



E103 Testing Sexual Assault Kits Leads to Justice for Both Victims and Suspects

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Learning Overview: After attending this presentation, attendees will have increased knowledge and competency on the importance of testing sexual assault kits to establish justice for both victims and suspects.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing research data supporting the mandatory submission of sexual assault kits to promote justice for all. Additionally, these findings can be shared with criminal justice colleagues to promote submission and testing of sexual assault kits and collection of suspects' DNA samples

In the United States, there is a push to mandate submission and testing of all sexual assault kits. A typically overlooked benefit of testing sexual assault kits is the exoneration of wrongfully accused suspects.¹ Sexual assault kits include DNA samples from the victim of sexual assault and occasionally are submitted with DNA samples collected from the identified suspect for comparison. Suspect samples may be taken by law enforcement personal or medical professionals in accordance with a court order.² Inclusion of suspect samples is beneficial because it can lead to a DNA match with samples collected from the victim or exclude the suspect as the source of DNA. The study methodology as an exploratory, retrospective design of submitted sexual assault kits with suspect DNA evidence samples was used to evaluate for the exclusion of suspects based upon DNA analysis findings. For a sexual assault kit to meet the criteria for "excluded the suspect," a DNA profile had to be developed from analysis of the sexual assault kit evidence that excluded the named suspect with the submitted DNA sample (either buccal swab or blood sample).

A large retrospective study of 2,727 sexual assault kits with completed DNA analysis found 66 cases in which the DNA findings excluded the suspect. Findings will be presented on descriptive data on these cases in which the named suspect was excluded: relationship between victim and suspect, victim loss of consciousness/awareness at time of assault, alcohol/drug use during the assault, suspected drug-facilitated sexual assault, and multiple perpetrator sexual assault. Each of these cases excluding a suspect represents an individual who was erroneously identified, but DNA analysis findings excluded the identified suspect.

When considering the implications for testing sexual assault kits, it is important to recognize that justice is the ultimate goal. Testing sexual assault kits uses science to aid in the establishment of justice. Sexual assault kit testing transcends accusations and labeling to provide factual evidence supporting the claims of the innocent, whether they are identified as victim or suspect. Additionally, the liberation of an unjustly accused suspect promotes the correct identification and conviction of the responsible perpetrator.³ This research supports the inclusion of suspect samples in sexual assault kit testing to promote justice for all. Thus, mandated testing of sexual assault kits promotes justice for victims of sexual assault and innocent suspects alike.

Reference(s):

1. Peterson J., Johnson D., Herz D., Graziano L., Oehler T. Sexual assault kit backlog study. Washington, DC: *The National Institute of Justice*. 2012.
2. National Institute of Justice. *National best practices for sexual assault kits: A multidisciplinary approach*. 2012:1-123. <https://nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/national-best-practices-for-sexual-assault-kits.aspx>.
3. Goodman-Williams R., Campbell R., Sharma D.B., Pierce S.J., Feeney H., Fehler-Cabral G. (2019). How to right a wrong: Empirically evaluating whether victim, offender, and assault characteristics can inform rape kit testing policies. *J Trauma Dissociation*. 2019;20(3):288-303. doi:10.1080/15299732.2019.1592642.

Justice, Suspect Exclusion, Sexual Assault Kit