

The Phenomenon of Untested Sexual Assault Kits

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By

Darlene Brothers-Gray

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The study is dedicated to the victims of sexual assault who have unsubmitted, untested sexual assault kits and to the scholar-practitioners and law enforcement officers tasked with investigating sexual assault. An exceptional dedication to my husband “Nathaniel” for holding down the fort for the past four and a half years and to my kids, Nat and Natalie, who say, “Mom has set the bar high.” I also want to send a special dedication to the late “C.G. the Great” for giving me the stamina and wherewithal to do anything to which I set my mind.

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ABSTRACT

The purpose of the qualitative research study was to examine the perceptions of university law enforcement officials on unsubmitted and untested sexual assault kits (SAKs). Sexual assault nurse examiners use SAKs to collect evidence from sexual assault victims and pass them to law enforcement officials; however, many SAKs remain unsubmitted and untested once in police custody. Without such evidence, law enforcement officials cannot apprehend perpetrators of sexual assault. Sexual assault is a problem worldwide, including on university campuses where there are higher rates of sexual assault than in the general population. The generic qualitative inquiry study was the means of exploring why many officials do not test SAKs in police custody and to assess the perceptions of ten university police officers in two Middle Atlantic university police departments regarding unsubmitted and untested SAKs. Semi-structured interviews, conducted in person, digitally recorded, and transcribed, elicited the experiences of the law enforcement officers. Following the interviews, thematic analysis (i.e., inductive analysis) was the approach used to analyze the data, from which four thematic categories emerged: (a) finances, (b) resources, (c) manpower, and (d) reoccurrence. The research shows that the provision of resources, finances, and manpower is necessary to reduce single and reoccurring sexual assault crimes and to promote the proper functions of the criminal justice system, collective engagement of members of society, and equal value of its citizens, regardless of gender. The study indicated the need for stakeholders to collectively engage, acknowledge the systemic gaps, and provide resolution so that officials properly utilize SAKs to apprehend offenders and empower victims to live healthy and functional lives.

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CHAPTER 1

INTRODUCTION

Chapter 1 provides background information on university law enforcement officials' perceptions of untested sexual assault kits (SAKs) and their context in broader society. The chapter includes the justification of the study, purpose and significance of the study, research design, assumptions and limitations, and a summary of the study. Also included is the rationale and context for the study.

Background of the Study

Police officers and other criminal justice personnel members play crucial roles in helping victims of sexual assault regain their sense of well-being and receive justice¹. The process of protecting victims' well-being begins when sexual assault nurse examiners (SANEs) utilize SAKs to gather evidence, after which police officers transfer the evidence to the crime laboratory for processing. However, a growing body of research indicates that thousands of SAKs do not reach the crime lab for processing, instead remaining in police property evidence rooms^{2,3,4}.

¹ Rebecca Campbell and Giannina Fehler-Cabral, "Why Police 'Couldn't or Wouldn't' Submit Sexual Assault Kits for Forensic DNA Testing: A Focal Concerns Theory Analysis of Untested Rape Kits," *Law & Society Review* 52, no. 1 (2018): 73-105, <https://doi.org/10.1111/lasr.12310>.

² Ibid.

³ Joshua A. Hendrix et al. "An Examination of Sexual Assault Kit Submission Efficiencies Among a Nationally Representative Sample of Law Enforcement Agencies." *Criminal Justice Policy Review* 31, no. 7 (2020): 1095-1115, <https://doi.org/10.1177/0887403419884730>.

⁴ Andrea Quinlan, "Visions of Public Safety, Justice, and Healing: The Making of the Rape Kit Backlog in the United States," *Social & Legal Studies* 29, no. 2 (2020): 225-245, <https://doi.org/10.1177/0964663919829848>.

Several regional studies^{5,6,7} have shown that failure to process SAKs is a common practice throughout the United States. Campbell, Shaw, and Fehler-Cabral⁸ and the National Institute of Justice⁹ indicated that in Detroit, Michigan, there are more than 11,000 SAKs in storage, with 8,700 never submitted for testing. Similarly, in Houston, Texas, there are 16,000 kits in police storage lockers, with 6,500 not submitted. Between the Los Angeles Police Department and Sheriff's Office, there are 12,000 untested kits¹⁰. Investigative reports have shown that officials perform investigations inaccurately or not at all¹¹.

The victim's involvement in the process is a crucial component in facilitating the investigation, and involved victims thereby assist in efforts of bringing the perpetrators to light and holding them accountable^{12,13,14}. While some sexual assault victims opt not to undergo SAKs, most victims do agree to complete SAKs^{15,16}; however, officials may not test the completed

⁵ Rebecca Campbell, Jessica Shaw, and Giannina Fehler-Cabral, "Shelving Justice: The Discovery of Thousands of Untested Rape Kits in Detroit," *City & Community* 14, no. 2 (2015): 151-166, <https://doi.org/10.1111/cico.12108>.

