

## Analysis of Cuyahoga County's Procedures for Alleviating the Backlog of Sexual Assault Kits

### Data and Methodology

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By Rachel Lovell, PhD, Fred Butcher, PhD,  
Daniel Flannery, PhD

The Begun Center for Violence Prevention Research and Education (the Begun Center) at the Jack, Joseph and Morton Mandel School at Case Western Reserve University was approached by the Cuyahoga County Prosecutor's Office (CCPO) for the purposes of creating a quantitative database of the unsubmitted SAKs being tested, investigated, and prosecuted by the Cuyahoga County SAK Task Force. Funded by the CCPO, a team of researchers at the Begun Center, headed by Drs. Daniel Flannery and Rachel Lovell, were given access to the SAK case files. From these files, the research team developed an extensive database of codes from the available data to assist the CCPO in understanding more about the victims, offenders, serial offenders, and sexual assaults, when in the process the investigations are stalled, and the factors that lead to more successful prosecutions.

This purpose of this brief is to describe the data, sampling methods, and data limitations of the SAK Pilot Research Project. For more information about the SAK Task Force and its process, see "The Cuyahoga County Sexual Assault Kit Task Force: Describing the Process of Testing, Investigating, and Prosecuting Unsubmitted SAKs" and "The Cuyahoga County Sexual Assault Kits (SAK) Pilot Research Project: Data and Methodology." The findings from this project are presented in a series of brief reports written by the research team at the Begun Center.

#### Description of the Data: JusticeMatters

Data was provided to the SAK research team at the Begun Center via JusticeMatters, an electronic database used by the CCPO for prosecution (a database that preceded the Task Force). JusticeMatters is organized so that documents necessary for prosecution are uploaded as PDFs into electronic

case files ("Matters"). Essentially, JusticeMatters functions as an electronic file drawer with some searchable data or fields, but mostly is PDF-driven, and therefore, not search-able. From the Task Force case files, the research team focused on coding the following PDF'ed documents: initial police reports, investigative reports (current reports from the Prosecutor's Office conducted by Task Force investigators), crime lab reports from the BCI, and criminal histories of the victim and offender/defendant (if named).

#### Sampling

The research team coded all above mentioned documents from SAKs with completed workflows as of August 2015 that were (1) closed due to insufficient evidence or (2) resulted in prosecution by the Task Force—which represents cases that were prosecutable by the Task Force.

We focused on these cases because they represent cases where prosecutions were possible but were either deemed to be sufficient or insufficient for continued prosecution. We began coding based upon Matter ID, which is the ID assigned when an investigation is started. However, it is important to note that Matters are not necessarily SAKs. Matters alter as they move through the prosecutorial process. A Matter may also be connected to more than one sexual assault and an assault may be connected to more than one victim.

We began with a list of 342 Matters that resulted in prosecution and 92 Matters that were not pursued due to insufficient evidence. From this list, we coded a random sample of 210 Matter IDs representing 238 SAKs with unique BCI numbers and 5 sexual assaults that were missing an associated BCI number but were identified as distinct by the initial sexual assault report for a total of 243 sexual assaults.

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#### The Database

The database includes 243 sexual assaults—179 sexual assaults with identified offenders, 68 with “John Does”, and 9 with “unknown males”. “John Does” are unnamed defendants with a unique DNA profile that was uploaded into CODIS. “Unknown males” are unnamed defendants without unique DNA profile. Unknown males are included on indictments with known offenders and John Does when the assault was committed by multiple males.

Because offenders could be linked to more than one sexual assault, a second dataset was developed to analyze the criminal history of offenders. We analyzed criminal histories by coding felony-level arrests prior and subsequent to the sexual assault associated with the SAK. Since criminal histories are at the offender level, the unit of analysis in this database is at the offender level for each SAK.

#### Limitations: Generalizability

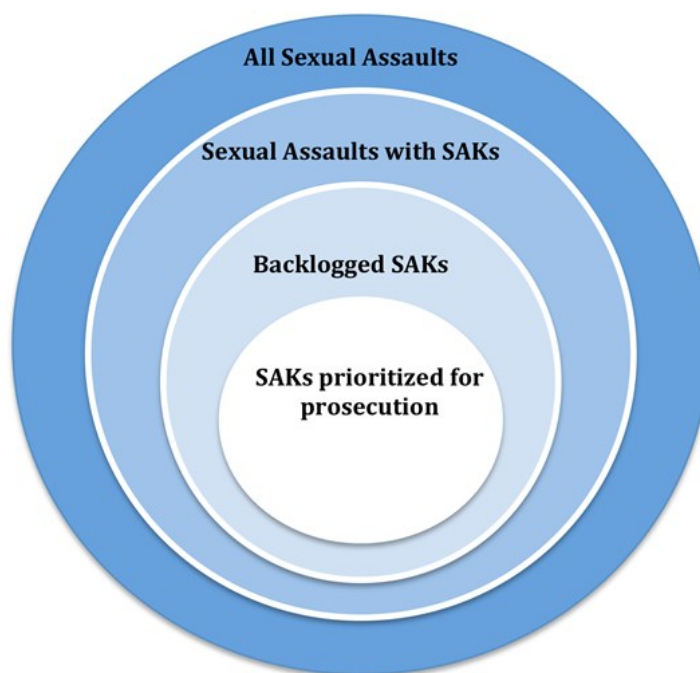
The findings presented in the SAK Pilot Research Project only represent unsubmitted and/or untested (“backlogged”)<sup>1</sup> SAKs from 1993 to 2014 from the Task Force that resulted in prosecution or not prosecuted due to insufficient evidence.

<sup>1</sup>The “backlogged” SAKs include sexual assaults that occurred between 1993 and 2013. However, the Task Force will also investigate SAKs not included in the “backlog” if the SAK hits to an offender already identified by the Task Force for previous SAK sexual assaults.

These cases were the prosecutable cases that were prioritized by the Task Force. Thus, a disproportionate number of the SAKs the research team coded (1) occurred in the 1993 to 1997 time frame, due to their nearing statute of limitations and (2) hit to the same offender, as serial offenders have a higher priority for prosecution in the Task Force.

Figure 2 visually depicts the generalizability of the SAKs included in our analyses (“SAKs prioritized for prosecution”).

Figure 2. Visual Description of the Generalizability of the Sampled



Note: The above diagram is not drawn to scale.

The SAKs prioritized for prosecution are a subset of all “backlogged” SAKs, which is a subset of all sexual assaults with SAKs, which is a subset of all sexual assaults.

The results presented as part of this SAK Pilot Research Project cannot be generalized to the entire population of sexual assaults or sexual assault victims in Cuyahoga County. There are likely large and (at this point) unknown differences in these various types of sexual assaults (e.g., 1997 to 2013, nonserial offenders).

Additionally, it should be noted that these data are derived from official

documentation (e.g., initial police reports, investigative reports, laboratory reports, criminal histories). We could only code information that was contained in a case file and have relied on official documentation for information. We did not interview victims nor did we employ participant observation of investigations or prosecutions.