

PROJECT NARRATIVE

In Montana, a reported sexual assault occurs every 23 hours. Although most violent crimes in the state are trending down, sexual offenses are on the rise¹. These assaults against men, women and children of all ages leave victims feeling shattered and left to pick up the pieces. For many victims, a sexual assault forensic exam is performed in order to collect DNA evidence and receive medical care. If the victim chooses to report the crime, the sexual assault kit (SAK) is sent to the Montana State Crime Lab where it is analyzed for DNA that can be used to identify the perpetrator and to prosecute the offender for the crime; it is analyzed at no cost to the local agency for DNA analysis. However, there are instances that prevent the SAK from being submitted to the Crime Lab including not enough evidence of a crime, the suspect is known and the issue is about consent, the prosecutor declined the case, or other reasons. These unsubmitted SAKs remain in law enforcement evidence rooms, sometimes forgotten for years.

In 2015, Montana's Attorney General appointed a Sexual Assault Evidence Task Force (see Attachment A) to determine the number of unsubmitted kits across the state, why those kits were not submitted, and whether they should be tested. As part of this process, the Attorney General requested that all law enforcement agencies assess the number of kits in their possession, provide the date each kit was completed and give a general reason why the kit was not submitted for testing. The census was completed in January, 2016 and resulted in identifying 1,410 unsubmitted sexual assault kits. If Montana is approved for funding through the BJA National Sexual Assault Kit Initiative, these kits will be sent to one of three testing laboratories

¹ <http://mbcc.mt.gov/Data/Publications/CIM/CIM2013-14.pdf>, 2013-2014 Crime In Montana report, pg. 47. In 2014, the number of rape offenses numbered 381. The total number of forcible and non-forcible sex offenses (excluding rape) reported in 2014 increased (19%) when compared with 2013. The most common forcible sex offense is sexual assault, accounting for 58% of all forcible and non-forcible sex offenses. Almost 22% of offenses under these categories are sexual abuse of children.

to be tested for DNA, receive a technical review of each resulting DNA case, and finally be entered into the Combined DNA Index System (CODIS).

The Bureau of Justice Assistance has developed a sexual assault evidence model that is recognized as a three-pronged intervention to eliminating unsubmitted kits by creating a thorough understanding of the number of kits that have not been submitted to the Crime Lab, facilitation of a multi-disciplinary team of experts who will develop comprehensive policies and procedures to follow in addressing the full spectrum of sexual assault, and bringing in a Site Coordinator to inform partners and stakeholders alike in these impactful changes.

The overarching goal for the Task Force and this project is to identify, track and test the state's unsubmitted SAKs and establish consistent sexual assault protocols for all law enforcement jurisdictions in the state. The Sexual Assault Evidence Task Force will implement the BJA model for unsubmitted sexual assault evidence kits and adapt it to Montana's specific needs for a cohesive, uniform response to victimization, as well as victim-centered resolution, notification and prosecution. By utilizing a team that includes the SAKI Site Coordinator/Justice Advocate, a Sexual Assault Cold Case Criminal Investigator, a Community Victim Advocate, and a Law Enforcement Training Coordinator, Montana will effect organizational and system level performance related to sexual assault kits statewide. Coordination, training, case tracking and case specific investigations will improve response to Montana victims of sexual assault, kit administration and handling, successful suspect identification, and prosecution at every level.

STATEMENT OF THE PROBLEM

A preliminary inventory was taken across Montana's 56 counties which determined that law enforcement evidence rooms hold approximately 1,410 unsubmitted sexual assault evidence

kits dating back to 1995, although the majority of kits have been collected within the last 10 years (see Attachment B for census results). In addition to asking the number of kits and the year they were collected, the reporting agencies were asked the reason kits were not submitted. The results indicate the top four reasons are: Not enough evidence/lacked evidence of crime – 23%; Unknown – 19%; Victim did not cooperate; chose not to pursue; recanted – 17%; and Prosecution declined – 13%. To further complicate the issue of why these unsubmitted kits exist, there are no standard protocols in place among jurisdictions for how victims are treated in the investigation of a sexual assault which supports an environment of victim blaming; no standard protocols within law enforcement agencies for submission of kits to the Crime Lab; no clear legislative direction regarding kit submission; and a high level of turnover within law enforcement agencies which prohibits protocol development and continuity of action.