⁶ National Institute of Justice, 2015, "Sexual Assault Kits: Using Science to Find Solutions." <http://nij.gov/unsubmitted-kits/documents/unsubmitted-kits.pdf>.

⁷ Joseph Peterson et al., "Sexual Assault Kit Backlog Study," Washington, DC: The National Institute of Justice, 2012.

⁸ Campbell and Fehler-Cabral, "Why Police."

⁹ National Institute of Justice, "Sexual Assault Kits."

¹⁰ Peterson et al., "Sexual Assault Kit."

¹¹ Campbell and Fehler-Cabral, "Why Police."

¹² Rebecca Campbell et al., "Should rape kit testing be prioritized by victim-offender relationship? Empirical comparison of forensic testing outcomes for stranger and nonstranger sexual assaults." *Criminology & Public Policy* 15, no. 2 (2016): 555-583, <https://doi.org/10.1111/1745-9133.12205>.

¹³ Rachel Lovell et al., "Offending Histories and Typologies of Suspected Sexual Offenders Identified via Untested Sexual Assault Kits." *Criminal Justice and Behavior* 47, no. 4 (2020): 470-486, <https://doi.org/10.1177/0093854819896385>.

¹⁴ William Wells et al., "The Results of CODIS-Hit Investigations in a Sample of Cases with Unsubmitted Sexual Assault Kits." *Crime & Delinquency* 65, no. 1 (2019): 122-148, <https://doi.org/10.1177/0011128717732506>.

¹⁵ Nigela Carvalho et al., "The Contribution of DNA Databases for Stored Sexual Crimes Evidences in the Central of Brazil," *Forensic Science International: Genetics* 46 (2020): 102235, <https://doi.org/10.1016/j.fsigen.2020.102235>.
<https://doi.org/10.1177/0886260516681881>.

¹⁶ Eryn Nicole O'Neal and Brittany E. Hayes, "'A Rape is a Rape, Regardless of What the Victim Was Doing at the Time': Detective Views on How 'Problematic' Victims Affect Sexual Assault Case Processing," *Criminal Justice Review* 45, no. 1 (2020): 26-44, <https://doi.org/10.1177/0734016819842639>.

kits, causing a backlog of untested kits over time. Officials destroy many of the backlogged, unsubmitted, untested SAKS¹⁷.

Submitting completed SAKs promptly is crucial to the progression of cases and arresting the perpetrator. When officials do not process kits in a reasonable amount of time, there is a greater challenge to apprehend perpetrators and prosecute cases or to exonerate the wrongly accused¹⁸. Consequently, DNA analysis is the primary factor that affects the outcome of sexual assault crimes.

The Potential Utilization of Sexual Assault Kits

A SANE usually administers the SAK after an encounter, collecting biological evidence from the victim in the form of blood, semen, and saliva^{19,20}, with the evidence subsequently submitted to the crime laboratory for DNA testing. The investigative process is the means of identifying culpable sexual offenders so law enforcement officials can bring them to justice. Victims of sexual assault often suffer from psychological and emotional issues due to reliving traumatic events in their minds (Campbell, Fehler-Cabral, Bybee, & Shaw, 2017; Campbell, Fehler-Cabral, et al., 2015). Therefore, submission and testing of the completed SAKs must occur in a timely manner.

Issues that could present barriers to testing SAKs in an acceptable amount of time include a lack of funding for testing, limited qualified personnel members to test kits, and the lack of emotional support for the survivors of the crimes (Campbell, Fehler-Cabral, Bybee, & Shaw, 2017; Feeney, Campbell, & Cain, 2018; Goodman-Williams et al., 2019). Despite technological advancements, such as the integration of the Combined DNA

¹⁷ Julie L. Valentine et al., "Justice Denied: Low Submission Rates of Sexual Assault Kits and the Predicting Variables," *Journal of Interpersonal Violence* 34, no. 17 (2019): 3547-3573.

¹⁸ Rebecca Campbell et al., "The National Problem of Untested Sexual Assault Kits (SAKs): Scope, Causes, and Future Directions for Research, Policy, and Practice," *Trauma, Violence, & Abuse* 18, no. 4 (2017): 363-376, <https://doi.org/10.1177/1524838015622436>.

¹⁹ Rebecca Campbell et al., "Developing empirically informed policies for sexual assault kit DNA testing: is it too late to test kits beyond the statute of limitations?" *Criminal Justice Policy Review* 30, no. 1 (2019): 3-27.

²⁰ Rachel Goodman-Williams et al., "How to Right a Wrong: Empirically Evaluating Whether Victim, Offender, and Assault Characteristics Can Inform Rape Kit Testing Policies," *Journal of Trauma & Dissociation* 20, no. 3 (2019): 288-303, <https://doi.org/10.1080/15299732.2019.1592645>.

