

Evidence Technicians' Role in a Multidisciplinary Sexual Assault Response

The National Sexual Assault Kit Initiative (SAKI) strives to create a coordinated response to sexual assault that promotes survivor healing and public safety. A victim-centered, multidisciplinary approach can enable jurisdictions across the country to

- ◆ build capacity for supporting the investigation and prosecution of cases for which sexual assault kits (SAKs) were previously unsubmitted;
- ◆ maximize the collection, processing, analysis, tracking, and storage of physical evidence in sexual assault cases; and
- ◆ prevent the accumulation of unsubmitted SAKs in the future.

Evidence technicians, sometimes referred to as property clerks or evidence custodians, manage property and physical evidence. These staff routinely perform critical roles within law enforcement agencies related to SAK evidence transport, storage, processing, and tracking as well as other tasks related to physical evidence collected from the crime scene or suspect. Despite these crucial roles, evidence technicians are not always recognized as important contributors to the multidisciplinary team (MDT). This SAKI brief describes the direct benefits and recommended steps to more fully integrate evidence technicians into multidisciplinary sexual assault response teams.

Benefits of Evidence Technician Integration

Ensuring proper documentation, handling, and tracking of SAKs and all associated physical evidence requires law enforcement to have established resources, processes, and policies. Assigning appropriate resources and personnel to these tasks is important. Evidence technicians' unique knowledge and experiences put them in an ideal position to support law enforcement agencies and their partners in the overall management of SAKs and other related evidence. This integration of expertise can be a key element to ensuring that comprehensive, sustainable SAK storage and evidence tracking practices are in place and can also help SAKI sites successfully achieve their project goals.

Incorporating evidence technicians within an MDT supports sexual assault response reform and ensures compliance with legislated mandates and formal agency policies and standards—including policies related to SAK collection, storage, submission, or retention. Evidence technicians can also ensure that evidence pick-up, transfer, and submission occur in a timely manner and that evidence moves efficiently across these various processing stages. Increased involvement by evidence technicians can also add a layer of professionalism and quality assurance into the evidence chain of custody process to help ensure the evidence is admissible in court and that evidence is retained in the manner required. Finally, an approach that incorporates evidence technicians can promote accountability and organizational transparency around all aspects of sexual assault response.

"It was crucial to establish the positive working relationship we have with the evidence technicians on SAKI as they have been instrumental in our project's progress and success towards inventorying and testing SAKs. Without this positive relationship, the thoroughness of their SAK inventory may have been left in question and it would have taken a much longer time to complete."

—SAKI Grantee

What Does This Mean for SAKI Sites?

Beyond the fundamentals of evidence management, evidence technicians carry out a range of key activities. For example, conducting reoccurring evidence audits, organizing the storage and retention of SAKs, tracking the progress of evidence submitted to forensic laboratories, and assisting with the process for outsourcing to private laboratories.

Completing a Comprehensive SAK Inventory

National best practices and standards for evidence and property management advise agencies to inventory all evidence, including all sexual assault evidence, on a regular basis.^{1,2} Evidence technicians can (1) play a key role in helping achieve these standards and (2) support SAKI objectives to complete an inventory of previously unsubmitted and partially tested SAKs. Evidence technicians' knowledge of evidence storage and retention can be a benefit in organizing and streamlining the inventory process, supporting other partners with ensuring all recommended national standards are followed.

“Completing any sort of ‘physical’ inventory is not possible without the assistance of an evidence technician because they are the only people aware of how SAKs can be coded and found within a department.”

—SAKI Grantee

Maintaining Chain of Custody

Different individuals often take control of SAKs and other evidence as these types of evidence move both within and outside of the law enforcement agency. Multiple layers of staffing can complicate evidence tracking and laboratory submission decisions. Using evidence technicians for end-to-end processing (e.g., evidence pick-up, evidence transportation, submission for testing, and SAK tracking) can minimize potential issues with evidence chain of custody. This can be particularly important when collecting SAKs from medical facilities because the chain of custody is initiated at these locations.

Complying with State Laws

Many states have enacted laws that place certain requirements around how SAKs must be submitted, analyzed, tracked, and retained. However, these requirements can pose challenges for agency leaders who want to ensure adherence to these statutory obligations. Currently, 25 states³ have laws mandating that newly acquired SAKs be submitted to crime laboratories. The laboratory submission requirements for law enforcement range from a few days to several weeks. So far, 19 states have enacted laws requiring SAK tracking from collection through laboratory examination.³ Additionally, many states have legislation for evidence retention, with some states working to strengthen these laws to lengthen the time for biological evidence⁴ preservation. Utilizing experienced evidence

technicians can help agencies maintain a streamlined process that complies with all statutory requirements.

