



Commonwealth of Kentucky Justice & Public Safety Cabinet

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Kentucky law enforcement agencies have reached turning point in rape kit backlog

Department of Criminal Justice Training has helped hundreds of agencies improve policies under new law

FRANKFORT, Ky. (Feb. 6, 2017) – Kentucky Justice Secretary John Tilley announced today that every law enforcement agency certified through the Kentucky Law Enforcement Foundation Program Fund has met new requirements on sexual assault policies – a key turning point in addressing the backlog of rape evidence kits.

The policies were mandated under Senate Bill 63 – known as the SAFE Act – which passed in the 2016 General Assembly. It required all agencies that participate in the Kentucky Law Enforcement Foundation Program Fund to adopt a sexual assault response policy by Jan. 1. That includes nearly every law enforcement agency in the state.

Thanks to proactive support from the Department of Criminal Justice Training (DOCJT), every certified agency has met the deadline with time to spare.

“The survivors of sexual assault should never have to endure the uncertainty of another backlog,” Secretary Tilley said. “I’m proud that the Department of Criminal Justice Training and Kentucky’s law enforcement agencies are setting a high new standard on handling evidence kits and helping survivors find justice. DOCJT’s effort to help facilitate these policies has been outstanding.”

The new policies will guide collection and transport of evidence kits. They will also govern the process for notifying victims when test results become available.

Last year, DOCJT was tasked with collecting and reviewing each agency’s policy to assist with meeting the deadline. Instead of waiting for agencies to submit acceptable policies, DOCJT took an active role in helping agencies become compliant under the new law.

“I am exceedingly proud of our staff, who met this responsibility with the professionalism and diligence this important issue deserved,” said DOCJT Commissioner Mark Filburn. “The nearly-impossible feat of assisting every law enforcement agency across the commonwealth with meeting such a tight deadline – and succeeding – is just another example of how committed the DOCJT staff is to our clients.”

A Sexual Assault Response Team Advisory Committee, also established under SB 63, finalized a model policy on Oct. 19. With less than 3 months to meet the deadline, DOCJT worked fast to send the model to every law enforcement agency along with instructions on how to adopt and submit their own approved policies.

The committee’s model policy and two other models were added to the DOCJT website along with details of the new requirements and helpful resources. A dedicated phone line and email address were established for law enforcement executives to ask questions and receive immediate assistance. Staff members made personal presentations to multiple DOCJT classes and meetings of law enforcement executives to assist them further with this process.

Between Oct. 19 and Dec. 31, DOCJT staff collected all the submitted policies, which the department’s legal and executive staff then reviewed and approved.

“SB 63 was passed to improve the criminal justice response to victims of sexual assault,” said Eileen Recktenwald, executive director of the Kentucky Association of Sexual Assault Programs. “Now that law enforcement agencies in Kentucky have policies in place that ensure a trauma-informed approach to the investigation of this crime, it could mean that lifelong consequences for the victim can be decreased and it increases the possibility that more cases are cleared and successfully prosecuted, making Kentucky a safer place to live.”

Jefferson County Sheriff’s Office’s Chief Examiner, Jeff Prewitt, lauded DOCJT’s efforts to assist local agencies with meeting this new requirement.

“Instead of demanding compliance in an autocratic way, DOCJT facilitated compliance in a participatory and collegial way,” Prewitt said. “How refreshing!”

DOCJT Assistant General Counsel Deaidra Douglas said the department serves more than 400 law enforcement agencies across the commonwealth.

“In less than three months, every KLEFPF agency submitted their policy for review and met the deadline,” Douglas said. “From the cooperation we received across the state to the flawless communication with all the involved DOCJT staff, it was an exceptional team effort.”

SB 63 succeeded in the 2016 General Assembly thanks to Sen. Denise Harper Angel and Senate Judiciary Chairman Whitney Westerfield, who both played a crucial role in the final legislation. The legislature also supported a request from Gov. Matt Bevin to allocate \$4.5 million toward reducing the backlog. That money will provide much-needed staffing and resources for the Kentucky State Police crime lab.

The next stage in meeting SB63’s new mandates will focus on training requirements for responding to sexual assault. DOCJT’s 2017 training schedule includes a new 40-hour course, which will be taught 19 times this year, both at the DOCJT Richmond campus and regionally across the state.

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