Index System (CODIS), there is an increased number of unsubmitted SAKs (Campbell, Feeney, Goodman-Williams, Sharma, & Pierce, 2019; Campbell & Fehler-Cabral, 2019). The increased number of unsubmitted SAKs indicates that there is a need to establish adequate crime laboratories to accommodate the increase as well as a need for extensive training for law enforcement officials on the importance of DNA testing and its usefulness for helping victims of sexual assault (Lathan, Langhinrichsen-Rohling, Duncan, & Stefurak, 2019).

Need for the Study

The purpose of the following study was to determine the contributing factors to the delayed submission and processing of SAKs. A victim of sexual assault reports to hospital, where a SANE takes biological samples as evidence to continue the investigation to ensure law enforcement officials can apprehend the perpetrators in a timely manner (Campbell, Feeney, et al., 2019). However, timelines do not seem to occur, as officials continue to store the majority of these kits stored in police evidence rooms and rarely submit completed SAKs to the crime labs in a reasonable time for adequate processing (Campbell & Fehler-Cabral, 2020; Davis, Auchter, Wells, Camp, & Howley; Quinlan, 2019). The research drew upon the resource dependence theory (RDT; Pfeffer & Salancik, 1978) to explore the problem of unsubmitted SAKs to advance the underlying behavioral issues of the concern. The RDT was an applicable theory for the study, as the theory provided the participating law enforcement officers to give their perceptions of the misutilization of untested SAKs.

Purpose of the Study

The purpose of the study was to examine university law enforcement officials' perceptions of unsubmitted and untested SAKs. The lack of processing completed SAKs is a United States-wide phenomenon that presents obstacles to providing justice to sexual assault victims (Campbell & Fehler-Cabral, 2020; Carvalho et al., 2020; Davis et al., 2019; Goodman-Williams et al., 2019; Lovell, Huang, et al., 2020; Moylan & Javorka, 2020). The study was the means of understanding the problem, as the participating officials provided their perceptions on SAKs unsubmitted for DNA analysis (Percy, Kostere, & Kostere, 2015).

The problem underwent holistic exploration, and interviews with law enforcement officials from two university police departments provided the data needed to cultivate an understanding. The results from the study

could contribute to discussions regarding why the problem occurs, developing solutions on how to monitor SAKs more effectively to reduce the number of kits in storage. Lastly, the study can provide future researchers with insight into why taking sexual assault cases to court is a delayed (or nonexistent) process or why a challenge to convict perpetrators for crimes of sexual assault.

Significance of the Study

The study presented a unique situation to researchers and practitioners within the criminal justice field. Members of a particular population of law enforcement employed at two university police departments provided their perceptions on the problem of delayed SAK testing. Researchers could use the results of the study to discuss and explore how law enforcement officers could work more effectively in processing the backlog of SAKs, a prioritization that could occur either by stranger sexual assault cases or by testing every kit. The results of the study could provide the data needed for the research of the origins of the issue and why there are still so many untested SAKs in police storage.

Practitioners can use the results of the study as evidence of the need for funding so law enforcement officials can establish adequate programs to help both law enforcement officials and victims. Funding could contribute to generating written national policy and procedures on properly submitting SAKs to crime labs for testing, developing education programs for more crime lab personnel members to test kits, and developing sensitivity training for law enforcement officials and therapists in law enforcement counseling departments to help victims of sexual assault with trauma. Funding could also provide for upgrading technology for police departments so that when department officials submit DNA for CODIS and find a potential match, the requesting law enforcement officials could immediately access the requested information.

The study could be a means of broadening RDT (Pfeffer & Salancik, 1978) by providing additional information about the procedures for testing. Consequently, the study's results show additional information on the RDT with descriptions of real-world experiences from the participants. Proponents of RDT support the notion that organizations that receive funding for special projects are more likely to have members who adopt the project once finished than are organizations that do not receive funding.

RDT (Pfeffer & Salancik, 1978) indicates that members of an organization need and respond to the situation for continuity (Giblin & Burruss, 2009). In regard to the study, RDT was a means for explaining the

negligence in police culture as to why law enforcement officers do not submit SAKs to crime laboratories in a timely manner for DNA processing. In addition, RDT indicates that providers of resources can make demands of the organization, depending on the resource, and that there is a need for critical resources to ensure organizational survival.

The results from the study could influence the law enforcement community by providing an understanding and a rationale as to why law enforcement officials do not test SAKs. The study could also affect policymakers and law enforcement officials by providing knowledge as to why they should introduce, adopt, enforce, or change policies on the timeline of processing the evidence from SAKs. Finally, based on the findings, the study may provide a roadmap for future researchers seeking to extend the scope of the problem of untested SAKs and the continuous challenges that untested SAKs present to the law enforcement community.