Additionally, the Montana State Crime Lab lacks the resources and capacity to test the unsubmitted kits due to small staff size, current workload levels and lack of funding. The funding needed to send the kits out for testing at the cost of approximately \$745 each would total \$1,050,450. Once the kit testing has been completed, a technical review must be done for analysis; the Crime Lab would not be able to provide this technical review and would have to outsource this part of the project as well. The cost for review of these SAKs is estimated to be between \$60 to \$85 per kit plus shipping; we have estimated a total of \$105,000. Both phases would be significant impacts to the Crime Lab's limited annual budget.

Once the SAKs are tested, reviewed, and the DNA profile is entered into CODIS, the resulting hits require follow-up, particularly for those cases that did not originally result in prosecution. A Justice Advocate and a Cold Case Investigator would then be needed to provide

notification of test results to survivors and to investigate the ensuing case which could lead to prosecution of the offender. Currently, there are no statewide Sexual Assault Cold Case Criminal Investigators and no Justice Advocates that partner with the Division of Criminal Investigation to provide these specific services for victims whose kits were not submitted but will be tested through this grant process.

PROJECT DESIGN AND IMPLEMENTATION

The goal for Montana's Sexual Assault Kit Initiative is to identify, track and test the state's unsubmitted SAKs and establish consistent sexual assault protocols for all law enforcement jurisdictions in the state. Through the work of the Multidisciplinary Group, the SAKI Coordinator, the Sexual Assault Cold Case Criminal Investigator, the Training Coordinator, and the Community Victim Advocate, objectives will impact individual, organization and system level performance related to sexual assault kits statewide. Objectives will include:

1. Multi-disciplinary Working group, appointed by the Montana Attorney General, will serve as the Sexual Assault Evidence Task Force. The Task Force will meet at least quarterly through the project period to implement a comprehensive response to the issue of unsubmitted kits in Montana and develop protocols for future sex assault kits;
2. Site Coordinator/Justice Advocate will facilitate the Task Force meetings and foster communication between the Task Force, stakeholders, and the project's key personnel within the Department of Justice. The Site Coordinator's responsibilities will include leadership and coordination of the statewide Task Force; plan and conduct a statewide needs assessment of all local Sexual Assault Response Teams (SARTs) in the state; use

the assessment information to inform planning for trainings; develop case tracking for each SAK statewide for the life of the case to adjudication or closure; data collection and management of all aspects of SAKs in Montana; criminal justice guidance and advocacy to unsubmitted SAK survivors; development of notification resources for victims; and travel to survivors for in-person notification of kit testing results;

3. Community-based Victim Advocate will guide local victim service programs across the state on the provision of trauma-informed, best-practices in response to victims and survivors of sexual assault; development of notification resources for victims; provision of support, resources, and referrals to victims and survivors including travel for in-person notification of kit testing results.
4. Comprehensive inventory of unsubmitted kits statewide will be addressed through implementation of a tracking system for kits; testing, technical review, DNA analysis and entry of resulting DNA into the Combined DNA Index System (CODIS);
5. Sexual Assault Cold Case Criminal Investigator position within the Division of Criminal Investigation will perform investigations when suspects are identified through DNA testing of unsubmitted SAKs; develop improved investigation practices that result in increased prosecution; facilitate change in law enforcement response while engaging survivors through trauma-informed response; and travel for in-person notification of kit testing results.
6. Law Enforcement Training Coordinator will facilitate Sexual Assault Field Guide development with research of evidence-based policies and procedures for Sexual Assault Investigations. Training in Sexual Assault Investigation will be offered at the

Montana Law Enforcement Academy (MLEA) during the Crime Scene Investigation Courses and Basic Law Enforcement Training;

7. MBCC Project Director will ensure qualitative and quantitative reporting requirements to BJA are met; performance measures are gathered from SAKI Coordinator and DOJ Project Manager; and will provide additional grant management, technical assistance and support to project team; and
8. Key project personnel will attend BJA training in Washington, D.C. to learn the elements of a successful project and identify key issues around DNA and unsubmitted SAK evidence.

