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## **Final Research Report**

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## **Executive Summary**

As part of Connecticut's involvement in the National Sexual Assault Kit Initiative (SAKI-CT), the SAKI-CT research team engaged in multiple modes of research, data collection, and analysis to inform the overall project. The goal of the research component was to address three overarching questions.

- (1) Why did the issue of unsubmitted sexual assault kits (SAKs) occur in Connecticut?
- (2) What conditions allowed this to occur?
- (3) What past information should inform sexual assault investigation into the future?

To answer these questions, the research team undertook a four-phase approach. The first phase involved reviewing the available literature produced from SAKI projects outside Connecticut as well as the available peer-reviewed literature on sexual assault kits and sexual assault investigations. The research review phase resulted in the conclusion that the primary areas in need of analysis under SAKI-CT were the impacts of investigative processes and the impacts of policy on decisions to submit SAKs. The second phase included analysis of quantitative data to determine the extent and distribution of unprocessed SAKs in Connecticut. The third phase of the research project, consisting of interviews with detectives with knowledge about cases that resulted in unsubmitted SAKs, included semi-structured interviews to isolate relevant case and investigative decision factors. The fourth phase of the project involved collecting policies on sexual assault investigation from the sampled departments for content analysis. This final research report presents detailed findings from these phases of inquiry as described in this executive summary.

## Results

Overall, the results of the research suggest that unsubmitted SAKs were a substantial issue in Connecticut and the high number of unprocessed SAKs in the state resulted from a combination of investigative decisions and policy limitations. The issue of unsubmitted SAKs was widespread throughout Connecticut, and agencies within all judicial districts had unsubmitted SAKs.

Most agencies in the sample had fewer than 10 unsubmitted SAKs, with fewer agencies having 10 or more unsubmitted SAKs. There were several agencies that had substantially more unsubmitted SAKs ranging as high as 129 in a single agency. The victims in these cases were predominantly female and young (average age 26.1). Most victims were White (76.8%), with fewer being Black (16.2%), Hispanic (6.2%), or Asian (less than 1%). Over one-third of incidents involved some type of intoxicant (34.2% involving alcohol and 9.2% involving drugs). Few of the incidents (3.4%) involved weapons.

The qualitative analysis rendered several important conclusions. First the analysis uncovered several issues related to the prevalence of unsubmitted SAKs that stemmed from particular facts from the investigations of the cases. These included cases where the SAK was not tested because:

- The victim declined to pursue charges against the suspect or declined to participate in the investigation.
- The victim was anonymous, or the administering hospital did not collect the victim's contact information.

- The victim was a juvenile, and the parents did not want to proceed.
- Other evidence discovered during the investigation suggested that a sexual assault had not occurred.
- The case lacked probable cause, or the prosecutor advised against processing the SAK.
- The lab may have returned the SAK to the department<sup>1</sup>.
- Testing turnaround times were perceived as too long to aid in the investigations.
- The suspect was already identified, and the sexual act was not in dispute.

In addition, investigators indicated that they made substantial efforts to identify and/or contact victims to proceed with investigations, and determinations that some cases were not sexual assaults were often the result of a substantial investigation involving other forms of evidence.

Beyond case characteristics, the qualitative analysis also identified strengths within several departments. Policy considerations, training, specialization, relationships with outside partners, and diversity in investigative units were all important strengths. Several weaknesses also emerged. Importantly, the same characteristics that represented strengths within some agencies were viewed as weaknesses in others. Among these, policy considerations and training were the most important. As well, resource constraints and lack of interest in working in sexual assault units among officers were meaningful concerns.

Finally, the qualitative analysis uncovered a substantial focus on victims and victim-centered approaches to investigating sexual assault cases. Importantly, an understanding that

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<sup>1</sup>This may have related to previous requirements under CT Gen Stat § 19a-112a.



investigators could potentially re-victimize victims was commonly discussed. The victim orientation was linked to both training and policy changes. However, concerns about whether certain aspects of the SAKI program might not reflect a true victim orientation were expressed. Specifically, testing kits when victims did not want them tested was raised. A similar concern about suspects' rights was raised as an issue in need of consideration. This was based on the concern that testing might result in DNA of the accused being entered into CODIS without adequate evidence that a sexual assault had occurred.

The content analysis of the policy information indicated that current policies in the agencies sampled demonstrated inconsistencies with the RTI/SAKI model policy. While most of the policies had been reviewed within the last three years and almost two-thirds were adopted from similar language, many of the key elements of the model policy were not included in the agency policies. The policies typically included guidance for dispatch, first responders, investigators, and supervisors. As well, the role of the victim advocate was specifically expressed in two-thirds of policies. Even more policies included information about victim advocate services. However, elements of directly interacting with victims, including victim-centered approaches and trauma informed interviewing were rare.

## **Implications**

Addressing the policy issues underlying investigative practices is likely the most viable approach to altering conditions to limit the likelihood that a similar problem develops in the future. Content analysis of current policies adopted throughout the state using the RTI/SAKI model policy as a guideline will provide insight into available opportunities for improvement. Based on this or a similar analysis, the State of Connecticut should develop a model policy for

agencies throughout the state to adopt that is consistent with the RTI/SAKI model policy. Other strategies such as increasing resources and increasing available training would likely be beneficial; however, these strategies likely require additional time and resources to implement.

## **Introduction and Background**

As a recipient of the Bureau of Justice Assistance's (BJA) National Sexual Assault Kit Initiative (SAKI) for fiscal year 2017 (SAKI-CT), the State of Connecticut established the Sexual Assault Kit Working Group (SAKI-WG) to improve investigation of sexual assault cases. The process of improving investigations into sexual assault cases involved two key components. The first involved adopting a trauma-informed and victim-centered response. The second involved increasing the utilization of sexual assault evidence kits (SAKs). The project, which lasted for three years, identified 1,182 SAKs at police departments throughout Connecticut that had never been sent to the states' crime lab for testing. Nearly 40% of these unsubmitted kits were more than five years old. As well, the project established a victim notification protocol which included support for sexual assault victim whose cases were reopened as a result of processing the unsubmitted SAKs.

In addition, SAKI-WG also outlined a research agenda to better understand the extent of the issue of unsubmitted SAKs and the impact of the investigative process on the testing of SAKs. To support these efforts, SAKI-WG engaged a research team whose role was to design and execute a research plan. The research team included individuals from Central Connecticut State University's Institute for Municipal and Regional Policy (IMRP) and the University of New Haven's Department of Criminal Justice (UNH). The initial goals for the research team included reviewing approximately one-third of the cases identified in 2015 where SAKs were not sent to the lab. The research was designed to determine reasons kits were not sent to the laboratory and to isolate the impact of investigative practices on these decisions. The initial

research plan also incorporated case file analysis and interviews with investigators to better understand how SAKs not sent to the laboratory for testing related to investigative decisions.

In addition to developing a research plan for addressing the initial goals, the research team incorporated a policy analysis. As part of SAKI effort outside Connecticut, other SAKI researchers have developed a model policy which recommends that policies:

- (1) are current,
- (2) include personnel standards and responsibilities, and
- (3) describe a trauma-informed, victim-centered response.

To provide additional context to the SAKI-CT project, the research team conducted a content analysis of policies collected from the sampled agencies that had unprocessed SAKs to determine the extent to which agency policies in Connecticut comport with the RTI/SAKI model policy.

This report summarizes the research efforts. The report includes a literature review summarizing previous SAKI work at other sites and other relevant literature on SAKs and investigations of sexual assaults. Next, the research process is discussed in detail, and research findings are presented. Finally, the report includes conclusions and policy implications.

## **Relevant Literature**

While multiple types of evidence are useful when investigating sexual assaults, physical evidence collected in SAKs is unique in its value. SAK evidence can establish the identity of the offender at a level of reliability substantially beyond other types of evidence. The physical evidence collected in a SAK (e.g., body surface and cavity swabs) may contain biological evidence (e.g., semen, saliva, or blood) from which DNA can be extracted and analyzed to generate a DNA profile. These profiles, when applicable, can be compared to the DNA profiles within CODIS, a national reference database of comparison DNA samples to aid investigators in identifying suspects (Campbell et al., 2015).

Profiles can be uploaded to CODIS under two conditions: (1) when there is a reasonable belief that a crime was committed and (2) when there is a reasonable belief that the evidence likely came from the offender (Butler, 2005; Jobling & Gill, 2004). Samples uploaded to the state or national database can result in either an Offender Hit, when an uploaded profile matches to an offender, or a Forensic Hit, when the uploaded profile hits to a profile from other cases, but not to a named individual.

There are actually four ways that SAKs can assist investigations. First, SAKs can help establish offenders' identities in unsolved sexual assaults. Second, SAKs can confirm the identity of an offender that has already been identified. Third, SAKs can uncover patterns of serial sexual assaults, and fourth, SAKs can exonerate wrongly accused individuals (Campbell et al. 2015). Despite the value of SAKs, a variety of sources (e.g., media stories, investigative advocacy projects, and social science studies) have indicated that law enforcement agencies are not

submitting many SAKs for forensic testing. Instead, these unsubmitted SAKs remain in evidence storage.

New York City was the first jurisdiction reported to have a stockpile of unsubmitted SAKs (Bashford, 2013). Los Angeles was likewise identified as having thousands of unsubmitted SAKs (Peterson et al., 2012). The state of Illinois later reported that only 1,474 of the 7,494 SAKs in evidence had been tested (HRW, 2010). Between these three jurisdictions, the problem of unsubmitted SAKs gained national attention. As more attention was focused into the issue of unsubmitted SAKs, the overwhelming scope of the unsubmitted SAK phenomenon became clear. In the United States, hundreds of thousands of SAKs that were not submitted to laboratories for testing have been identified (Campbell et al., 2017).

In response, social science researchers began trying to assess the scope of the problem and to discover reasons that SAKs were not being processed. Within the research, four key factors impacting the likelihood that SAKs are processed have been identified. The first reason relates to the fact that not all victims want their kits tested. The second reflects the fact that law enforcement may choose to not submit a SAK to a laboratory because any results from the SAK would not help their investigation. Third, a SAK may not be submitted because a suspect may have already been identified or adjudicated. Fourth, a SAK may not be submitted because resources at the laboratories that process SAKs may be inadequate resulting in processing times that are too long to support investigations and/or prosecutions (Campbell et al., 2015).