Research Questions

The purpose of the generic qualitative inquiry was to examine the perceptions of law enforcement officials on unsubmitted and untested SAKs for DNA analysis. The study had the following research questions:

RQ1: What are university law enforcement officials' perceptions of unsubmitted SAKs?

RQ2: What are university law enforcement officials' perceptions of untested SAKs?

RQ3: What are university law enforcement officials' perceptions of barriers that could cause processing delays of SAKs?

RQ4: What are university law enforcement officials' perceptions of victim notification when their kits have not been submitted?

RQ5: What are university law enforcement officials' perceptions of the impact of unsubmitted and untested SAKs on offender accountability?

Definition of Terms

Backlog. Crime scene evidence such as a SAK, rape victims clothing that remain untested after being submitted to a crime laboratory (National Institute of Justice, 2015).

Perceptions. Indicate (a) established procedures that are used to make sense of stimuli by the five senses (sight, sound, smell, taste, and touch); the interpretation of sensations is the perception. (b) In Psychology, perception refers to the detection of sensory information from the outside

environment and process this information into a conscious experience (Qiong, 2017).

Sexual assault. Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. The definition of sexual assault includes forced sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape (U.S. Department of Justice, 2018). Sexual assault also consists of “intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent or of a person unable to consent or refuse” (U.S. Department of Justice, 2018, n.p.).

Sexual assault kits (SAKs). A container (e.g., box or envelope) of items used by medical personnel members to collect, package, and preserve items holding potential evidentiary value for a criminal investigation (National Institute of Justice, 2015). Also known as rape kits.

Sexual assault nurse examiner (SANE). Is a nurse who is qualified to specifically examine victims of a sexual assault by collecting the victim’s comprehensive medical history, examining the injuries, recording and gathering any biological and physical evidence (National Institute of Justice, 2015).

Untested. A SAK (or other evidence) at a crime lab that has not yet undergone forensic testing (National Institute of Justice, 2015).

University law enforcement officials. Sworn police officers employed by a college or university to protect the campus and surrounding areas containing people who live on, work on, and visit the campus (Sandhu, 2019).

Unsubmitted. A SAK (or other biological or physical evidence) in law enforcement safekeeping that has not been tested at the crime laboratory (National Institute of Justice, 2015).

Research Design

The generic qualitative inquiry design was the means used to gather and subsequently analyze the data of the perceptions of university law enforcement officials of unsubmitted, untested SAKs. The methodology and design are appropriate approaches for research conducted to gain an understanding of reasons, rationales, motivations, and perceptions (Percy et al., 2015), as with the study. Unlike phenomenology, grounded theory, and ethnography, the generic qualitative design “is not guided by an explicit or established set of philosophic assumptions” (Caelli, Ray, & Mill, 2003, p. 4). Researchers who use the generic qualitative approach embrace aspects

of other research designs and do not strictly adhere to one approach. Generic qualitative inquiry provides the structure and flexibility required for the study, which was a means of measuring the perceptions of university law enforcement officers of unsubmitted and untested SAKs (Kahlke, 2014; Richards & Morse, 2007).

Conversely, the quantitative method was inappropriate for the study. Quantitative researchers collect information in the form of statistics or percentages (Brinkmann & Kvale, 2017). There were no statistical, mathematical, or computational data of observable phenomena collected for the study of university police officers' perceptions of unsubmitted and untested SAKs through the use of interviews (Mertens, 2014). As a result, the qualitative method was the research design used to conduct the study.

More specifically, the generic qualitative inquiry study was conducted in a scholarly manner consistent with other researchers to investigate opinions, attitudes, and beliefs of the participants' experiences (cf. Percy et al., 2015). A blend of methodologies may form something new due to the interpretative nature. The generic qualitative inquiry was the approach used for the study because it provided the opportunity to use open-ended questions during interviews with members of law enforcement, offering insight into the issue of unsubmitted and untested SAKs.

Other qualitative approaches were not suitable due to the strict bounding, definitions, or assumptions of those designs. Phenomenology would restrict the study to researching the law enforcement officers' lived experiences of law enforcement, which was not the sole aim of the study (Moustakas, 1994). Grounded theory was not an applicable design because the purpose of the research was not the development of a theory but rather the use of existing theory (Glaser, 1978). Lastly, the narrative design was not an appropriate approach because the data presentation was not in a sequential manner (Connelly & Clandinin, 1990). The exclusion of these qualitative research designs indicated the relevance and appropriateness of generic qualitative inquiry. Generic qualitative inquiry because of the lack of strict qualitative boundaries and provided the opportunity to construct meaning from the perceptions of the law enforcement participants.