The Sexual Assault Evidence Task Force and the project team will develop a plan to inventory the exact number, dates, and status of unsubmitted evidence kits in the possession of law enforcement agencies to be conducted within the first six months of award. There is currently no statewide tracking system in place. With assistance from Montana DOJ ITSD (Information Technology Services Division) a unique identifying number will be applied to each kit in the inventory so that the kits are tracked from the beginning as they leave the local jurisdiction's evidence room and move through testing/review/CODIS entry to adjudication and beyond. Concurrently, the Task Force and project personnel will pursue potential funding sources to develop a robust tracking system that allows each segment of the system (through the life of the kit) to enter their own relevant information and allows a victim to follow their kit through the process. This unique tracking system will allow for monitoring and managing kit processing, evidence testing, and transparency for the system components ranging from the manufacturer to the medical facility, the law enforcement agency, the DNA lab, the prosecuting

attorney to the survivor, with oversight by the project partners. The Task Force will also work to develop future protocols for kit submission and consider potential legislative action.

The Montana Crime Lab provides forensic services to local, state, tribal, and federal law enforcement agencies as well as to the Office of the Public Defender. The accredited laboratory is the only state laboratory that tests sexual assault kits, analyzes DNA from those kits, and submits DNA to the Combined DNA Index System (CODIS). The DNA section is staffed with 2 serologists who screen items for the presence of biological evidence, 2 DNA analysts who develop and compare DNA profiles from biological evidence and 2 additional employees who are qualified to perform DNA analysis, but who have other primary duties including CODIS Administrator and Section Supervisor and Technical Leader.

The caseload for such a small forensic staff limits the capacity of the lab to take in the 1,410 unsubmitted kits and process them in addition to current workload, necessitating outsourcing of the kits to one of three out-of-state labs to assist with the processing of sexual assault evidence. Bode Cellmark, Inc. and Sorenson Forensics, Inc. are private laboratories that have the capability and capacity to assist with this project while also satisfying state and federal requirements. The FBI provides a central testing laboratory for up to 30 SAKs to be submitted from individual law enforcement agencies and public forensic laboratories through their SAK Partnership program. By identifying those SAKs that are nearing the limit on the statute of limitations (see Attachment C), ten law enforcement agencies in Montana will send 30 of their unsubmitted kits to the FBI for a total of 300. The remaining 1,110 Montana sexual assault kits will be outsourced for testing to one of the private laboratories which will take an estimated 18 months to complete (see Attachment D).

FBI processing provides advantages in that the testing and technical review of kits is free, saving the state of Montana up to \$223,500. This will reduce the testing fees from \$1,050,450 to \$826,950, resulting in significant savings that can be used for personnel as part of Montana's comprehensive sexual assault response plan. With the possibility of over 1,000 DNA profiles to be generated from the tested SAKs, the Crime Lab will contract out the technical reviews to one of two organizations that are qualified to provide these services. This ensures appropriate and sufficient basis for the scientific conclusions; the review of reports, notes, data, and other documents must be completed before a DNA profile can be entered into CODIS, per FBI DNA Quality Assurance Standards. Approximately 110 cases per month will be processed with a 30 day turnaround at the cost of \$85/case (each competency and proficiency test is charged as a case). The estimated amount for technical review (including shipping to the technical company) of all the tested SAKs is \$95,000 (see Attachment E). The Crime Lab will enter the DNA profiles into CODIS using current staff capacity which will provide additional savings for the project.

The National Institute of Justice produced a brochure in January 2016 entitled *Lessons Learned: Sexual Assault Kits* that provides best-practices for notifying sexual assault victims after testing evidence.² This victim-centered approach will be used in Montana as the hallmark for provision of notification to survivors whose kits had not been, but through this project, will be tested for DNA evidence. It is critical to provide appropriate advocacy and support to survivors in order to empower them and reduce the trauma of revisiting their victimization. The Task Force has recommended that only survivors of sexual assault whose kits are tested that

² <https://www.ncjrs.gov/pdffiles1/nij/249234.pdf>

result in DNA hits in CODIS be notified in an effort to reduce the number of survivors who will experience revictimization through this process. The project team will develop a hotline and website for victims to access for more information about the testing process and next steps. The website will provide a victim the opportunity to opt-in/opt-out for contact by a victim advocate when they have a sexual assault exam conducted. This gives power back to the victim over the sexual assault and allows them to decide what they would like done with any resulting information about the evidence collected from their bodies. These notification tools will be a valuable resource for victims and survivors moving forward while providing accountability and transparency for all system components.