Empirical evidence has shown support for these factors. Resource scarcity has repeatedly been shown to be an issue that relates to decisions against testing SAKs and long laboratory processing times (Campbell et al., 2017; 2018; Hendrix et al., 2020). However, resources only partially explain these decisions. Discretionary practices in SAK testing and investigations, like

concerns related to victim credibility and victim cooperation, have been shown to be more influential than resource limitations (Campbell et al., 2018).

Likewise, cases where investigators and prosecutors concluded that testing the SAK would not help the investigation or prosecution have been related to non-submissions (Peterson et al., 2012). Victim characteristics including age, race, and gender as well as characteristics of the sexual assault like injuries sustained, victim-offender relationship, number of offenders, and drug use have been related to the likelihood of testing (Shaw et al., 2020). Further post-assault actions like bathing or showering and time between the assault and the exam where the SAK was collected may impact submission (Shaw et al., 2020).

Policy issues have also been related to decisions against testing SAKs. For example, policies requiring officers to wait on notification from medical facility to collect SAKs (as opposed to collecting the kits immediately following the examination) have been related to a lower likelihood of submitting kits to the lab. In addition, policies that describe criteria for submitting SAKs or mandate that decisions not to submit require written justification have also been related to the likelihood of submission. Finally, policies that prioritize the submission of evidence based on criteria like deadlines for submitting SAKs to labs have also been shown to impact the likelihood of submission (Hendrix et al., 2020).

The issue of policies' impacts on decisions to submit SAKs is exacerbated by a lack of well-established, uniform procedures for obtaining, storing, and submitting evidence collected in SAKs. Policies and procedures related to submission and evidence retention vary substantially between jurisdictions, and some agencies have been unsure whether such policies are actually enacted within their organization (NIJ, 2011). Likewise, few agencies preserve biological

evidence in cases where a guilty verdict has been rendered. Thus, biological evidence originally collected in SAKs may be unavailable if not tested when initially collected.

Finally, characteristics associated with location may be related to the likelihood of submission. Sexual assaults are handled more similarly when they occur within a jurisdiction than sexual assaults that occur in different jurisdictions (Shaw et al., 2020). Further, efforts at collecting and testing unsubmitted SAKs have shown that some jurisdictions contribute to the number of unsubmitted SAKs much more than others (Davis et al., 2017). This phenomenon may reflect characteristics of the jurisdiction or the specific agencies involved. Individual agency policy, culture, or other characteristics may all impact submission, and research suggests that these areas need further study (Shaw et al., 2020).

Beyond reasons that SAKs may not be tested, research into processing unsubmitted SAKs generally has shown that testing unsubmitted kits can result in hits (e.g., 54% of 894 previously unsubmitted SAKs in Detroit yielded CODIS-eligible profiles which rendered 51 hits) (Campbell et al., 2016). These hits were important beyond the individual investigations, as these can produce hits related to serial sexual assaults supporting investigations occurring across jurisdictions (Campbell et al., 2016; Lovell et al., 2017).

A key limitation in research into unsubmitted SAKs is that the studies have often focused on static methods and limited instruments (Patterson & Campbell, 2013; Strom & Hichmak, 2010). Researchers considering the literature on unsubmitted SAKs have suggested that studies should incorporate qualitative methods alongside quantitative methods including analysis of interviews to better understand SAK submission practices (Campbell et al. 2015). This combined, mixed method approach can likewise assist in understanding why current explanations can only partially explain the phenomenon (Campbell et al., 2017). The implication



is that these studies may have missed several important considerations necessary to understand the root causes of unsubmitted SAKs. The decision to submit a SAK is nested within an investigation which is likely influenced by many different factors operating at different levels (e.g., historical factors, policies and procedures, norms and culture, and detectives' knowledge, attitudes, and beliefs), all of which may influence the decision to submit SAKs for testing (Campbell et al. 2015).

An additional consideration relates to the discussion about the value of testing all previously unsubmitted SAKs. Victim's rights must be carefully balanced against the investigative value of testing SAK evidence (NIJ, 2011). Despite this consideration, some states have implemented universal testing of SAKs though evidence suggests that legislation of this type does not impact reporting or arrest rates in sexual assault cases (Davis et al., 2017). However, rules mandating 100% testing of all new SAKs has strained laboratory resources, and rules mandating testing have strained law enforcement resources (Davis et al., 2017).

## **Summary of literature**

The available literature on SAKs demonstrate many reasons that SAKs are not processed. However, key limitations are noted. Specifically, the impact of the investigative process and the impact of policy on decisions to submit SAKs remain under-studied areas. While the research under SAKI-CT included analyses about locations of unsubmitted SAKs as well as victim, offender, and incident characteristics, the research focused primarily on the impact of investigative processes and the impact of policy on SAK submission.

## **Methodology**

As part of the SAKI-CT project, the research team collected data and conducted a variety of analyses to support the SAKI-WG. To assist with understanding issues related to the number of unprocessed SAKs in Connecticut, the research team engaged in multiple modes of research, data collection, and analysis. The research aimed to address three overarching key questions established by SAKI-WG. These questions were:

- (1) Why did the issue of unsubmitted SAKs occur in Connecticut?
- (2) What conditions allowed this to occur?
- (3) What past information should inform sexual assault investigation into the future?

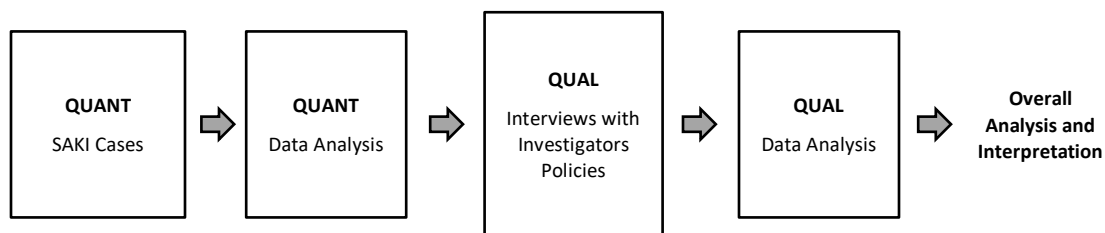
To answer these questions, the research team developed a plan that included three primary research components. The first component included collection and analysis of quantitative data to determine the extent and distribution of unprocessed SAKs in Connecticut. The second component of the research plan consisted of semi-structured interviews with detectives with knowledge about cases that resulted in unprocessed SAKs to isolate relevant case and investigative decision factors that may have contributed to decisions against submitting these kits. The third component of the research plan involved collecting policies on sexual assault investigation from the relevant departments for content analysis using the RTI/SAKI model policy as a baseline. An overview of the overall method is presented next.

## Mixed methods research design

This research project utilized a mixed methods approach. This type of approach allows researchers to answer research questions that cannot be thoroughly addressed using either quantitative or qualitative methods alone. Mixed methods are generally considered ideal for studying phenomena that are largely unstudied such as the phenomenon of unsubmitted SAKs. As well, mixed methods can be ideal for isolating unknowns in research, such as the factors that may have contributed to the number of unsubmitted kits. The specific mixed method approach utilized was a sequential explanatory design which incorporates both quantitative and qualitative methods.

The sequential explanatory design involves a process where the data collection and analysis of quantitative data is followed by the data collection and analysis of qualitative data. Often this approach is utilized to explain and interpret the quantitative results using qualitative data collected after quantitative analysis has rendered general conclusions. Other times, the quantitative analysis is used to guide the qualitative follow-up. Figure 1 provides a visual model of the sequential explanatory design (Adapted from Creswell, 2009).

**Figure 1: Sequential explanatory design**



In the case of unsubmitted SAKs in Connecticut, the sequential explanatory design allowed the use of quantitative data to isolate the prevalence and extent of the issue. Although

the quantitative analysis was useful for understanding the phenomenon generally, it provided only limited insight into the factors that may have led to the issue. Qualitative methods can provide more detailed information about the specific characteristics of a phenomenon as well as insights into the actual processes involved; thus, qualitative methods were determined to be better suited to explaining factors that contributed to the prevalence of unsubmitted SAKs like investigative issues. This approach rendered a better understanding of why the number of unsubmitted SAKs grew.

Combining quantitative and qualitative methods together provided both a general understanding of the issue as well as additional details about issues that led to the problem. This approach provided both a sense of scope and identified key factors that might be addressed to change conditions that contributed to the problem. Thereafter, the results of the quantitative and qualitative interviews were used to inform the policy analysis that formed the final component of the research plan. The following chapters delineate the specific methods and findings from each line of inquiry.

## **Quantitative Analysis and Findings**

The key goals of the quantitative analyses were to determine patterns of victimization, victim characteristics, and characteristics of cases. The sample for SAKI-CT research included the cases identified in 2015. In total, the 2015 case set included 1,188 cases where SAKs were unsubmitted. The 1,188 cases came from 87 different agencies, and these agencies included municipal departments, state agencies, university departments, and a casino unit. Data on each of the 1,188 cases was collected by the SAKI-WG from the Connecticut State Lab records and provided to the research team.

The data included information on lab case number, the judicial district and agency where the evidence came from, a description of the evidence, information on the presence or absence of a suspect in the investigation, the date and time of the incident, the date that evidence was collected, the date the evidence was logged in by the agency, the date it was submitted (and/or resubmitted) to the lab, information on the victim (age, race, sex), information on the suspect(s) (age, race, sex), and indicators reflecting the involvement of alcohol, drugs, or weapons in the incident. As well, information on any relationship between the victim and the alleged assailant was included if available. While the list of information collected on each case attempted to include as many relevant factors as possible given the nature of the documentation available, the complete information set was not available for all cases. Thus, many cases had missing data or information that was unknown to investigators.

