

**DIVISION OF CRIMINAL INVESTIGATION
DEPARTMENT OF JUSTICE
STATE OF MONTANA**

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Prosecution Outcomes from Montana Juvenile Victim SAKs

Introduction

This is report 3 of a 3-part series that analyzes and assesses the sexual assault kits (SAKs) collected from juvenile victims¹ by the Montana Sexual Assault Kit Initiative (SAKI) program. Report 1 is an overview of victim ages, gender, and relationship to the perpetrator.² Report 2 demonstrates juvenile victim SAK inventory data by Montana regions and counties.³ Report 3 will identify prosecution outcomes from the 30 SAKs that resulted in Combined DNA Index System (CODIS) hits.⁴

Prosecution Outcomes from 30 Juvenile Victim SAKs with CODIS hits

After being uploaded into CODIS, 30 juvenile victim SAKs returned CODIS hits, 28 offender hits and 2 forensic hits. Prior to these SAKs being tested, 27 cases were already closed due to:

- Victim chose not to pursue (3). Cases where the victim chose not to pursue are attributed to personal reasons or because they wanted to continue their relationship with the suspect.
- Suspect prosecuted, guilty at trial without SAK (6). These suspects were prosecuted without a SAK and charged for sexual intercourse without consent⁵ or SIWOC.
- Victim recanted (1).
- Prosecutor declined case (3). A common factor was the inability to get in contact with the victim. This, in addition to other factors specific to these cases, resulted in the case not being prosecuted based on difficulty to prove it beyond a reasonable doubt.
- Case closed by detective (2). In cases closed by detectives, there was not enough information to submit it to the prosecutor.
- Suspect Deceased (3).
- Forwarded to prosecutor, no formal charges (2). In one of these cases, the suspect was a juvenile and the situation was handled informally through youth probation.
- Suspect convicted of other crimes⁶ (7). The other crimes included: burglary⁷, criminal endangerment⁸, distribution of drugs⁹, and possession of drugs¹⁰.

¹ Juvenile Victims in this report is categorized as being under the age of 18.

² Report 1 Link

³ Report 2 Link

⁴ Combined DNA Index System or CODIS is the United States national DNA database program used as a tool to link violent crimes.

⁵ [45-5-502. Sexual assault, MCA \(mt.gov\)](#)

⁶ Individual is found guilty of a crime and is serving a sentence that is not Sexual Intercourse Without Consent.

⁷ [45-6-204. Burglary, MCA \(mt.gov\)](#)

⁸ [45-5-207. Criminal endangerment -- penalty, MCA \(mt.gov\)](#)

⁹ [45-9-101. Criminal distribution of dangerous drugs, MCA \(mt.gov\)](#)

¹⁰ [45-9-102. Criminal possession of dangerous drugs, MCA \(mt.gov\)](#)

After receiving the CODIS hits, one case status changed from closed to open from the 27 originally closed. The victim in that case decided to move forward and take the case to trial. At this point the suspect has plead not guilty. The outcome of that case has not been decided.

Three cases remain closed or declined by the prosecution after CODIS hits. One case remains closed because of the victim's involvement in other crimes. One case remains closed due to law enforcement case management challenges; however, the victim was able to receive services. The one case declined by prosecution is due to law enforcement being unable to contact the victim.

Getting DNA uploaded into CODIS is a valuable tool and prosecution of cold cases is only one outcome. CODIS results can assist in corroborating a victim's statement, bringing closure to the victim, linking cases, and identifying possible perpetrators.¹¹ One way this is accomplished is by entering information into the FBI Violent Criminal Apprehension Program (ViCAP). The Montana SAKI program partners with local agencies to ensure eligible cases are entered in ViCAP.

There are many other steps that take place between receiving new evidence and prosecution in cold cases. This includes contacting the individuals involved, obtaining the original investigative reports and other documentation as part of the follow-up investigation.¹² When law enforcement or the Montana SAKI team notifies the victim of CODIS results, it is also an opportunity to let them know about services that are available to them. Getting individuals the advocacy and support services they need is an important part of the process. For the cases with CODIS hits, the Montana SAKI team was able to notify 7 victims¹³ and 5 have received services.

Access more of the Data Series

[Data Report 1](#)

[Visual Report 1](#)

[Data Report 2](#)

[Visual Report 2](#)

Data Report 3 (You are currently viewing this report)

[Visual Report 3](#)

¹¹ [Utilizing CODIS for Unsubmitted Sexual Assault Kits \(sakitta.org\)](#)

¹² [Cold-Case.pdf \(evawintl.org\)](#)

¹³ Notifications is defined here as successfully contacting victim and updating them on new information.