The Justice Advocate, the Community Victim Advocate and the Sexual Assault Cold Case Criminal Investigator, an expert team trained in trauma-informed victim response, will ensure consistent, holistic services are provided to the survivors. The advocates will work with local agencies to ensure that survivors have access to local resources and services in order to help respond to feelings that may come up for the survivor. The Investigator will provide the initial contact to the local law enforcement agency that submitted the SAK and provide assistance for additional needs to build a case for prosecution. All will travel to provide in-person notification of survivor kit test results when possible and to provide training to law enforcement and victim service providers as needed.

The Site Coordinator/Justice Advocate will be responsible for a statewide needs assessment of all local Sexual Assault Response Teams (SARTs) in the state. The assessment will include identification of 'gaps' in Montana's SART response, will collect contact information for SARTs, survey agency members of local SARTs for current SAK

practice/policy/procedure and current investigation/victim response practices, as well as identify current trained medical providers administering SAKs. The Coordinator will use the statewide assessment information to inform training development. Outcomes will include SART team training with best practice protocols, proper administration of SAKs including chain of evidence and kit submission, and training for the state Crime Lab. Case tracking is a primary function of the Coordinator’s position as well as data collection and management of SAKs. The Site Coordinator will assist in coordinating field guide development and delivery, and efforts of the Community Victim Advocate and the Sexual Assault Cold Case Criminal Investigator.

The Training Coordinator will be a Law Enforcement Officer who will be placed at the Montana Law Enforcement Academy (MLEA). In Montana, the curriculum development at MLEA sets direction and leads field practice, organizational decision making and, through the DOJ Law Enforcement Council and the POST Council, impacts systemic performance. The Training Coordinator will be guided by policy and procedure developed by the Task Force. The training of recruits and distribution of the Guide to field officers and deputies will greatly improve the law enforcement response to victims of sexual assault.

A critical component of Montana’s plan is to provide assistance to the seven tribal governments in the state. While these tribal governments work under their own sovereign nation justice initiatives, the Task Force and project team will ensure that training opportunities and technical assistance are available to help tribes establish their own sexual assault protocols in evidence collection, tracking, investigations, prosecutions, and victim assistance.

Implementation Plan

Objectives	Estimated Start Date	Estimated Finish Date	Description
Project Period	10/01/2016	9/30/2019	BJA Grant Period

Submit SAKI 2016 Grant Application	3/1/2016	4/26/2016	Montana SAKI 2016 Proposal development
Objective 1	10/1/2015	9/30/2019	
1. Multidisciplinary Team Development	12/1/2015	2/15/2016	Montana Attorney General appoints members of Sexual Assault Evidence Task Force
2. Multidisciplinary Team Working Group	2/15/2016	9/30/2019	Task Force will meet quarterly to design SAK plan, develop and recommend policies and procedures, and identify potential legislative actions
Objective 2	10/1/2016	9/30/2019	
1. Hiring of SAKI Coordinator/Justice Advocate Position; 3 year position	10/1/2016	11/10/2016	Post position announcement, interview candidates, offer of position for SAKI Coordinator/Justice Advocate
2. Implementation of Task Force recommendations; planning and conducting statewide needs assessment of SARTs	10/1/2016	9/30/2019	Project Manager and SAKI Coordinator will facilitate Task Force meetings, communicate with stakeholders and project team members; SAKI Coordinator will develop and conduct needs assessment of all local Sexual Assault Response Teams (SARTs); data collection and reporting to MBCC
3. DOJ Project Management	10/1/2016	9/30/2019	Project Management includes DOJ SAKI Coordinator responsible for developing program objectives; establish meeting schedule with Task Force; DOJ Project Manager and Site Coordinator responsible for project scheduling, project coordination, inventory/testing/technical review of unsubmitted SAKs, tracking system development; MBCC responsible for overall grant management and reporting requirements.
Objective 3	10/1/2016	9/30/2019	
1. Hiring of Community Victim Advocate; 3 year position	10/1/2016	11/10/2016	Post position announcement, interview candidates, offer of position for Community Victim Advocate
2. Implementation of Task Force recommendations	11/10/2016	9/30/2019	Community Victim Advocate will assist in project design, developing resources for victims and survivors to include victim notification; assist in needs assessment
Objective 4	3/15/2017	9/30/2018	
1. Conduct Comprehensive Inventory of SAKs	11/15/2016	5/30/2016	SAKI Coordinator will create SAK Inventory census and distribute to all law enforcement agencies in the state; outreach and follow-up with agencies to identify exact number of kits, date kit evidence was collected, date of statute of limitations for