The qualitative study included the use of open-ended questions administered in-depth interviews with members of law enforcement officials to provide insight into the issue of unsubmitted and untested SAKs. The process allows participants to express their perceptions on unsubmitted, untested SAKs. Bracketing was the means used to enhance validity. Tufford and Newman (2012) contended that bracketing is a method for lessening the hidden, preconceived notions that can adversely affect the research process due to the connection between the two. Researchers conduct bracketing to

set their opinions aside and become more engaged in participants' perceptions. Moreover, other studies that have utilized generic qualitative inquiry and law enforcement are (Fallik, Deuchar, Crichlow, & Hodges, 2020; Oktavina, 2020; Anasti, 2020).

Assumptions and Limitations

Assumptions are beliefs that are not validated but accepted as truth (Rahi, 2017). Assumptions can be general methodological, theoretical, or topic specific. Overall, assumptions and limitations are critical components to the advancement of a study. A misstep in identifying the assumptions and limitations could cause bias and affect the outcome. Therefore, any assumptions and limitations must be identified before conducting interviews and analyzing data to avoid misconceptions toward participants' feedback. The subsequent section will present the study's assumptions.

General Methodological Assumptions

The general methodological assumption is that the nature of reality is individual, resulting in a range of numerous experiences (Rahi, 2017). The expectation was that each university law enforcement official had distinctive experiences with and beliefs about untested SAKs. The second methodological assumption was that, despite the potential for bias, the data collection and analysis was from an unbiased position. Although the assumption of setting aside researcher bias extends across all methods, bias is a particularly relevant assumption for qualitative researchers, including those with a generic qualitative inquiry design. Qualitative research contains a collectively constructed and individual reality experiences and environments (Creswell, 2013, 2014). Additionally, qualitative research requires the collection and analysis of consistent data in an ethical manner (Merriam, 2009). Accordingly, the axiological assumption was made that impartiality has worth and included mechanisms to minimize bias in the process of gathering and reporting information from university law enforcement officers.

Another general methodological assumption was that the participants would voluntarily and authentically participate in the study, providing honest responses to the interview questions. To address the assumption, incentives were provided to willing participants. A variety of communication tools was used to elicit honest responses from the participants (e.g., telephone calls, e-mails, introductory letters, consent forms, and Institutional Review Board [IRB] approval information) to alleviate concerns and ensure

the legitimacy of the research. These approaches to the research, combined with the researcher's personal strengths and sincere interest in the topic, were the means of garnering voluntary, authentic participation.

The fourth assumption was that qualitative methodology was the best means for capturing the participants' experiences and perceptions and putting them into words (Creswell, 2013, 2014). The study was designed to gather ontological data about university law enforcement officers' perceptions of unsubmitted and untested SAKs. Accordingly, an assumption was that qualitative methodology best aligned with these goals. One final general methodological assumption was that the connection to epistemology, which presents the expression of knowledge as accurate ideas (Walton & Zhang, 2013). Epistemologically, an analysis of the connection between SAKs and how university law enforcement officials believe themselves to be using qualitative methods was incorporated.

Theoretical Assumptions

The study had several theoretical assumptions. The first assumption was that feminist theory, RDT, and functionalism theory incorporate similar individual assumptions. The thought was that the assumptions of each theory did not affect the inherent value that each theory has in providing a collective framework for conducting the research. Some of those theoretical assumptions were that each person has inherent worth regardless of gender, uncertainty clouds resource-based decisions and collaborations, and society functions best collectively with individual contributors.

Another theoretical assumption was that awareness is a facilitator for change. The assumption was that the university law enforcement officers of unsubmitted and untested SAKs would provide information useful to change perceptions and practices about victims of sexual assault, transform the distribution of resources to address the issue, and enhance the function of each component of the criminal justice system so the agency could function to heightened levels with the slightest amount of interruption and in a collaborative manner (Kalu, 2011).

Topic-Specific Assumptions

The assumption was between there an interest in the large number of unsubmitted and untested SAKs and that members of society believe that sexual assault is an inappropriate behavior within society. A final assumption was to summarize the perceptions of university law enforcement officers to

identify the reasons why SAKs remain untested (Campbell & Fehler-Cabral, 2020; McAndrews & Houck, 2020).

Limitations

The limitations of the study included the ambiguity within the implementation of the untested SAKs. The untested SAKs affect the communities of law enforcement, hospitals, forensic laboratories, and victims. Law enforcement officials have a distinctive duty to help and protect the public. Law enforcement officers must safeguard the public while relying upon affiliated organizations in the face of diminishing resources and equipment. If change does not occur, agencies will continue to have the problem of untested SAKs. Another limitation was ambiguity regarding the utilization of SAKs by SANEs. SANEs utilize the kits; what is unknown is *how* SANEs use the kits and whether or not such use impacts how police officers process the submitted kits (Campbell, Fehler-Cabral, Bybee, & Shaw, 2017).

