speak with a member of the KySAKI Cold Case Unit, please call 502-696-5312.

Q. Where do I go for counseling, support and other resources?

A: You are not alone. Regardless of how long ago your kit was collected, there are many programs and services available to you. The following list is meant to be a starting point, we encourage you to reach out to one of the following agencies or your local rape crisis center for recommendations and advice that are more catered to your individual needs.

- **Sexual Assault Kit Initiative (KySAKI) Cold Case Unit, Office of the Attorney General** – The SAKI Cold Case Unit is solely dedicated to the previously unsubmitted sexual assault evidence kit cases. The Unit can help you connect to victim services, determine where your kit is in the testing process, and may assist if your case moves forward to prosecution. To ask for assistance, please visit the website <https://ag.ky.gov/about/branches/OVA> or call 502-696-5312 and request to speak to a member of the KySAKI Cold Case Unit.
- **Office of Victims Advocacy (OVA), Office of the Attorney General** – OVA can provide information on crime victim's rights as well as programs and resources available to victims throughout the state. For more information, visit the website <https://ag.ky.gov/about/branches/OVA> or call 502-696-5312.
- **Kentucky Association of Sexual Assault Programs (KASAP)** – KASAP is the statewide network of rape crisis centers in Kentucky. Since you are being contacted due to a sexual assault evidence kit, you may have already been connected with a rape crisis center advocate in your area. If you have not already been contacted, we urge you to reach out to your local center for support. Services are free and confidential. We have provided a regional map for your convenience. For more information, visit the website www.kasap.org or call 502-226-2704. Need immediate support? Call the 24-hour hotline at 800-656-HOPE (4673).
- **Kentucky Association of Child Advocacy Centers (KACAC)** – KACAC is the organization that oversees all child advocacy centers in Kentucky and can direct you to your local program for support. For more information, visit the website <http://kacac.org> or call 859-699-1191.
- **Victim Information and Notification Everyday (VINE)** – Information regarding offender incarceration status can be found on VINE's website. You may register to receive email or telephone notification.

tions regarding a change in the offender's status. To register, go to www.appriss.com/vine.html or call 800-511-1670 from a touch-tone phone.

- **Sex Offender Registry** – Register for information regarding sex offenders at 866-564-5652 or online at kspsor.state.ky.us.

ADDITIONAL RESOURCES

In an effort to increase information sharing among law enforcement agencies and bring violent offenders to justice more quickly, the KySAKI Cold Case Unit has partnered with Federal Bureau of Investigation's Violent Criminal Apprehension Program (ViCAP).

Established by the Department of Justice in 1985, ViCAP serves law enforcement agencies across the nation by providing a free repository for behavioral and investigative information related to the following solved and unsolved violent crimes:

- Homicides (and attempts) that are known or suspected to be part of a

ADDITIONAL INFORMATION ABOUT DNA

DNA (deoxyribonucleic acid) is present in all cells in the human body and works like an instruction manual for our bodies. DNA is what determines our individual physical characteristics such as eye, hair and skin color. Ninety-nine percent of all human DNA is exactly alike, but the remaining one percent varies from person to person – except for identical twins who share the same DNA. This one percent of DNA that is unique to every individual is what is used to identify suspects in criminal investigations.

DNA evidence is found in biological material such as blood, saliva, sweat, skin tissue, urine, feces and semen. DNA could potentially be found on a victim's body, clothing, cigarette butts, drinking glasses, eating utensils, furniture, weapons, or items used to bind a victim. There is no guarantee, but anything a perpetrator touches may have DNA evidence on it.

Generally, DNA evidence is collected at a crime scene by a trained investigator who knows how to prevent contamination and properly preserve evidence. DNA evidence can be contaminated if it comes into contact with another person's DNA, such as the investigating officers or lab technicians. DNA evidence may be damaged by heat, humidity, bacteria, and other environmental conditions if not properly stored. If a DNA sample is contaminated or compromised, it cannot be used as evidence at trial or preserved for future testing.

series and/or are apparently random, motiveless, or sexually oriented.

- Sexual Assaults that are known or suspected to be part of a series and/or are committed by a stranger.
- Missing Persons where the circumstances indicate a strong possibility of foul play and the victim is still missing.
- Unidentified Human Remains where the manner of death is known or suspected to be homicide.