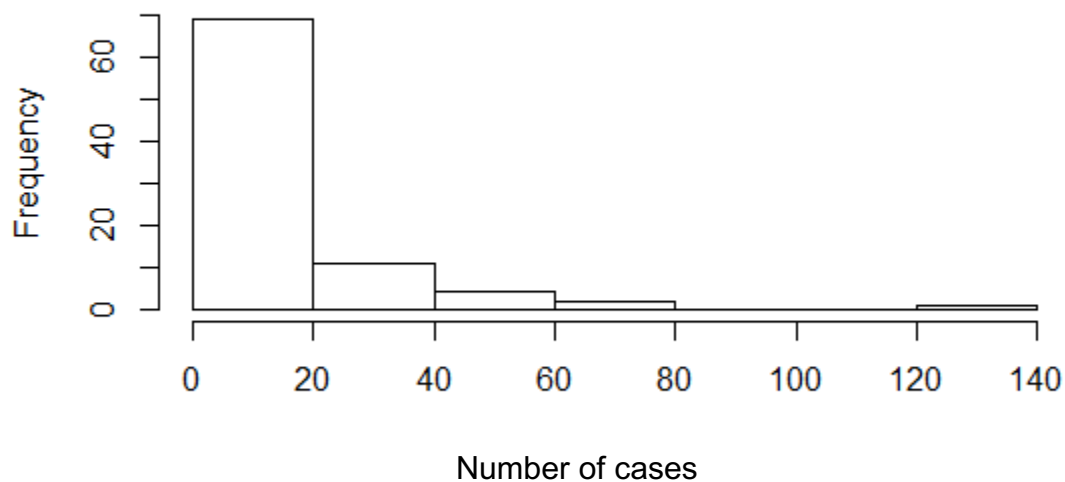
Analysis of the quantitative data involved calculating descriptive statistics for each of the measures. Frequency distributions were calculated to understand patterns of unsubmitted SAKs by agency. As well, demographic information on victims was summarized to explore patterns of

unsubmitted SAKs related to types of victims. Finally, incident characteristics were summarized to explore patterns.

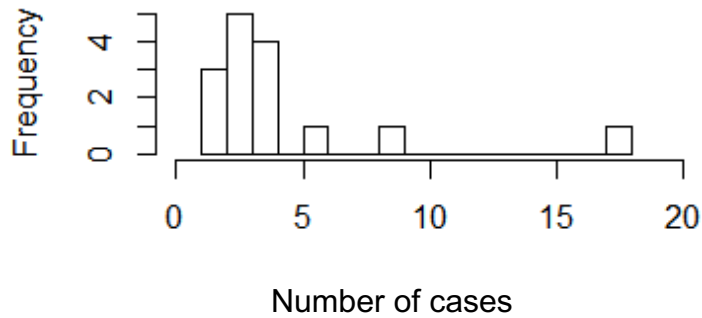
### Agency characteristics

Of the 87 agencies with unsubmitted SAKs, the minimum number of cases per agency was one with a maximum of 129. Among the 87 agencies with unsubmitted SAKs identified, the number of actual unsubmitted SAKs varied substantially. Figure 2 presents the distribution of frequency of cases per agency. Given the level of skew, Figure 3 presents a detail of the lower portion of the distribution.

**Figure 2: Frequency of cases by agency**



**Figure 3: Frequency of cases by agency detail**



The mean number of cases per agency was 13.6 (SD = 19.3). The distribution was heavily skewed with 54 agencies having fewer than 10 cases in the data, and the remaining 33 having 10 or more. The maximum number of cases per agency was 129. Agencies within all 13 judicial districts in the state were present in the data. Figure 3 shows the municipal jurisdictions represented in the data within each judicial district<sup>2</sup>.

### **Victim characteristics**

In total, 95.4% of the cases involved female victims. The mean age of victims was 26.1 years (SD = 13.0) with a minimum of 1 and a maximum of 94. Victim age varied on average between judicial districts, and Table 2 presents the summary statistics for age by judicial district.

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<sup>22</sup> State police trooper, university police, and tribal and casino jurisdictions are not included in the figure

Table 1: Summary statistics for victim age across judicial districts\*

	<i>Mean</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>n</i>
Ansonia/Milford	27.4	13.1	12	90	76
Danbury	29.7	21.3	13	88	21
Fairfield	27.0	12.0	8	65	49
Hartford	26.2	14.4	2	94	128
Litchfield	26.7	11.0	3	54	79
Middlesex	18.1	9.9	1	46	17
New Britain	23.0	10.7	4	60	85
New Haven	26.6	13.8	3	82	139
New London	26.6	13.8	2	82	72
Stamford/Norwalk	25.3	12.4	1	70	116
Tolland	24.5	8.0	17	42	13
Waterbury	27.3	13.1	2	91	134
Windham	19.3	6.8	5	33	12

\* Valid percentage reported.

Race of victim was predominantly White (76.8%) with 16.2% of the victims being Black, 6.2% being Hispanic, and 0.8% being Asian. As with age, racial composition of victims varied by judicial district. Table 3 presents the summary statistics for race by judicial district.

Table 2: Summary statistics for victim race across judicial districts\*

	<i>Female</i>	<i>Asian</i>	<i>Black</i>	<i>Hispanic</i>	<i>White</i>
Ansonia/Milford	94.9%	1.5%	10.3%		88.2%
Danbury	95.3%	5.26%	15.8%	15.8%	63.2%
Fairfield	100%	2.4%	11.9%	14.6%	71.4%
Hartford	93.3%	0.9%	28.4%	5.5%	65.1%
Litchfield	96.5%	1.3%		1.3%	97.4%
Middlesex	88.3%		28.6%	14.3%	57.1%
New Britain	96.6%		6.0%	9.6%	84.3%
New Haven	95.8%	1.8%	19.5%	6.2%	72.6%
New London	93.7%		11.3%	2.1%	86.6%
Stamford/Norwalk	97.6%		23.7%	9.3%	67.0%
Tolland	100%				100.0%
Waterbury	94.4%		20.7%	6.7%	72.6%
Windham	91.7%		20.0%	20.0%	60.0%

\* Valid percentage reported.



## Incident characteristics

The incident data indicated that 34.2% of the cases resulting in unsubmitted SAKs involved alcohol, 9.2% involved drugs, and 3.4% involved the use of a weapon. These incident characteristics also varied between judicial districts. Table 4 shows incident characteristics by judicial district.

**Table 3: Summary statistics for incident characteristics across judicial districts\***

	<i>Anon</i>	<i>Alcohol</i>	<i>Drug</i>	<i>Weapon</i>
Ansonia/Milford	9.4%	40.3%	13.0%	1.3%
Danbury	25.0%	38.1%	4.8%	0.0%
Fairfield	10.9%	30.6%	12.2%	12.2%
Hartford	28.0%	33.1%	11.8%	5.9%
Litchfield	10.6%	41.7%	9.5%	0.0%
Middlesex	46.9%	5.9%	5.9%	0.0%
New Britain	7.5%	24.4%	5.8%	0.0%
New Haven	7.8%	34.5%	9.2%	2.8%
New London	7.6%	43.6%	3.6%	3.6%
Stamford/Norwalk	10.1%	31.5%	12.1%	1.6%
Tolland	27.8%	53.9%	0.0%	7.7%
Waterbury	11.3%	30.5%	8.5%	5.7%
Windham	33.3%	33.3%	16.7%	0.0%

\* Percentage of total reported.

## Summary of quantitative findings

The quantitative findings indicated that the issue of unsubmitted SAKs was widespread throughout Connecticut. Agencies within all judicial districts had unsubmitted SAKs, and agencies of all types had unsubmitted SAKs. Most agencies in the sample had fewer than 10 unsubmitted SAKs, with fewer agencies having 10 or more unsubmitted SAKs. There were several agencies that had substantially more unsubmitted SAKs including Waterbury with 129, Meriden and Hartford with 65 each, Norwalk with 57, Groton town with 50, Torrington with 45, and New Haven with 41.

The victims were predominantly female (95.4%) and younger (average age 26.1). Most victims were White (76.8%), with fewer being Black (16.2%), Hispanic (6.2%), or Asian (less than 1%). Over two-thirds of incidents involved some type of intoxicant (34.2% involving alcohol and 9.2% involving drugs). Few of the incidents (3.4%) involved weapons.

## **Qualitative Analysis and Findings**

The initial plan for SAKI-CT sought to review approximately one-third of the cases identified in 2015 to determine investigative practices, patterns of victimization, offender profiles, and reasons kits were not sent to the lab. This aspect of the project was incorporated into the qualitative research component. Given that 1,188 cases were identified in the 2015 case set, a minimum sample size of 391 cases were selected for review based on the initial plan.

A stratified sampling process was developed to ensure that all judicial districts were represented, that all different types of agencies (municipal, state, etc.) were included, and that agencies with varying levels of unprocessed evidence were also included. To stratify by levels of evidence, agencies with fewer than 10 cases in the overall sample were classified as low evidence and agencies with 10 or more cases in the overall sample were classified as high evidence. This placed 54 agencies (62%) in the low evidence category and 33 agencies (38%) in the high evidence category. Based on this design, a sample of 391 cases from 49 agencies was developed. The final sample included 31 (65%) agencies in the low evidence category and 17 (35%) agencies in the high evidence category

At the time of sample selection, the research team had no indication of the availability or willingness of departments to participate. As such, it was unclear how many of the sampled cases would actually result in successful follow-up interviews. To address this issue, a stratified sampling strategy that accounted for the likelihood that some cases initially selected for follow up may not work out was employed. The sampling processes began by selecting a subset of agencies from each type of agency (municipal, state, etc.) for each of the evidence categories

(high and low). From the sampled agencies approximately 50% of cases within each agency were sampled. The process and applied variation are explained below.

Four types of agencies were represented in the low evidence category. This included state police, municipal police, university police, and casino. To assure coverage of all types, the sampling strategy included three of the six state police agencies, both of the university agencies, and the sole casino. From these agencies, the sampling strategy for cases included 50% of the cases per agency or the single case if only one was available. This resulted in 16 total cases from these agencies. An additional 44 municipal agencies completed the low set. From these low municipal agencies, 90 additional cases were planned for inclusion. This reflected follow-up on 50% of the cases per agency or one if there was only a single case. In total 106 cases were planned for follow up from the low category agencies.

A total of 33 agencies made up the high category. Among these, only state and municipal police categories were present. To assure coverage by type in the high category both state agencies were included along with 15 municipal departments. For analysis, 50% of cases were sampled from each agency with the exception of Waterbury. Follow up on 25 sampled cases was planned in Waterbury given the sheer number of cases present in the agency. In total, 288 cases were included from the high evidence agencies. Together the high and low evidence subsamples formed the initial sample for qualitative follow-up.

To setup interviews, the chief or a known SAKI contact for each agency was first contacted by the research team. The research team indicated a desire to have the agency participate in the SAKI research and asked for guidance on the relevant personnel to contact. Once a contact within the agency was identified, the research team contacted that individual via telephone and e-mail to solicit participation in the interviews. This solicitation process proceeded in multiple rounds. Importantly, several agencies did not respond to contact, others declined to participate.

In total, 19 agencies responded, two of which declined to participate in the interviews. Table 5 shows the formation of the final sample.