Design Limitations

A design limitation of the qualitative study was the sample of participants. Despite approximately 5,300 colleges and universities in the United States (Hagan & Lancaster, 2018), the population of university law enforcement officers at two university police departments in the Middle Atlantic United States was small. Due to the small sample size and independence of each university department, the findings may not be generalizable; however, officers of other law enforcement departments with similar challenges may be interested in the study's findings.

Organization of the Remainder of the Study

Chapter 1 presented the introduction and background information. Chapter 2 will present the existing literature on unsubmitted and untested SAKs. Chapter 3 includes the methodological approach to the study, with a discussion of the findings according to the study's research questions following in Chapter 4. Lastly, Chapter 5 will include a summary and conclusion of the study, policy implications, and recommendations.

CHAPTER 2

LITERATURE REVIEW

Chapter 2 presents a review of the literature and an evaluation of the studies relevant to the perceptions of law enforcement officers of unsubmitted, untested SAKs. The chapter will present the theories and information about the research topic. The chapter also includes the methods or procedures used to search for sources, the theoretical framework or orientations used for the study, a literature review with a synthesis of the findings within sections, and a critique of the research methods and procedures used in the sources. Lastly, the final paragraph is the summary.

Methods of Searching

Researchers provide scholarly literature reviews to help readers appreciate the sequence of information revealed as well as the growth of knowledge within a narrow scope. The Capella University online library provided the electronic databases used to search for literature with keywords, including *sexual assault, law enforcement, rape kits, sex crime investigator, law enforcement, victim, perpetrator, sexual assault evidence, DNA forensic testing SAKs, law enforcement agencies assault kits, unsubmitted, untested, sexual assault law enforcement actions, unsubmitted SAKs, sexual assault kits, and perception*. The database searches included numerous scholarly databases and journals, including Academic Search Premier, Criminal Justice Databases, PsycArticles, Psychology Journals, PsycINFO, SAGE Criminology, SAGE Psychology, Science Direct – Social and Behavioral Sciences, SocIndex, Criminology, Violence Against Women, SAGE Journals Online, SAGE Knowledge, SocINDEX with Full Text, *Journal of Forensic Identification*, and *Journal of Forensic Science*. Evaluation of the literature's relevancy and publication date was conducted to ensure the articles provided adequate knowledge of the topic.

Theoretical Orientation for the Study

The theoretical frameworks used in the study were feminist theory, functionalism, and RDT. The three selected theories have common applications among research in the criminal justice and law enforcement fields. Feminism, functionalism, and RDT indicated if there was a correlation between the usefulness of SAKs in crime-solving and law enforcement officers' perceptions of the dependability of SAKs as resources.

Feminism and Feminist Theory

Feminism in criminology started in the late 1960s and 1970s as a reaction to gender stereotyping already present in the field. Tripathi (2014) found feminism theories first developed and field-tested on men, with a focus on men as victims. In these cases, facts were based on the gender but not the crime, which was a form of sexism. The sexism in criminology is also a major influence on the punishment received by a woman who has committed the same crime as a man. When officials try men for a crime, they do not consider gender. However, according to feminism in criminology, there are different circumstances for women (Shields, 2016). Many feminists argue that officials largely ignore crimes committed by women, simply because they are women.

Feminist theory indicates that women should receive the same treatment as men (Ogletree, Diaz & Padilla, 2019). According to feminism, knowledge may be inseparable from power because of the controlling power of the male point of view on society (Tripathi, 2014). Men provide defining views on what a woman should be in society and set rules to define women's roles and control their lives. According to feminist theory, women have a place in society, but they have unequal positions to men. If men and women had equal roles and shared power fairly, then inequality based on sex would cease to exist.

Feminism is not a one-size-fits-all theory, as each situation is different. According to feminism, people should rethink both the past and future to empower women as change agents without fear (Hirudayaraj & Shields, 2019; Tripathi, 2014). Feminist theory is a tool for exploring the influences of social, political, and economic elements influence on society. Feminism indicates that gender should be a factor considered when looking at consequences such as oppression, domination, and powerlessness in society (Turner & Maschi, 2015). Feminism is not one monolithic ideology

but consists of a range of political and social ideologies and movements for fighting for and promoting gender equality.

The concept of perceptions is related to feminist theory in several qualitative and quantitative studies applied to male dominance, suppressing justice for sexual assault victims, and male stereotyping. According to Biana (2020), feminism was the theory used to consider the perceptions of privileged White feminists dominant in the field. Owusu, Nursey-Bray, and Rudd (2019) identified perceptions as a concept when exploring climate change between women and their male colleagues in Ghana. Although the research was a qualitative study, perceptions were a variable in studies reviewed in the literature (Bee, 2016; Daly, 2019; Duriesmith, 2020; Huq, Tan, & Venugopal, 2020). These published studies present foundational knowledge concerning the perceptions of police officers and SAKs.