			each kit.
2. Identify critical SAKs to send to FBI testing Lab	11/15/2016	3/15/2017	SAKI Coordinator will use census and follow-up with LE agencies, top 10 agencies will identify 30 SAKs with statute of limitations near expiration.
3. Arrange Shipments of FBI destined SAKs	3/15/2017	12/15/2017	SAKI Coordinator will develop tracking system, apply unique identifying numbers for 30 SAKs at each of 10 agencies and assist with shipment of kits to FBI. Kits will be cycled for shipment according to FBI requirements.
4. Contract development with SAK testing labs	11/1/2016	12/15/2016	DOJ Program Manager and Administrator of State Crime Lab will develop contract with outsourced lab(s) for SAK testing.
5. Arrange shipments of remaining SAKs to testing labs	2/15/2017	7/15/2018	SAKI Coordinator will develop tracking system and provide unique identifying numbers for remainder of SAKs to outsourced labs and arrange shipments for testing; estimate 18 months
6. Contract development with SAK technical review company	12/15/2016	1/15/2017	DOJ Program Manager and Administrator of State Crime Lab will develop contract with SAK technical review company.
7. Arrange shipments of remaining SAKs to technical review company	2/15/2017	8/15/2018	SAKI Coordinator will arrange shipments to technical review company. Review of all kits estimated to take 18 months; timing is dependent upon completion of testing cycle
8. Arrange shipments of tested and reviewed kits with identified DNA to State Crime Lab	3/15/2017	9/15/2018	SAKI Coordinator and Crime Lab Analysts will arrange shipments to Crime Lab of reviewed kits
9. DNA profiles developed and submitted into CODIS	3/15/2017	10/15/2018	Crime Lab DNA analysts will create DNA profiles and submit profiles to CODIS
Objective 5	8/1/2017	9/30/2019	
1. Hiring of SA Cold Case Criminal Investigator; year 2 & 3	8/1/2017	10/1/2017	Post position announcement, interview candidates, offer of position for SA Cold Case Criminal Investigator
2. Victim Notification of DNA hits in CODIS	10/1/2017	9/30/2018	Sexual Assault Cold Case Criminal Investigator and the Victim Advocates will develop best-practices for victim notification; travel of team to victim for notification if possible
3. Investigation of cold cases resulting from unsubmitted SAKs	10/1/2017	9/30/2018	Sexual Assault Cold Case Criminal Investigator will work with Division of Criminal Investigation and local jurisdictions to investigate cold cases based on DNA profile and CODIS results; travel is possible