**Table 4: Sample solicitation and response**

	<b>SAKI Interview Invitations</b>	
	<i>First Round Invitations*</i>	<i>Second Round Invitations</i>
<b>Responded to Contact</b>	10	9
<b>Declined</b>	1	1
<b>Scheduled</b>	5	11
<b>Conducted</b>	5	11
<b>Interview Length [avg]</b>	~ 1 hr. 17 min.	~ 1 hr. 6 min.**

\*Invitations sent 4/27 included a smaller selection to establish best practices for scheduling

\*\*Average of all interviews is 1 hr. 8 min.

The 16 interviews conducted represented 110 of the cases in the sample. Of the 16 interviews, seven were with agencies from the high evidence category. Six were with agencies from the low evidence category. Table 6 presents the sample of agencies, and Table 7 presents the sample of cases by level of evidence.

**Table 5: Agencies interviewed by evidence category**

<b>Agencies Interviewed</b>		
	<b># of Agencies</b>	<b>% of Sample</b>
<b>High Evidence</b>	7	14.3%
<b>Low Evidence</b>	6	12.2%
<b>Total</b>	13	26.5%

**Table 6: Cases covered by evidence category**

<b>Cases Covered by Interviews</b>		
	<b>Cases Covered</b>	<b>% of Sample</b>
<b>High Evidence</b>	88	30.6%
<b>Low Evidence</b>	22	20.8%
<b>Total</b>	110	27.9%

## **Interview protocol**

The interviews were semi-structured and were based on an initial question set. The question set included five key areas:

- (1) Background information on respondent
- (2) Relevant agency characteristics
- (3) Detectives' roles in SAK processing
- (4) Sampled cases
- (5) Concluding thoughts

Questions within each of these areas assessed specific information related to each theme; however, the goal was not to analyze specific responses. Rather, the method was designed to

generate a discussion where relevant information related to issues surrounding unsubmitted SAKs could be discovered. The following sections present the specific questions asked by area.

**Section 1: Background information on respondent.** This section of questions began with the statement, “To get started, I would like to ask you some questions about your current position in your agency/organization.”. The questions included:

- (1) How long have you worked in law enforcement?
- (2) How long have/did you work as a detective?
- (3) To what extent have you worked with sexual assault cases and/or victims?

**Section 2: Relevant agency characteristics.** This section of questions began with the statement, “In this next section, I would like to ask you about your agency’s role in processing sexual assault kits. I want you to think about your organization as a whole (policies, procedures), not about the individuals who make up your organization.” The questions included:

- (1) Thinking of your organization at the time the sexual assault that we are discussing was investigated:
- (2) What policies and procedures were in place to investigate sexual assault cases?
- (3) What policies and procedures were in place to process sexual assault kits?
- (4) Which procedures were the most effective in making certain that sexual assault kits are processed appropriately?
- (5) Which procedures were the most ineffective?
- (6) Was there a person/or group who was in charge of overseeing such policies and procedures?

- (7) What resources (i.e., personnel, equipment, etc.) were available to help make these procedures work?
- (8) Can you identify any gaps in the policies/procedures that may have contributed to the department having unsubmitted sexual assault kits?
- (9) Thinking of your organization currently, have there been any changes to how sexual assault kits have been processed? How investigations are being conducted? Changes in training?
- (10) What are the expectations regarding the importance of sexual assault cases in your organization?
- (11) How does the investigation of sexual assault cases compare to other crimes?

**Section 3: Detectives' roles in SAK processing.** This section of questions began with the question, "This next section is about your perception of how detectives within your organization process and handle sexual assault cases and kits." The questions included:

- (1) In terms of the detectives' roles with investigating sexual assaults, what do you think has contributed to SAKs not being processed?
- (2) How many detectives are typically involved in investigating sexual assault cases in your organization?
- (3) Do you think that the way detectives are supervised influences whether SAKs are tested?
- (4) Would you say these detectives are knowledgeable about sexual assault in particular? (i.e., the impact of sexual assault on victims? Current stats on actual sexual assault incidents? Prevalence? How sexual assault cases are prosecuted?, etc.)?
- (5) What would you say is the current social climate surrounding sexual assault cases?
- (6) What are the attitudes and beliefs that detectives in your organization hold about sexual assault victims?
- (7) Do you think these beliefs have changed over time, and, if so, how?
- (8) Do you think that the attitudes held by the detectives in your organization contributed to the way sexual assault cases/kits were handled, and how?



**Section 4: Sampled cases.** This section of questions began with the statement, “The next section is specifically about the cases that you were contacted about. Here we will be discussing specific details about the investigations. This will be repeated for multiple cases if applicable.

We’ll begin with [case number].” The following questions were included:

(1) Can you provide me with the following details about the victim:

- a. Age
- b. Race
- c. Ethnicity (Hispanic/Non-Hispanic)
- d. Sex
- e. Occupation

(2) Was there a suspect identified in the case, and, if so, can you provide me with the following details about the suspect:

- a. Age
- b. Race
- c. Ethnicity (Hispanic/Non-Hispanic)
- d. Sex
- e. Relationship to victim

(3) Did the assault involve any of the following:

- a. Alcohol
- b. Drugs
- c. Weapons
- d. What details can you tell me about this case?

(4) What details can you tell me about this investigation?

(5) Why was the SAK not processed?

**Section 5: Concluding thoughts.** This section of questions began with the statement, “Thank you for sharing with me your thoughts and concerns about the processing of sexual

assault cases/kits in your organization. This final section will ask you to share your overall feelings about the current problem.”

- (1) Overall, what would you say has contributed the most to the problem of unsubmitted sexual assault kits over the last several decades?
- (2) What are the major strengths of your organization in handling sexual assault cases/kits? What are the major weaknesses?
- (3) What are the major strengths of the individuals within your organization in handling sexual assault cases/kits? What are the major weaknesses?
- (4) What do you foresee to be the most difficult task in responding to this problem?

### **Qualitative analysis of interviews**

As noted previously, the questions asked assessed specific information; however, the goal was not to analyze specific responses. Rather, the method was designed to generate a discussion where relevant information that might inform on the factors that related to the prevalence of unsubmitted SAKs, including investigative issues, would emerge.

Formally, the method represents a collective case study where the situation that led to the quantity of unsubmitted sexual assaults is being evaluated overall through a process of considering each individual case, represented by an agency, with the understanding that the information collected on each agency is not necessarily complete. The approach is pragmatic. The ultimate goal is to understand the phenomenon, conditions that led to the phenomenon, and factors that might help prevent a recurrence (Creswell, 2013).

Likewise, it is important to note that, given the sample size, selection process, design of the semi-structured interviews, and the overall method, reporting statistics for these data (like percent of investigators who attributed unsubmitted SAKs to a specific factor) is inappropriate. Instead, the qualitative process renders emergent factors that are likely important to

understanding the phenomenon of unsubmitted SAKs and its relationship to investigations, investigators, and characteristics of law enforcement agencies.

### *Characteristics of cases that related to unsubmitted SAKs*

Importantly, this uncovered details about the investigations that illustrate the way case characteristics impact the decision to submit. A common reason given to explain why SAKs were not submitted in individual cases was that the victim in the case indicated that they did not want to proceed. Individual investigators acknowledged that they would not send kits if they were not pursuing a criminal charge based on a victim's decision. As an example, investigators noted,

“If the person doesn't want to pursue a case, we wouldn't send it typically.”

“I wouldn't send a kit to the lab if the victim told me they didn't want to pursue a criminal charge.”

“If we have a kit that was collected and we interview the victim and they say that they no longer want to pursue a complaint, then it wouldn't be submitted.

Investigators also noted that sometimes victims would ask for time to consider what they wanted. During this time, investigators sometimes put investigations on hold but that the final decision not to submit came down to a decision not to pursue charges.

“She did not want us to talk with the suspect or to investigate the incident further until she decided how she wanted to proceed, so we didn't interview anyone else at her request. And she later, gives a statement saying that she did not want us to pursue charges.”

Other times, kits may not have been processed in cases where the victim did not specifically indicate that they did not want a prosecution to occur but were not willing to participate in the investigation.

“She [the victim] refused to speak to the officer period.”

“The [victim] no longer returned phone calls; just disappeared off the map and just didn’t want to be found anymore.”

Officers sometimes noted that they made substantial efforts to contact the victims to no avail. Still, this left the investigator without a clear indication as to how to proceed.

“I sent her certified letters to contact me – still no contact. I actually even reached out to the father who I knew some years ago saying, ‘Hey, I’m trying to get in touch with her.’ He left her messages saying hey you need to call about it, and that was it. I never heard back from her, and [it’s] not like she declined to prosecute or pursue it.”

Another common reason was related to victim’s desires to remain anonymous. This could have occurred either during the investigation or during the examination.

“She didn’t want to file a police report, she wanted to remain anonymous.”

“So, when you go to the hospital and have a sex assault kit, you do not have to give your name. So, at the department we would call that an unknown victim. So, we really have nothing to go on other than a kit taken from a nurse from a female or a male victim. So, we refer to those as unknowns.”

Some unsubmitted SAKs reflected juvenile victims when parents did not want to pursue the investigation. This at times related to concerns that parents had about the

validity of the claim. Other times, it related to a desire to avoid involvement in the investigation.

“Later in the day the victim’s mother requested that, after speaking with her daughter, she wants to withdraw the complaint [because] the daughter was not truthful about the incident. . . it was consensual. I guess she thought her mother would be mad, so they withdrew the complaint.”

“Both parents indicated that they did not believe that she was sexually assaulted or anything because she made up this story. She was supposed to be home and went out with her friends. The parents stated that the daughter does consistently lie and makes up stories and that she has mental health issues so on and so forth.”

Another reason SAKs were not submitted to the lab was related to the lack of a prosecutable case given the available evidence. This could relate to issues of victim participation in the investigation, lack of evidence, or exculpatory evidence indicating that a sexual assault had not occurred. These decisions may have been made by investigators or prosecutors.

“If we have somebody who has a kit done at the hospital and then upon interviewing them it doesn’t seem like they want to pursue a complaint or there’s any probable cause [or] suspicion to believe that there was a crime, then we wouldn’t submit it”

“The detective didn’t have probable cause to move forward and closed the criminal element of the case.”

“The prosecution rejected it for [lack of] corroboration. They wanted more corroboration of her statement. But there was nobody else at the house besides the two of them.”

“So prosecutors had a huge role in telling us okay, we want that tested, or we don’t want it to get tested.”

Investigators likewise noted that these conclusions were typically the result of a substantial investigation into the incident that included a variety of other evidence.

“So in these cases the officer didn’t just come to this conclusion in four and a half minutes. This case got turned over to the special investigations unit was done by a detective I have the utmost respect for, and, you know, conclusions were made by multiple detectives in this unit and everybody else, including parents that this just did not happen like that.”