The ViCAP database uses advanced algorithms to identify potential linkages between cases by comparing similar attributes and can be used in cases with or without a genetic profile of the suspect or offender. Law enforcement agencies that collaborate with ViCAP have a wealth of information available to them, thereby increasing the probability of offender accountability and victim safety. To learn more about our partnership with ViCAP, please call 502-696-5312 and ask to speak to a member of the KySAKI Cold Case Unit.

MORE ON CODIS

The Combined DNA Index System (CODIS) is a searchable network of federal, state, and local databases that allows forensic laboratories across the country to exchange and compare DNA profiles of criminal offenders electronically. It was initially developed as an investigative tool for cases in which a perpetrator's DNA was recovered, but no suspects had been identified for comparison. Using CODIS, law enforcement can search a perpetrator's DNA against the DNA of criminal offenders nationwide. When a DNA profile from an open case is matched to a DNA profile in CODIS, it is commonly referred to as a "hit."

CODIS is made up of many different databases and indices, but for the purpose of criminal investigations, two of the most important are the Convicted Offender Index and the Forensic Index. The Convicted Offender Index contains the DNA profiles of convicted felons while the Forensic Index is made up of DNA profiles obtained in unsolved cases. An "offender hit" will identify a specific individual whereas a "forensic hit" will link two or more cases together. While a forensic hit may not result in the actual identity of a perpetrator, it can help law enforcement identify serial offenders and provides an investigative lead that may lead to an arrest.



Children's Advocacy Centers of Kentucky

For more information on each CAC, see www.cackentucky.org

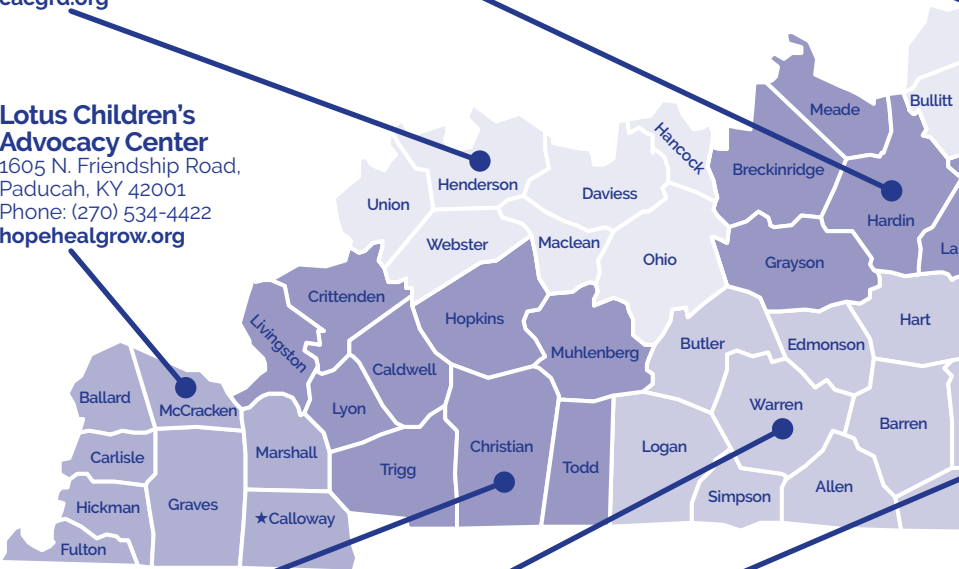
- Main Office
- ★ Satellite Office
Please contact main office for information about satellite office coverage in this service area.

Children's Advocacy Center of the Green River District
537 S. Green Street,
Henderson, KY 42420
Phone: (270) 830-8400
cacgrd.org

Silverleaf Sexual Trauma Recovery Services
751 S. Provident Way,
Elizabethtown, KY 42701
Phone: (270) 234-9236
silverleafky.org

Kosair Charities Child Advocacy Center
1000 S. 5th Street,
Louisville, KY 40203
Phone: (502) 893-3900 ext. 311
familyandchildrensplacel.org

Lotus Children's Advocacy Center
1605 N. Friendship Road,
Paducah, KY 42001
Phone: (270) 534-4422
hopehealgrow.org



Pennyrile Children's Advocacy Center
1102 E. 21st Street,
Hopkinsville, KY 42240
Phone: (270) 881-1111
pennyrilecac.org