4.Prosecution of cases	11/1/2017	9/30/2018	Team will assist with victim notification, response, resources and referrals for survivors as they work through the criminal justice system using victim-centered, trauma-informed practices
Objective 6	8/1/2017	9/30/2019	
1.Hiring of Law Enforcement Training Coordinator; year 2 & 3	8/1/2017	10/1/2017	Post position announcement, interview candidates, offer of position for Law Enforcement Training Coordinator
2.Sexual Assault Field Guide	10/1/2017	12/31/2017	Training Coordinator will research best practices for providing victim-centered response to sexual assault; develop SA Field Guide using procedures from best practices; print and distribute field guides to statewide law enforcement personnel
3.Sexual Assault Investigation Training	1/1/2018	9/30/2019	Training Coordinator will conduct investigation training to Crime Scene Investigations Courses and Basic Law Enforcement Training; enhance current model policy for biological evidence collection, cross-disciplinary procedures, joint investigations and victim considerations; travel for training to local jurisdictions and tribes is possible
4.Develop online training options	1/1/2018	9/30/2019	Training Coordinator will develop curriculum for online training options
Objective 7	10/1/2016	9/30/2019	
1.Reporting of objectives and performance measures	10/1/2016	9/30/2019	Project team members will support each other in data collection, identifying reporting requirements, ensuring performance measures are met. MBCC Project Director will provide required reports to BJA, both quantitative and qualitative
2.Technical Assistance	10/1/2016	9/30/2019	MBCC Project Director will provide technical assistance and support to all team members as well as stakeholders, Task Force members, victims and survivors, and law enforcement
Objective 8	10/1/2016	9/30/2019	
1.BJA Training	tbd 2017	tbd 2017	Four key project personnel will attend BJA training on developing a successful project, and key issues surrounding DNA and SAKs

PLAN FOR COLLECTING THE DATA FOR PERFORMANCE MEASURES

The SAKI Site Coordinator will be responsible for collecting the relevant data and submitting quarterly performance metrics through BJA’s Performance Measurement Tool. The

SAKI Site Coordinator and Project Manager will work closely with DOJ ITSD Unit to develop a tracking system for the unsubmitted SAKs in order to compile performance measurements and data. The data collection plan will be finalized within the first 180 days of the grant period, and it will include a detailed process for the collection, analysis, and reporting of the required performance measures.

CAPABILITIES AND COMPETENCIES

As the State Administering Agency, MBCC has partnered with state government agencies and non-profit service programs since forming in 1968. As lead partner on this project, MBCC is strengthening partnerships that have been built through numerous successful collaborations. MBCC provides expert grant management ensuring successful administration of federal funds, compliance with reporting requirements, and technical support to stakeholders and partners. The Montana Department of Justice/Attorney General's Office houses the Division of Criminal Investigation, the Forensic Science Division/State Crime Lab, and the Montana Law Enforcement Academy, all committed partners on this project. The Attorney General's Office provides a wide range of services to state government and its agencies and has considerable expertise in a number of issues important to the state, including tribal, state and local government law. The Division of Criminal Investigation and the Montana Law Enforcement Academy provide specialized assistance to local, state, and federal law enforcement and public safety agencies throughout Montana including enforcement, forensics, prosecution and training.

The Attorney General's Sexual Assault Evidence Task Force is led by the Deputy Attorney General Jon Bennion, with the following team members: Ravalli County Sheriff Chris Hoffman, Great Falls Chief of Police Dave Bowen, Montana Coalition Against Domestic and

Sexual Violence Public Policy Director Robin Turner, University of Montana VOICE Center Advocate Alanna Sherstad, Yellowstone County Attorney Mary Barry, Certified Sexual Assault Nurse Examiner Debbie Mulcahy, Legislative Representatives Kim Dudik and Christy Clark, the Montana State Crime Lab Administrator Phil Kinsey, and Assistant Attorney General and tribal representative Melissa Schlichting. Resumes for each Task Force member and key personnel (or job descriptions for those positions that will be filled upon award) are attached. Tina Chamberlain, MBCC Victims Program Specialist will serve as Project Director. Ms. Chamberlain has successfully managed three federal block grants from OVC and OVW over the past three years. She is also Project Director for three discretionary federal grants.

The lead agency, Task Force members and partners represent expertise and experience in the fields of system and community based victim services, law enforcement, prosecution, and forensic evidence. Letters of Commitment from the Montana Attorney General, the Montana Sheriffs and Peace Officers Association, Montana Association of Chiefs of Police, the Montana County Attorneys Association, the Montana Coalition Against Domestic and Sexual Violence, the Montana Law and Justice Interim Committee, and Montana's federal legislators Senator John Tester, Senator Steve Daines, and Representative Ryan Zinke are included. These partners are fully committed to creating a coordinated, statewide effort to reform sexual assault protocols in Montana which will result in identifying and testing Montana's unsubmitted sexual assault evidence kits, development of consistent protocols in sexual assault evidence collection and investigation, training, and increased prosecution of sexual assault offenders providing closure for many of our state's survivors of sexual assault.