The discussion of the role of the prosecutor moved several times into an acknowledgment of how influential prosecutors and the State’s Attorney are in the decision process.

“So the case was brought to the State’s Attorney, the information was shared with the State’s Attorney on her description of what happened, and the State’s Attorney said it was a non-prosecutable case. So that’s, she was told, and that’s how that case was closed.”

“The state’s attorney can fill out a form, and they can have them test things at their direction. Otherwise, they may not want to test because there’s no prosecution.”

In other cases, SAKs were not processed even though the investigations were moving forward because the identity of the suspect had already been established. This was particularly challenging in cases where the fact that a sexual act had occurred was not in dispute.

“So if I have a case [where] the facts conflicts with witness statements and then you’ve got an accused person saying, ‘yes there was sexual contact but it was consensual.’ The kit’s not really gonna tell me much.”

“Because she knew exactly who it was.”

“If you had a sexual assault with a cohabitating spouse, you’re [not] gonna gain anything in an investigation or even a prosecution [having a kit processed] because the sexual encounter isn’t in dispute and you already know who your suspect and victim are.”

“And that’s really where it comes down to. . . you have to send this kit down, regardless if the evidence was only going to support the fact that they had sex and that we know who the offender is? Well we already knew that because he or she comes down and says that I was assaulted and this is the person that assaulted me. Well, okay, no one was debating that fact. Then, we go and talk to the suspect says we had sex. . . with. The argument is consensual or not.”

The state lab also may have returned the kit to the police department for similar reasons.

“The state lab may have possession of the kit, but they’ll decline testing on it if there’s no point to move forward because the victim doesn’t wanna move forward [with the investigation].”

“When we send the kit up we generally send a synopsis with it and a request for DNA evidence or whatever the case may be, a request for examination. And then the state lab looks at that, looks at our case report and says, okay, we have these elements and we test the kit as we should. Or, the police no longer are involved in this case it’s administratively closed, we’re going to decline testing on this kit, and then it gets sent back.”

Other times, investigators may not have submitted SAKs to the lab due to timelines and resource issues that resulted in long turn times.

“But part of the problem at the time was the lab. It was a very long turn around time. So I think the consensus among cops was why are we going to further burden them with cases that aren’t going anywhere. And I’m not blaming the lab, I’m just saying that that was a factor.”

“I think the crime labs. I think the backlog. I think that they’re overwhelmed. You know, we have one forensic lab in Connecticut. And they handle all the evidence intake from you know, not just from us, [from] the entire state.”



The turn times were also noted as problematic given staff changeover within departments.

“You know, everyone’s submitting kits and it’s taking so long for them to be processed that, you know, cases will sit and detectives will change because they’ll get promoted or retire. Then you’re waiting for the kit and stuff to go back and now you’ve got a new detective that’s investigating a case.”

Still in cases where the SAKs were not tested for many of the reasons discussed, departments kept the kits in storage in case victims changed their minds or new facts became available that might re-open a case.

“A victim did not want to pursue any charges and the evidence was not needed to be tested because there was no crime if no one was submitting charges. There was no case, but we held on to the kit so they could come back if they wanted to pursue charges, we had the kit if they decided to pursue charges.”

Despite the number of the unsubmitted SAKs in previous years, many investigators expressed that they believed that their department submitted all SAKs that should have been tested during the initial investigation.

“I happen to know the list of how many kits went untested for all the departments. I saw that list a couple years ago when it came out. And we didn’t have that many. And when I looked at which ones those were it made perfect sense to me why. As far as I know we never had a kit on that list that should have been tested that wasn’t.”

Although rare, investigators did bring up issues within their departments like communication between units.

“That’s on the evidence officer to take it up there. So probably the main thing was a lack of communication between our, our evidence division and then our detectives.”

“So my best guess if there was [an internal] breakdown, it would have been training or policy.”

“So [breakdowns are] going to come down to training, I want to add one other thing, policy and procedure.”

### *Strengths and weaknesses within departments*

Investigators reported on strengths that they believed help improve their capacity to effectively engage in investigations of sexual assaults. As well, they reported on perceived weaknesses. Stronger policies and better policy practices were noted as key areas that improved sexual assault response overall. While some of the policies and practices related to personnel, others related to technology. Investigators noted things like:

“One location where you can check and verify a policy.”

“I think it was created just a year or two before. . . the Professional Standard Lieutenant position.”

“We had an accreditation manager look over all of our policies so now they’re falling under the administrative division.”

“So we use PowerDMS [to review policies] It tracks how long you watch, how long you reviewed the document, whether you reviewed the document, how long the document’s been out and you haven’t reviewed it.”

“It’s not hard now, all our policies are going online so guys can just review them online, even in the cars. Like if you go to a sexual assault now you can bring it up in the car, what am I supposed to do, it’s all listed for you what you’re supposed to do. As long as it’s up to date and makes sense.”

Beyond policy, investigators noted the value of specialization in sexual assault investigations. This related to specialized divisions as well as the opportunity to get training in sexual assault investigations.

“It allows the organization to have really highly trained people in a very narrow scope. And so, they are resources not only for the obvious investigation, they are a resource for the entire department.”

“We now have detectives that are highly trained in sexual assault investigations.”

“I think because our department has given detectives the time specifically to focus on sexual assault investigations.”

“They’re, I’m impressed, like, at, at how knowledgeable they are. They teach, these detectives teach other police officers and detectives and they’ve really, they’ve really run with their responsibility. So they’re just not investigating. They’re teaching. First they may be assisting another agency, they may be assisting another detective as a resource”

“Then we have a unit specifically for these cases.”

“They actually started a victim, a special victim’s unit team and started sending people to specialized training on interview and interrogation and also uhm interviewing, uh, you know, trauma based interviewing techniques, and um, and also sexual assault specific training for how to conduct sexual assault investigations. So I maintain a team of officers and every year we’re recruiting new ones and sending them out for specialized training so that when a case comes in, a sex assault case, an officer on the road might take the initial and get very basic information but then it’s handed off to an officer that has had this specialized training.”

“That’s why it’s definitely better to have it in one division the way it is now. This is definitely an improvement.”

Despite the value of specialized assignment, others acknowledged the value of exposing other officers to the training.

“And we have a rotating position. Every three months we get a patrolman to rotate through to you know, kind of gain some experience and to groomed for people who want to come up here and work.”

“Our strength is that all of our guys, all of our patrolman know especially because a lot of times if the detectives don’t get called in the past for sex assault if there isn’t scene to process.”

Beyond training, investigators often saw their relationships with outside partners as a substantial advantage. These relationships were with the State’s Attorney’s office, hospital, and other outside partners.

“And then something else that’s new that we just started utilizing is the forensic experiential trauma interviews. So [name] hospital just started doing that and we have utilized those with adult victims um or individuals who are adults. So we if somebody comes forward and says when I was 15 I was sexually assaulted by a family member, we’ll send them for the FETI interview.”

“Uh we have a great relationship with our State’s Attorney’s office. I mean we often bounce things off of him. We’ll speak with him and he can give us direction with regard to what he’s looking for. So we can do that. And then obviously we’re involved; we participate in the multidisciplinary team meetings every month.”

“We coordinate with a lot more agencies now in terms of the rape crisis center here in [town] the [name] Center, DCF, [name] Health Care, Mental Health care. We have a lot more partners involved here. We meet with those partners every month in a multidisciplinary meeting. So we have more tools at our disposal to kind of help victims through this.”

“We also do a lot of training with our MDT; we have rape crisis come to our department every other year.”

“That we are very victim centered and focused and we’re small enough where we have the time to be able to really investigate, really get all of our outside agencies involved as advocates. We can take the time, we have extra training.”

“We have a good working relationship with [hospital], a good working relationship with [name] Rape Crisis and stuff like that. Everyone works hand-in-hand, they know what needs to be done.”

A final area viewed as a substantial strength across many agencies was the diversity of the officers investigating sexual assault cases.

“Obviously it’s a traumatic event. . . so we have officers that are better able to talk with victims. We have a more diverse group of officers and investigators, which can also become a benefit. Sometimes victims may want to speak to a particular officer and we have a greater opportunity to provide those things.”

“We have a nice mix of male and females within the division.”

“Actually the percentage of females that we have in the division versus males is much higher than the percentage we have in the patrol division.”

Importantly many of the strengths reported by some agencies were perceived weaknesses within other agencies. Policy and training were the two most common.

“Policy [is our biggest weakness].”

“So we currently are in the process of redoing and updating all of our policies, because it needs to be redone.”

“If I’m not mistaken, our policies don’t in writing specifically address what you do with a sexual assault kit.”

“[Our biggest weakness is a lack of] opportunity to have extensive training in different disciplines [and] to have dialogue with outside resources.”

“And that was the training we were getting. Um, it’s unfortunate that we’re still only required by POST to get two hours of training in sexual violence every three years.”

Likewise, resources constraints were always a consideration.

“There’s never like enough resources.”

“Being someone specifically to work on these, and we don’t have the manpower.”

“I think that possibly more personnel, maybe another detective in there. You know that would always help.”

Finally, lack of desire to work in sexual assault investigations was noted as a weakness.

“It is the most avoided position in this department.”

“People who want to come up here [to sexual assault investigations] and work, and nobody wants to come in here.”

### *Victim-centered investigations*

The majority of investigators focused on victim-centered investigations across a variety of contexts. Often, this related to the importance of not retraumatizing the victim during the investigation.

“You know, we don’t wanna revictimize the individual.”

“ . . . making sure that they’re sensitive to the victim’s needs and making sure, first and foremost, that you’re not revictimizing.”

These points were sometimes discussed in the context of understanding the level of trauma involved and the individual feelings and behavior of officers.

“A sex assault victim makes you feel helpless because I’ve never experienced it. So I don’t know exactly what they’re going through and everyone handles it differently. We’ve had people tell the story while they’re laughing, we’ve had people tell the story while they’re crying, we’ve had people we can barely get words out. A lot of times we feel helpless and we, like I said, we all have someone we care for, and I think we all [think] what if that was your mother, your brother, your sister, you know? Treat them like that. Like treat them like it’s your mother or brother or sister.”

“I was at a sexual assault investigative scene, and I was speaking with the young woman who was reporting the crime. And I remember from some training somewhere, she was sitting down and there were no other seats in the area so I was kind of standing over here and we’re talking. It had to come from training, but maybe it’s just my human aspect, like, don’t stand over her. I got down on my knee and was interviewing her on my knee looking up at her. And, I remember we talked at some point about returning power to the victim.”