Functionalism

Functionalism implies that all facets of humanity serve a purpose and are essential for the existence of humanity (Agarin, 2020). Functionalism is a sociological theory, a principal-agent theory, in which U.S. states could be seen as the entities responsible for delegating certain limited functions to organizations; in turn, members of the organization (law enforcement) perform duties in a nonpolitical manner for the common good. Functionalism is a normative theory evolved from set standards and norms that indicates how members of an organization *should* act, not how they necessarily act. With only a limited ability to explain important aspects of the legal practice of international organizations (law enforcement), especially their involvement with employees of the organization and nonemployees (criminals, the public), functionalism's attraction is the promise of a better world by maintaining global peace (Sinclair, 2015).

General functionalism also ties into structural functionalism, which shows society as one social order (Laluddin, 2016). Structural functionalism theory is a means to find how to achieve and maintain that order in society. Structural functionalism also indicates how different parts of a social system contribute to the whole through the performance of their functions. Structural functionalism presents an optimistic view of society in which every person of the social structure contributes to keeping the structure functioning. Specific to law enforcement, police officers help to control society or social structure by preventing the individuals who may threaten society. Police officers can perform a positive function in that part of the social structure when they maintain order.

Structural functionalism indicates that society is a consensus among individuals governed on a body of rules based on societal customs, morals, and values and that the work of society's separate parts results in the continuation of that social system (Laluddin, 2016). Consensus is not a natural phenomenon for society. Rather, consensus occurs through socialization, where members of that society must agree to the rules and laws. Members of organizations such as law enforcement support socialization by encouraging individuals to be parts of the consensus. There is a twofold result: the survival of society as a whole through the contributions of its independent parts to ensure the continuation of functioning and socializing members, which instills a strong sense of commitment to society's rules and laws, leading to consensus.

Functionalism dominates the field of law enforcement (Lawson, 2014). Police officers exist in a society constructed by their experiences and shaped by the organization's (law enforcement) exerted (legitimate) power on those less dominant. Research into crime and police has a functionalist approach. Functionalism does not include the notion of power or inequality but indicates acceptance of the status quo without question. According to the functionalist approach, police officers act like muscles to enforce the law in response to criminal behaviors in conflict with the interest of dominant groups. Regarding functionalism with law enforcement, anyone perceived to be deviant is a threat. Lawson (2014) asserted that users of the functionalism theory do not consider that by managing deviance, police officers serve to advance the interests of the dominant group.

An argument of policing ontology gains strength by situating the nature of organizations, because police officers occupy the space and are influenced. According to Thompson and McHugh (2009), theorists such as Weber developed principles about the bureaucracy of work. Weber believed that people make decisions based on future consequences and efficiency instead of habits, religions, and customs. People accept authority, and in turn, establish social stability (Lawson, 2014). Most police services are examples of a bureaucratic organization designed to achieve the objectives of law enforcement through rules, regulations, and procedures. There is a clear hierarchy, and members of the organization have specific duties. Employees wear uniforms with clear rankings, and there is a common purpose (fighting crime) that all employees strive to accomplish. The structure of the organization is such that officers have the discretion to make decisions. Officers work for the common goal, but they do so in individualized ways. In short, the organization provides the resources necessary for employees to do their jobs (Lawson, 2014).

The concept of perceptions relates to functionalism theory in several qualitative and quantitative studies of hospitals, crime laboratories, and the lack of communication between all entities. Chang and Algoe (2019) used perceptions as a concept when testing the functions of emotion using culture. Perception was a variable in studies that focused on (Chrisley & Sloman, 2016; Steiner, 2018; Susskind, 2018; Swerdlow, Pearlstein, Sandel, Mauss, & Johnson, 2020) using precedence when considering the perceptions of police officers and SAKs.

Resource Dependence Theory

According to RDT, to ensure survival and reduce uncertainty, there is a need for inter-organizational cooperation. However, little research exists on how members of organizations manage to ensure survival and reduce uncertainty. Socially understanding how organizations operate provides comprehension of the actions of the organization, which is a fundamental context for understanding the actions of group members working collectively to make gains (Taylor, McLarty, & Henderson, 2018). By working together, individuals within the organization gain the motivation and trust to develop coalitions and expand the coalition. The organization's growth results in survival because the group members ensure their alliances are large enough to establish legitimacy and bargaining power, thus enabling them to readily access the resources the organization requires. RDT is a theory used to explain the actions taken by members of an organization to minimize uncertainty while maximizing survival through mergers, alliances, and joint ventures (Taylor et al., 2018).

