



# Kansas Bureau of Investigation

Kirk D. Thompson  
*Director*

Derek Schmidt  
*Attorney General*

February 17, 2021

Representative Fred Patton  
Kansas State Capitol, Room 519-N  
300 S. W. 10<sup>th</sup> Street  
Topeka, Kansas 66612

RE: KBI Testimony Addendum, HB 2228

Representative Patton:

On February 15, 2021, the KBI presented testimony in support of House Bill 2228 which proposes changes to three matters related to the collection, testing and retention of sexual assault kits in Kansas. While the testimony provided was accurate, in retrospect it may have been lacking context and, in this circumstance, context is important. I hope with this letter to provide you and the committee an additional measure of background information to better frame the issue at hand. I appreciate your consideration in attaching this letter as an addendum to our testimony.

In 2013 and 2014, information began surfacing across the country about sexual assault kits that had been collected by law enforcement but, for a wide variety of reasons, had not been subject to forensic testing. Quite frankly, I did not believe that Kansas would be among the states where that was occurring. I requested an internal audit to determine if there was a general correlation between the number of sexual assaults reported to Kansas law enforcement, where the collection of a sexual assault kit would likely have occurred, and the number of kits submitted to our forensic laboratories for testing. We found that there were likely many more kits collected than were submitted for testing. That finding was the genesis of what was to become the Sexual Assault Kit initiative or, in short, the SAKI project.

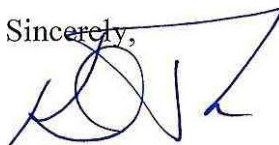
We decided that the only way to effectively determine whether Kansas was experiencing this same situation as most other states was to conduct an inventory of untested kits in law enforcement custody. We chose to reach out to our law enforcement partners for their help in doing such an inventory. That was a great deal of work for those agencies, but they voluntarily signed on recognizing the importance of the project and the implications for sexual assault victims of any failure to take action. The law enforcement agencies signed on and Kansas became the first state to complete a voluntary inventory and submission process.

What I hope to convey through this very brief letter, is that the Kansas law enforcement community rose to the challenge and not only became active participants in the inventory process, but became active partners with all of the related disciplines in the much broader and expanded SAKI project. They participated in that deep dive into many issues related to the sexual assault crisis in our state and were a part of the development of recommendations and best practices to better our state's response. Three of those recommendations are addressed in this legislation. I have been and remain very proud of the collaborative work of the law enforcement community in regard to this issue. I have communicated that widely in the past, and regret that I did not do so in our original testimony for this bill.

I am concerned that our testimony, in an effort to be succinct, was lacking in overall context and may have been interpreted as criticism of the Kansas law enforcement community. That is clearly not the case. One of the most prevalent reasons for law enforcement not submitting sexual assault kits was a lack of forensic testing capacity at the KBI. We, at that time, were less able to provide results in a timely fashion and agencies were often asked not to submit kits except in those cases where forensic examination was essential to prosecution. Significant progress has been made in that area and we believe we are in a position to fully implement the SAKI group recommendation of a "submit all and test all" policy. Our suggestion is to require law enforcement agencies to adopt a policy for submission of all kits. A policy is a recognition of the importance of a specific issue and provides consistent guidance as to what should be done. We feel that is what should be done at this point and that our law enforcement partners will help to assure that all kits are submitted and tested.

This was not a fault finding exercise but an effort to identify procedural, system-wide shortcomings, and develop recommendations to improve services to sexual assault victims in our state and prevent the accumulation of kits in the future. I believe that HB 2228 will do just that.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kirk D. Thompson', with a large, sweeping flourish extending to the right.

Kirk D. Thompson  
Director

KDT/ljc