“So I would ask first of all if it was okay if I could talk to her. I would make sure that I’m gonna be at the same level with the victim or even at a lower level of the victim where they’re looking straight at me or down on me, that I’m not looking down over them.”

Investigators were aware that the interactions with the victim during the investigation could add to the trauma that victims experienced.

“When you’re dealing with someone who’s traumatized to that level, you don’t wanna fast forward a year and. . . not only did I go

through that horrible sexual assault, but the experience with the [name] Police Department was horrible.”

This level of awareness was related to both policy and training, and the need to introduce the idea of victim-centered practices early in officer training.

“Well one thing that’s a definite glaring change would be that now in the policy it also refers providing the victim with the, you know, with the victim’s rights information, assisting with contacting the sexual assault counselor.”

“I think trauma informed practices need to be starting at the academy and patrol level.”

The considerations about revictimization and victims’ rights extended to the SAK as well in cases where a victim decided against proceeding with an investigation. This returned to the question whether SAKs should always be submitted and tested.

“There’s a small part of me that thinks [victims] should have a large say in it because their body. . . We might be sending something up on them that they don’t want in the lab. You know what I mean? If they’re withdrawing their complaint, are they withdrawing their evidence?”

“Say that a young female got sexually assaulted. They know who they got sexually assaulted by, but they decide to recant their story. Does that take away their evidence? You know? Could they say hey, I just want my sex assault kit back? I want it to be destroyed, or I want it to go to the lab in case I decide later I want to make a different decision?”

These considerations also extended to notifying victims when a previously unsubmitted kit is finally tested. Although notification teams are instructed to review individual cases to determine whether notification is appropriate, some investigators still expressed concerns. It is



unclear whether these positions were based on misunderstanding of the role of the notification team or general concerns. However, investigators typically linked this concern to cases where the kits had not been tested for many years.

“But my concern was revictimizing her you know and having her think about an unpleasant time in her life whether it be the sexual assault or her alcoholism. So I think the biggest problem you know that I would have with making notifications is that you might be revictimizing these people in one way or another.”

“This incident happened when she was 18, she’s 28 years old now. The man fled to another country 10 years ago. We’re not getting him, we have a warrant for him already. I’m not going to call and dredge up a sex assault from 10 years ago. So I do think there’s got to be supervisory review, so it’s not just a detective level.”

“When you are talking about being victim centered, and then you’re being asked to call a person and dredge up this unpleasant event from 10 years ago or 5 years ago. That to me is defeating the purpose of looking out for our victims. Right? These aren’t victims who we just put the kit somewhere and forgot about. These are victims who I know exactly who this woman is, I was there, I know the circumstances, and it was a very unpleasant experience for her even if it was consensual.”

“Well, one of the biggest factors is notifying a victim so many years later. You know, we get these notifications from kits that are 20 plus years old. You know, now you’re reaching out to somebody that at the time didn’t cooperate - maybe wasn’t willing to cooperate or maybe was an alcoholic or maybe was a substance abuser. Now they’re cleaned up, it’s 20 years later, they’ve got a new life and they’re in another state. . .”

Finally consideration was given to the rights of suspects. Despite CODIS guidelines that define which samples can be uploaded, investigators raised questions about whether all kits should be submitted given the potential impact on the suspect. As with many questions, this was viewed as important in cases where other facts could not be established.

“You know, about the accused person. I think we also have to kind of advocate for that person sometimes. . . You’re talking about taking another person’s DNA, the accused person, and putting it in a database. . . [where they are] presumed to be at least an accused person in a sex assault. You know, it’s a lot. . . I think no complainant, no crime, no case, not going forward.”

## **Summary of qualitative findings**

The qualitative analysis rendered several important conclusions. First the analysis uncovered several issues that related to the prevalence of unsubmitted SAKs that stemmed from issues with particular cases. Overall, these included cases where the SAK was not tested because:

- The victim declined to pursue charges against the suspect or declined to participate in the investigation.
- The victim was anonymous, or the administering hospital did not collect the victim’s contact information.
- The victim was a juvenile, and the parents did not want to proceed.
- Other evidence discovered during the investigation suggested that a sexual assault had not occurred.
- The case lacked probable cause, or the prosecutor advised against processing the SAK.
- The lab may have returned the SAK to the department<sup>1</sup>.
- Testing turnaround times were perceived as too long to aid in the investigations.
- The suspect was already identified, and the sexual act was not in dispute.

In addition, investigators indicated that they made substantial efforts to identify and/or contact victims to proceed with investigations, and determinations that some cases were not

sexual assaults were often the result of a substantial investigation involving other forms of evidence.

Beyond case characteristics, the qualitative analysis also identified strengths within several departments. Policy considerations, training, specialization, relationships with outside partners, and diversity in investigative units were all important strengths. Several weaknesses also emerged. Importantly, the same characteristics that represented strengths within some agencies were viewed as weaknesses in others. Among these, policy considerations and training were the most important. As well, resource constraints and lack of interest in working in sexual assault units among officers were meaningful concerns. Finally, the qualitative analysis demonstrated that lack of understanding related to notification and CODIS guidelines may be weaknesses as well.

The qualitative analysis also uncovered a substantial focus on victim-centered approaches to investigating sexual assault cases. Importantly, an understanding that investigators could potentially retraumatize victims was commonly discussed. The victim orientation was linked to both training and policy changes. However, concerns about whether certain aspects of the SAKI program might not reflect a true victim orientation were expressed. Specifically, testing kits when victims did not want them tested was raised. As well, notifying victims many years later in some circumstance was questioned due to the likely of raising trauma. A similar concern about suspects' rights was raised as an issue in need of consideration. This was based on the concern that testing might result in DNA of the accused being entered into CODIS without adequate evidence that a sexual assault had occurred.

## **Policy Analysis and Findings**

While the qualitative interviews included questions about agency policies, the interviews focused on policies that were in effect at the time the investigations occurred. Almost 40% of unsubmitted SAKs were from investigations that occurred more than five years ago; thus, the interview data provided limited insight into the current status of policy that may impact the processing of sexual assault kits moving forward. To address this issue, the research plan included a policy analysis focused on current policies in agencies within the sample.

The collection of policy data and the data collection process were consistent with other policy research conducted on other projects funded by BJA. For example, this strategy has been used to assess the status of policies that impact the processing of body worn camera footage in law enforcement agencies that have received BJA funding. The policy data were collected as follows. Prior to the interviews, agencies were asked the following questions:

- (1) Does your agency have any policies surrounding the processing of sexual assault kits?
- (2) Does your agency have any standing or general practices that impact the processing of sexual assault kits? (For example: picking up and dropping off kits at the lab on a certain day of the week)
- (3) If your agency has either, would you provide a copy of the policies and/or orders?

In total, 33 agencies provided information on current policies. Table 8 provides a breakdown of the agencies that provided policy information by level of evidence, and Table 9 summarizes the number of cases in the sample that came from the agencies that provided policy information.

**Table 7: Agencies that provided policies  
by level of evidence**

<b>Agencies Provided Policies</b>		
	<b># of Agencies</b>	<b>% of Sample</b>
<b>High Evidence</b>	14	82.4%
<b>Low Evidence</b>	19	59.4%
<b>Total</b>	33	67.4%

**Table 8: Cases within sample from agencies  
that provided policies**

<b>Cases Covered by Policies</b>		
	<b>Cases Covered</b>	<b>% of Sample</b>
<b>High Evidence</b>	220	76.4%
<b>Low Evidence</b>	59	57.3%
<b>Total</b>	279	71.4%

While 33 agencies provided policy documents to the research team, not all policies were complete or specifically addressed sexual assault investigations. Of the 33 agencies responding, 27 provided policies that could be evaluated.

### **RTI/SAKI model policy**

As part of the national SAKI program, RTI international developed a guide to developing a sexual assault response policy (RTI, 2018). The guide presents the characteristics of a model policy and includes questions that jurisdictions can use to identify strengths and weaknesses in existing policies or to guide policy revisions. The questions cover three domains including updated/accurate information, personnel standards and responsibilities, and trauma-

informed/victim-centered response. Each domain includes a series of specific questions to probe these issues.

While some of the questions required detailed understanding of specific characteristics of each agency for evaluation, eight of the questions could be evaluated with the policy documentation collected. These questions included:

- (1) Has the policy been updated within the last three years?
- (2) Does the policy address a comprehensive approach to sexual assault investigations that includes guidance for dispatchers, first responders, investigators, and supervisors?
- (3) Does the policy offer guidance about crime scene investigation and handling evidence in sexual assaults, including the transfer and laboratory submission of sexual assault kits?
- (4) Does the policy provide case management standards for investigators that outline how and when cases will be assigned, when follow-up will be completed, and how cases will be documented and supplemented?
- (5) Does the policy specify review and oversight guidelines for all supervisors?
- (6) Does the policy offer information about understanding victimization to include trauma-informed interviewing and victim-centered approaches?
- (7) Does the policy address a victim advocate's role throughout the response and investigation processes?
- (8) Does the policy provide standards for comprehensive training and continuing education in sexual assault response?

Using these questions as a guide, each policy was evaluated for content consistent with these questions and the recommendations. Given some questions included multiple considerations, the questions were broken down into individual components for coding purposes.