Barren River Area Child Advocacy Center
103 E. 12th Street,
Bowling Green, KY 42101
Phone: (270) 783-4357
bracac.org

Lake Cumberland Children's Advocacy Center
427 S. Main Street,
Jamestown, KY 42629
Phone: (270) 343-6922

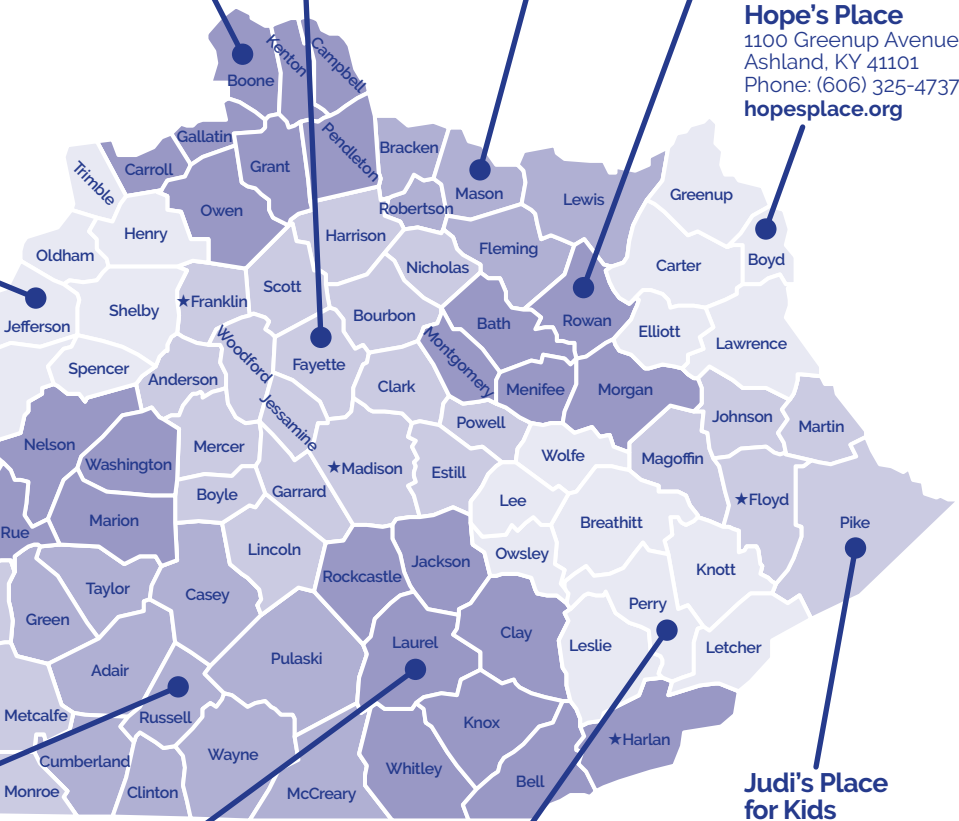
Northern Kentucky Children's Advocacy Center
4890 Houston Road,
Florence, KY 41042
Phone: (859) 442-3200
nkycac.org

Buffalo Trace Children's Advocacy Center
224 Limestone Street,
Maysville, KY 41056
Phone: (606) 563-0572
btcac.org

Children's Advocacy Center of the Bluegrass
162 N. Ashland Avenue,
Lexington, KY 40502
Phone: (859) 225-5437
kykids.org

Gateway Children's Advocacy Center
310 E. Main Street,
Morehead, KY 40351
Phone: (606) 780-7848
gatewaycac.com

Hope's Place
1100 Greenup Avenue,
Ashland, KY 41101
Phone: (606) 325-4737
hopesplace.org



Cumberland Valley Children's Advocacy Center
1130 E. 4th Street,
London, KY 40741
Phone: (606) 878-9116
cv-cac.org
Harlan Co. Satellite Office Phone:
(606) 621-5228

Kentucky River Children's Advocacy Center
465 Cedar Street,
Hazard, KY 41701
Phone: (606) 487-9173
carecottage.org

Judi's Place for Kids
128 S. College Street,
Pikeville, KY 41501
Phone: (606) 437-7447
judisplace.org
Floyd Co. Satellite Office Phone:
(606) 886-8520

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