Increasing Evidence Coordination Within Investigative Units

Some SAKI sites have embedded evidence technicians or related positions within their sexual assault investigative units to coordinate and manage all physical evidence associated with their sexual assault cases. These evidence technicians also commonly serve as liaisons between the forensic laboratory and investigative staff to communicate testing analysis results. This practice of embedding an “evidence coordinator” within an investigative unit has been reported to yield a number of benefits, including the following:

- ◆ Providing additional expertise about evidence collection and processing
- ◆ Adding a layer of quality control for sexual assault evidence
- ◆ Freeing up time for detectives to handle other tasks related to investigations and case follow-up
- ◆ Establishing a single contact for tracking laboratory analysis results (including hits in the Combined DNA Index System).

Tracking and Processing Other Sexual Assault Evidence

Current information that SAKI sites collect as well as additional research^{5,6} about DNA testing of SAKs generally indicate that there is a 50% success rate for identifying a foreign DNA profile. This means that, on average, half of the SAKs collected and examined do not have usable DNA for the investigation. Understanding this becomes critically important when collecting additional evidence items (e.g., bedding and clothing) in sexual assault cases. Evidence technicians can play a role in ensuring that these types of evidence are transported from the crime scene, tracked as part of the case, and submitted to the laboratory.

“Evidence technicians were significant contributors in the building of the policies and practices to accomplish our project goals. They assisted with developing the inventory methods, the business practices for outsourcing, as well as managing the transportation and retention of SAKs.”

—SAKI Grantee

Ensuring Accountability and Oversight with Outsourcing

SAK testing can be resource consuming; therefore, several SAKI sites have developed practices for outsourcing this work. Some of these sites have designated one individual to manage all SAKs as they move from internal possession to external sources, such as private laboratories. If designated as the individual to coordinate outsourcing evidence, the evidence technician can ensure the course of action is effective and all appropriate policies and chain-of-custody protocols are followed. This practice instills confidence and accountability for the handling and tracking of evidence from point to point, acceptance through final disposition.

Recommendations for Implementing/Integrating Evidence Technicians

Developing and maintaining a sound response to sexual assault should include fully leveraging the expertise and skills of all available staff. The following steps can help to integrate evidence technicians into a sustainable and effective sexual assault response.

Assess How Sexual Assault Evidence Is Handled

SAKI sites should evaluate and assess the entire evidence management process, with the goal of developing standards that streamline efforts and save time.⁷ Sites should identify gaps or potential areas for interruption, as well as impacted personnel, and determine what resources are currently in place and whether the addition or expanded role of an evidence technician could help. Consider also conducting process-mapping that details the entire evidence process and the staff responsible across each process stage.

Key Questions to Ask

- ◆ What is the current practice of managing and processing sexual assault evidence?
- ◆ How is SAK evidence currently tracked?
- ◆ Are there electronic information management capabilities to assist in this process?
- ◆ What are the current job duties and responsibility of evidence technicians?
- ◆ What resources are needed to make improvements in the evidence management process?

Improve Communication

Encouraging open communication and including the right people in the decision-making process are key to successful SAKI projects. As part of an MDT, the evidence technician can use their specialized skills and knowledge to improve evidence management by identifying best practices and standards.

Key Questions to Ask

- ◆ Is there regular and consistent communication with evidence technicians regarding SAKI and the agency's broader sexual assault response?
- ◆ Are there opportunities to more fully integrate evidence technicians by cross training and redefining roles and responsibilities?

Review and Update Roles and Responsibilities

Often, the role and contributions of evidence technicians are underutilized. In addition, historically, evidence technicians are not included as an MDT partner. This may occur because their job function and agency role are not commonly understood or viewed as integral. Furthermore, evidence technicians may work in a separate workspace (e.g., the laboratory, property, evidence room). Because of this day-to-day separation, their role is viewed as more routine.

Key Questions to Ask

- ◆ Could evidence technician(s) play a larger role in coordinating evidence within the sexual assault investigation unit?
- ◆ Could additional steps be taken to incorporate operational procedures of the evidence technician role in the SAK evidence process?
- ◆ Can staff responsibilities across the entire SAK evidence management process be defined?

Review, Create, and Update Policies¹ and Operational Procedures

Remembering best practices and procedures helps to ensure your project is sustainable and practices are improved. It is recommended that written procedures are in place for handling evidence and ensuring the chain of custody is maintained.^{1,8} As a SAKI site, having sound policies should be a priority. Addressing this area will assist you in providing a roadmap of work needed and assessing resources needed to support the practice.

Key Questions to Ask

- ◆ Do policies sufficiently detail and define the sexual assault evidence management process?
- ◆ Which MDT members or stakeholders are used to review and develop policies related to sexual assault evidence?
- ◆ How frequently are these policies reviewed?
- ◆ Are all team members properly trained on current and new policies?

Delivering a Robust Response to SAK Evidence Management

It is vital that a SAKI MDT access all available resources to support their project and ensure sustainable, successful outcomes. Evidence technicians bring unique, important contributions to this effort and—when integrated into the process—bring the MDT one step closer to sustainability. Leveraging an evidence technician’s expertise can prevent confusion about evidence storage or submission and will provide immediate technical support if issues arise. SAKI sites should be actively identifying the value of evidence technicians who address critical challenges and ensure successful, sustainable project goals.

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This project was supported by Grant No. 2015-AK-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. **For more information, visit www.sakitta.org.**