The policies were coded for:

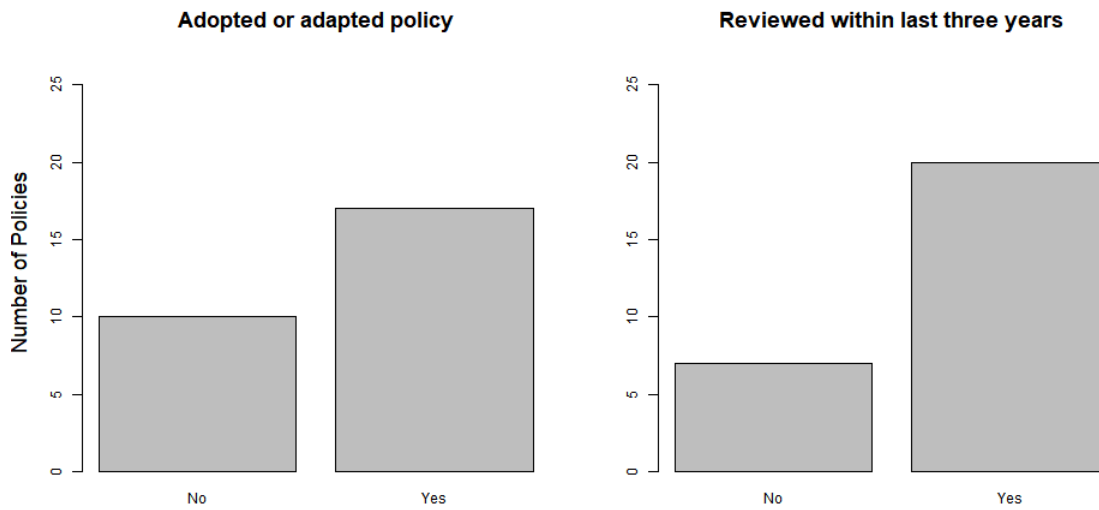
- (1) Whether the policy had been reviewed within the last three years.
- (2) Whether the policy includes guidance for:
  - a. Dispatch
  - b. First responder
  - c. Investigator
  - d. Supervisor
- (3) Whether the policy includes guidance about handling SAKs.
- (4) Whether the policy establishes a timeline for submitting SAKs to the laboratory.
- (5) Whether the policy provides guidance for clearing or closing investigations
- (6) Whether the policy includes victim-centered approaches.
- (7) Whether the policy includes trauma-informed interviewing.
- (8) Whether the policy addresses the victim advocate's role.
- (9) Whether the policy addresses the availability of victim advocate services.
- (10) Whether the policy includes standards for comprehensive training.

Finally, several of the policies evaluated utilized the same language. These policies were noted as adopted (rather than developed) by the agency.

### **Content analysis of policies**

In total, 27 policies were coded and analyzed. Of these, 17 represented policies adopted directly or closely adapted language. Twenty of the 27 policies had been reviewed in the last three years. Figure 5 compares characteristics of policy adoption and review.

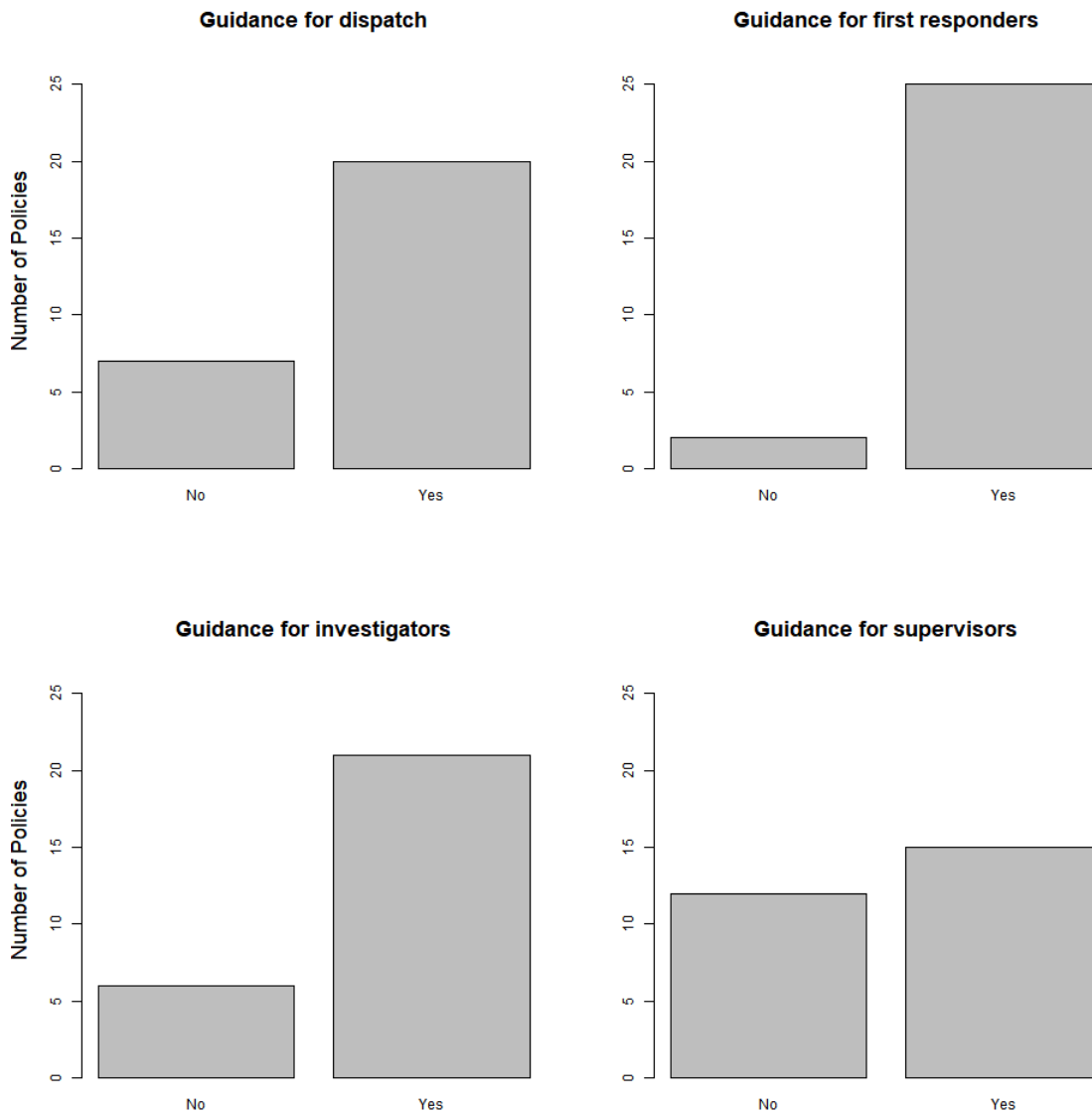
**Figure 4: Characteristics of policies**



Twenty policies included guidance for dispatch. Almost all (25), included guidance for first responders, but fewer (21) included guidance for investigators. Guidance for supervisors was less common with only 15 policies including this information. Figure 6 compares guidance by personnel type.

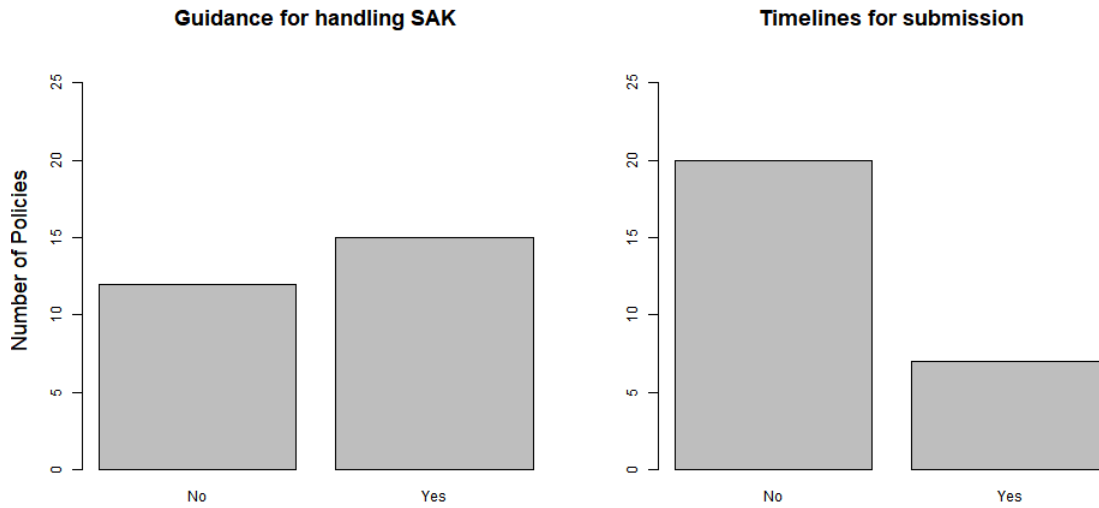


**Figure 5: Guidance for personnel**

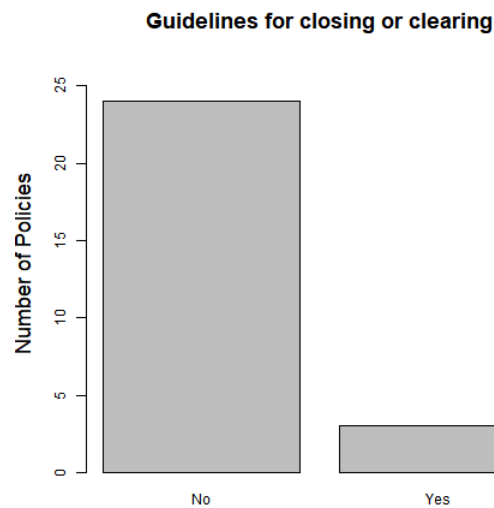


Fifteen policies included guidance about handling SAKs, but only seven established timelines for submitting SAKs to the laboratory. Only three policies included instructions about clearing or closing investigations. Figure 8 presents characteristics of handling and submitting SAKs, and Figure 9 presents information about clearing or closing investigations.

**Figure 6: Handling and submitting SAKs**



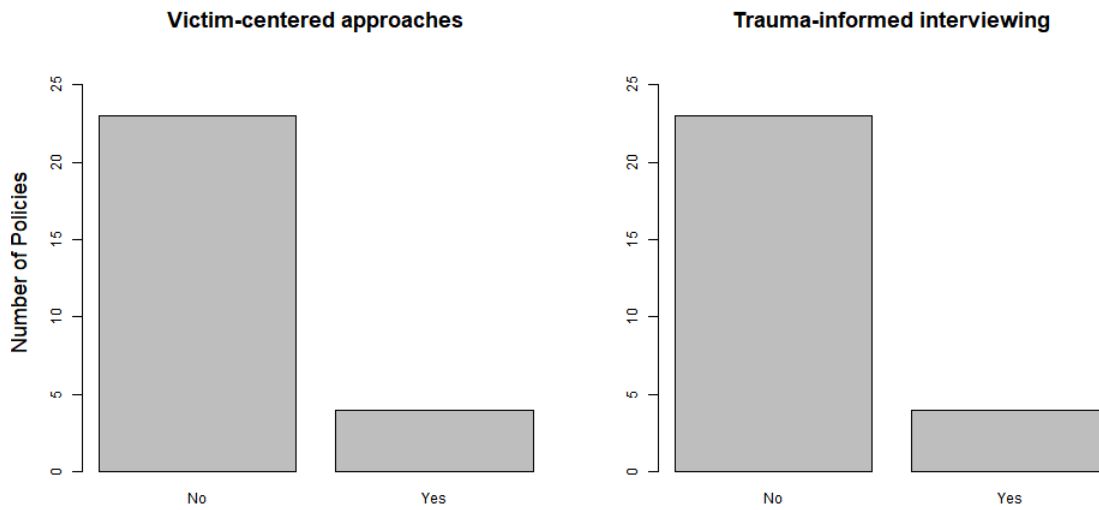
**Figure 7: Closing or clearing investigations**