In line with RDT, resource providers make demands to the organization that requires the resources (Giblin & Burruss, 2009). Members of agencies receiving funding for special projects are more likely to keep the project upon completion of the project than agencies that receive nothing. RDT illuminates a need for group response to ensure continuity. In short, there is a need for critical resources to guarantee survival. As a result, members of an organization or group may perform a needs assessment to determine how to sustain the organization. Resources are physical assets and may be either monetary or material. Leaders manage the environment from within to ensure continuous resources. Worrall and Zhao (2003) examined the use of federal support in the form of grants given to local law enforcement agencies with established policies and practices. Members of agencies that had received the funding developed successful policing programs for the community using the resources. In the case of SAKs, funding could be the tool needed to hire and train crime laboratory personnel

and establish sensitivity training for the officers who conduct sexual assault investigations. When an organization needs resources, dependence on another entity for those resources could predict either the success or failure of the organization. RDT was thus an applicable theory to the study because officials at crime agencies heavily depend on funding to process kits. The U.S. Department of Justice and the Office of Justice Programs' Bureau of Justice Assistance formed coalitions to ensure that smaller agencies receive the funding needed to continue to test backlogged SAKs (National Institute of Justice, 2015).

The concept of perceptions as related to RDT appears in several qualitative and quantitative studies. Assessing and controlling resources (Garza & Franklin, 2020) on university campuses can be a task. Crime laboratory staff providing DNA processing are not adequately training (Ciccone, 2020). Jakobsen (2020) used feminist theory to consider the perceptions of how members of firms handle tension over time. Knapp, Diehl, and Dougan (2020) applied the concept of perceptions when exploring psychological contracts with employers. Perceptions was a variable in several quantitative studies (e.g., Deslatte & Stokan, 2019; Fletcher, 2019; Gyurák Babel'ová, Stareček, Koltnerová, & Cagáňová, 2020; Zacks, 2020). These studies served as precedence when considering the perceptions of police officers and SAKs.

Review of the Literature

Chapter 2 presents the literature and theories relevant to the research topic, with a focus on relevant research findings. The five points presented are the methods or procedures used to search for sources, the theoretical frameworks or orientations used for the study, the literature review, a synthesis of findings presented in the review, and a critique of the research methods and procedures used in the sources in the literature review. A summary will conclude the section.

Scope of the Problem

Sexual assault crimes are a centuries-old societal problem. Although anyone can be a sexual assault victim, there are higher rates of sexual assault against women and specific to the study, women on U.S. college and university campuses than among other populations. Practices for addressing sexual assault crimes begin with using SAKs to gather DNA evidence to prosecute perpetrators and vindicate victims. However, SAKs often remain unsubmitted and untested once in police custody. There is little

research on the significant number of unsubmitted and untested SAKs with police officers, particularly university law enforcement officers. The research filled that gap through an exploration of the perceptions of university police officers of unsubmitted and untested SAKs (Campbell & Fehler-Cabral, 2020; Moylan & Javorka, 2020).

According to the Centers for Disease Control (CDC; 2015) National Intimate Partner and Sexual Violence Survey, one in five women has experienced attempted or completed rape, one in six has experienced sexual coercion, one in four has experienced unwanted sexual contact or physical violence in addition to stalking by an intimate partner; an additional one third of women have experienced other unwanted sexual contact, such as groping. There are similar rates of sexual assault of women on U.S. college and university campuses, where one in five women has been the target of an unwanted crime of a sexually violent nature (Foubert, Clark-Taylor, & Wall, 2019). The factors that correlate with those findings include the victim's year in college, the victim's race, the victim's level of ability, the perpetrators association with fraternities, the use of alcohol, and the responses of residence hall assistants (Foubert et al., 2019; Harris, Terry, & Ackerman, 2019; Moylan & Javorka, 2020; Swartout et al., 2019; Van Brunt, Murphy, Pescara-Kovach, & Crance, 2019).

Because of these and other acts on college campuses, the federal government has begun to focus on incidents of sexual assaults on college campuses. The U.S. Department of Education's Office of Civil Rights provided the first "Dear Colleague Letter" in 2011 in an attempt to heighten awareness of college-related sexual assault. The effort continued with President Obama's 2014 development and establishment of the White House Task Force, with the goal of protecting students from sexual assault (Harris et al., 2019; Moylan & Javorka, 2020; Swartout et al., 2019).

Victims who experience sexual assault often undergo sexual assault examinations, also known as SAKs, in the expectation that DHC evidence from the examination will provide confirmation of their experiences, identification of the culprit, and justice for their experiences. Unfortunately, SAKs might remain unprocessed once in police custody. The roughly 400,000 untested SAKs (Campbell, Feeney, et al., 2017; Campbell & Fehler-Cabral, 2018), which indicates the presence of gaps within the criminal justice system related to processing SAKs.

Despite the awareness that DNA provides critical information that officials can use to solve sexual assault crimes by identifying, revealing, and prosecuting perpetrators through DNA matches using CODIS, law enforcement officers might not process such evidence in their custody (Fallik & Wells, 2015). As a result, victims' psychological and emotional