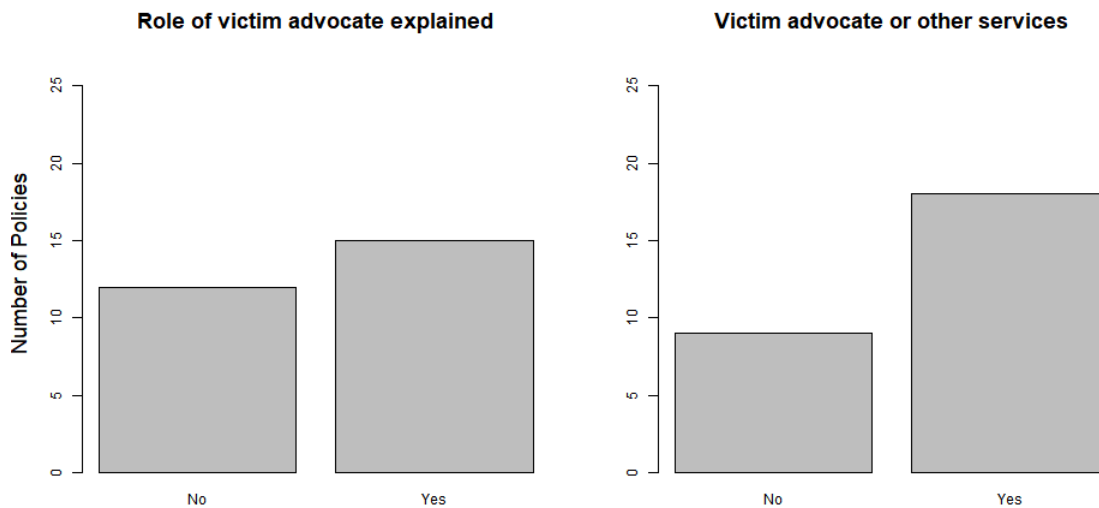
Only four policies included victim-centered approaches, and only four included trauma-informed interviewing. Fifteen policies specified the role of the victim advocate, and 18 included information about victim advocate services. Only three policies included standards for

comprehensive training. Figure 9 presents information of victim interactions, and Figure 10 presents information on victim advocates and services.

**Figure 8: Guidance on victim interactions**



**Figure 9: Victim advocate or victim services**



## **Summary of policy analysis**

The content analysis of the policy information indicated that current policies in the agencies sampled demonstrate inconsistencies with the RTI/SAKI model policy. While most of the policies had been reviewed within the last three years and almost two-thirds were adopted from state language, many of the key elements of the model policy were not included in the policies. The policies generally included guidance for dispatch, first responders, investigators, and supervisors. As well, the role of the victim advocate was specifically expressed in two-thirds of policies with even more policies included information about victim advocate services. However, elements of directly interacting with victims, including victim-centered approaches and trauma informed interviewing were rare.

## **Conclusions and Implications**

The three lines of inquiry (quantitative, qualitative, and policy) all rendered key insights into the prevalence of unsubmitted SAKs in Connecticut as well as investigative and agency issues that contributed to the number of unsubmitted SAKs. Finally, the analyses shed light on the role of policy and training moving forward. Important limitations in current agency policies were noted. Understood together, these analyses point to key implications and recommendations.

### **Overall conclusions**

Overall, the results suggest that the issue of unsubmitted SAKs was widespread throughout Connecticut, and the result of a variety of important factors. While many agencies had few unsubmitted SAKs, part of this related to the differences in sizes of the agencies and the number of sexual assault cases that they handle. In contrast, some agencies had large numbers of SAKs. While differences in caseloads was a definite factor in the number of unsubmitted kits in some agencies, other explanations were also important.

Overall, while analyses of patterns of victim, suspect, and case characteristics were informative, they provide little insight into the mechanisms that led to the number of unsubmitted SAKs. Key considerations were related to the age of victims (primarily young) given that some qualitative information suggested that parental involvement in juvenile cases had a substantial impact of the decision to submit SAKs for testing. The prevalence of intoxicants in over one-third of cases was also an important consideration, as qualitative evidence suggested that establishing consent in certain types of cases (including cases involving intoxication) could be difficult, and conflicting evidence in these and other types of cases were related to decisions

by investigators or prosecutors to not submit SAKs for testing. In other cases, these may also relate to known suspects and situations where the sexual act was not disputed but consent was, another situation related to unsubmitted SAKs given its limited evidentiary value in that circumstance.

Beyond these findings, it is important to note that investigators indicated that they made substantial efforts to identify and/or contact victims to proceed with investigations, and determinations that some cases were not sexual assaults were often the result of a substantial investigation involving other forms of evidence. These sentiments underscore the evidence herein that suggests that sexual assault cases in these agencies where SAKs were unsubmitted were largely substantially investigated and that investigators were generally deeply committed to resolving these cases. Despite these convictions, issues with policy and training may have contributed. While some investigators raised issues with victims' and suspects' rights related to SAKI and 100% testing requirements, all investigators attested to being committed to following the policies now in place.

This finding supports other key findings that policy and training are key issues. Investigators from agencies that had strong training and clear policy felt well that they had sufficient knowledge to handle the sexual assault caseloads they were faced with while maintaining a victim-centered orientation. Investigators from agencies without strong training or clear policy maintained that these things were issues within their organizations. Further, many investigators recalled previous periods where policy was not as clear or available and knowledge about sexual assault investigation was more limited. These issues were related to the likelihood that SAKs may not have been submitted.

These findings were contextualized through the policy analysis which demonstrated that many agencies have policies in place, but that the policies are either limited or lack key elements of the RTI/SAKI model policy. In particular, victim-centered approaches and trauma-informed interviewing were not elements in most policies. While the qualitative analysis demonstrated that investigators were highly victim oriented, it is unclear the extent to which this is sustainable. Given that the qualitative analysis also showed that working in sexual assault investigation was not desirable among officers, it is difficult to forecast who will replace current investigators, many of whom are nearing retirement. As a result, it is unclear what forces will maintain the victim-centered orientation noted.

Beyond these considerations, the analyses demonstrated the issue of resource constraints throughout the system. Earlier resource constraints related to long lab processing times which related to investigators' earlier views that the value of submitting SAKs for testing might not be worthwhile. Currently in law enforcement agencies, the resource limitation issue is playing out in another way. Limited numbers of investigators and limited ability (either resulting from time or financial constraints) to get training both related to inadequate resources.

## **Implications**

The policy analysis herein demonstrated that key elements are missing from many department policies, and other policies may contain language that addresses some elements of the model SAKI policy in limited ways. As well, the other analyses indicate that officers are complying with newer mandates related to the handling of SAKs. This is true even in circumstances where they may question the wisdom of processing certain SAKs given the situations that resulted in them not being previously tested. Overall, these findings suggest that

addressing the policy issues which establish investigative practices in sexual assault investigations is likely the most viable approach to limit the likelihood that a similar problem develops in the future. Based on this insight, the following sections provide recommendations to the State of Connecticut and police agencies operating within the state.

## **Recommendations**

*Recommendation to the State.* While the State of Connecticut has adopted legislation to address the unsubmitted SAK phenomenon, a key limitation relates to the manner in which this legislation becomes an active part of agency practice. At present, many agencies show substantial variation in their adopted policies that govern the handling of SAK and the investigation of sexual assault cases. To address this issue, the State of Connecticut should develop a model policy for agencies throughout the state to adopt that:

- (1) Specifically converts the legislative intent into agency practice,
- (2) Is consistent with the RTI/SAKI model policy, and
- (3) Allows for adequate variation to address the needs of agencies of various sizes and resource-levels.

Given the sample size of this mixed methods research, it is advisable that additional policy analysis be conducted to incorporate more agencies in the state to better understand the current status of sexual assault investigative policy within the state. As well, this analysis should provide further context given the variation in policies that the analysis would likely uncover. These findings would provide a solid foundation for a process of developing a state model policy



that aligns with the RTI/SAKI model policy while addressing issues specific to the wide variety of agencies in Connecticut. While other strategies such as increasing resources and increasing available training would likely be beneficial and are advised, these strategies likely require additional time and resources to implement and would require further research to provide guidance.

*Recommendation to law enforcement agencies.* Until a state model policy that is consistent with the SAKI/RTI model policy has been developed, it is recommended that individual agencies evaluate their policies that govern the handling of SAKs and the investigation of sexual assaults. Specifically, these evaluations should focus on insuring consistency and availability of policy information. Additionally, the evaluations should focus on the content of current policies using a victim-centered and trauma informed framework guided by the SAKI/TRI model policy by asking the following questions:

- (1) Does current policy address the responsibilities of dispatchers or call-takers including:
  - a. Focusing on victim well-being, medical needs, and victim and officer safety?
  - b. Advising collection of key facts relevant to sexual assault investigation and provide guidance to victims to preserve forensic evidence?
- (2) Does the current policy address the first responder's duties including:
  - a. Attending to victim's immediate medical and safety needs?
  - b. Interviewing the victim in private, allowing the victim to describe, without interruption, what happened, and limiting follow-up questions?

- c. Requesting the support of a victim advocate and informing the victim about available support services.
- (3) Does the current policy address the detective's responsibilities including:
  - a. Following up with the victim to assess the victim's emotional and physical ability to participate in an in-depth interview.
  - b. Determining the most appropriate time and location for the interview recognizing that the victim may still be experiencing trauma, and offering to have an advocate present at the interview.
- (4) Does the current policy address the supervisor's responsibilities including:
  - a. Providing ongoing and in-service training opportunities to ensure that patrol officers and detectives are familiar with policies and understand the impacts of trauma, victim interviewing, and evidence management.
- (5) Does the current policy specify evidence collection, impounding, and analysis procedures?

Beyond evaluating and implementing policy, agencies should focus on efforts to ensure that investigators understand all relevant policies surrounding the processing of SAKs. While some departments had easily accessible policy information, others did not. In addition to department policies, additional training should be given to ensure that officers clearly understand other aspects of SAK processing, including CODIS submission. CODIS guidelines require that adequate evidence that a sexual assault has occurred before evidence can be uploaded. Better recognition of this requirement among investigators might alleviate any concerns stemming from potential misunderstandings.

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## INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY

Central Connecticut State University

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