

# Unsubmitted Sexual Assault Kit Processing: Five Objectives Toward Forming a Positive Relationship with a Private Vendor Laboratory

Over the past couple of years, there has been an influx in funding from the Department of Justice's Bureau of Justice Assistance (BJA) and National Institute of Justice (NIJ), and the New York County District Attorney's Office (DANY) to support sexual assault kit (SAKs) tracking, inventory, processing, and prosecution. Consequently, there is an influx in DNA testing needs. Outsourcing DNA testing for projects that require an immediate surge in resources is a great way to use private partners with minimal impact to current crime laboratory initiatives. Larger, private DNA outsourcing laboratories have proven abilities for scaling up production, performing high-throughput testing, and bringing online technology adoptions to continuously improve processes. However, even for laboratories with high-volume experience, the current SAK grant timelines of 2 to 3 years can be demanding.

Because project and contract specifications differ among jurisdictions, contacting private vendors directly helps clarify capacity and any limitations associated with meeting specific needs, such as validation, training, Laboratory Information Management System software updates, and other changes that may affect the vendor laboratory's default workflow. Based on contract specifications, some jurisdictions' projects may be able to start immediately, while others may be delayed. The following five objectives are a guide toward establishing positive partnerships with vendor laboratories for the submission and testing of SAKs:

## Creating Positive Partnerships with Laboratories: Five Objectives

1. Open Communication
2. Create a Shared Vision
3. Visit the Site
4. Provide Feedback
5. Be Creative

**1. Open Communication.** Once the need for outsource testing of SAKs is identified, immediately start engaging with private DNA laboratory vendors. Leveraging an external vendor for DNA analysis testing typically is known as DNA outsourcing. Vendors can provide education and material describing their experience, technical process, and how outsourcing DNA analysis testing works. This type of information is essential to writing an effective request for proposal (RFP) or request for quote, and determining expected costs.

Once a vendor is selected, choose someone from your agency who can act as a liaison to the vendor laboratory and be the main point of contact. In addition, request the same from the vendor, so that communication can be streamlined. Limiting points of contact for questions and inquiries will reduce redundant communication and misunderstandings, and allow for a smoother process.

From the RFP process through the actual submittal for analysis, capacity commonly changes in terms of testing needs by the submitting agency and the vendor laboratory's availability to meet those needs. Ensure the vendor is aware of any potential changes to technical specifications, submission rates, legislation, or turnaround time requirements to help reduce associated delays.

**2. Create a Shared Vision.** Work early with the vendor to create a processing plan that includes a clear timeline of expected SAK shipments, laboratory report and data package return, and SAK shipment return. The technical specifications should be clearly written and agreed to by both parties. Expect to negotiate if the scope or specifications are changed following proposal submittal; a lot of criteria can affect processing timelines and the cost of the sample or SAK. For unsubmitted SAKs, some agencies may have to work around expiring statutes of limitation (SOL). The number of these critical expiring SOL sexual assault kits and timeline for processing should be prioritized between the submitting agency and vendor. Having representation from the agency's own testing laboratory can benefit creating the processing plan.

If the shared vision is created during the contract process, ideally the contract should consider identifying the following:

- ◆ Number of SAKs to be submitted
- ◆ Expected submission rates
- ◆ Required technical specifications (i.e., type of DNA amplification kit)
- ◆ DNA workflow and pricing with possible alternatives (as applicable)
- ◆ Legislation-enforced or ideal turnaround times
- ◆ Specific data package requirements
- ◆ Main points of contact

Consider submitting a small batch of SAKs (i.e., 10% to 20% of an expected submission batch) as the first shipment. This will help the vendor laboratory to implement contract specifications and allow time for the submitting agency to adjust needs and requirements after reviewing the returned data package. Further adjustments then can be made before a process is implemented on a larger scale.

**3. Effective Site Visit.** Documentation of an on-site visit at the vendor laboratory is a Federal Bureau of Investigation Quality Assurance Standard audit requirement and should be coordinated between the agency's local laboratory and the vendor lab. A site visit provides the means for the agency's local laboratory to accept ownership of the work produced by the vendor for means of participating in the Combined DNA Index System, known as CODIS. Many items such as standard operating procedures and validation summaries can be provided ahead of time and reviewed remotely. Effective on-site visits should be a stepping stone to building a positive relationship and understanding the outsourcing process.

#### Use time wisely:

Review past audits instead of trying to conduct a new one. Discuss nonconformances, corrective and preventive action plans, and how these plans have been documented or communicated.

Understand what a case file and data package will look like and how to best review them.

Go through examples of complex mixture interpretation and report statements.

Review the shared vision and technical specifications to make sure everything is clear, and document any agreed changes.

Meet the management team, especially the agency-specific liaisons.

Discuss challenges, issues, and any future needs.

**4. Provide Feedback.** Providing feedback to the vendor, once the outsourcing has started, is a critical element. Let the vendor know the services you appreciate, as well as what is causing stress or anxiety. Early feedback gives the vendor time to react before a small issue becomes a large one. Feedback also helps to guarantee that certain services that are appreciated will continue or improve in the future. The vendor laboratory may also have suggestions for the submitting agency about changes that could aid in more efficient processing. Constructively discussing points of contention often leads to collaborative solutions to keep the project on track and successful. Consider establishing a regular monthly or quarterly feedback meeting, depending on the scope of the project. For newer projects, more frequent feedback meetings may be needed to establish expectations.

**5. Be Creative.** Outsourcing SAKs does not need to be performed the same way that SAKs are currently processed in the agency's laboratory. There are certain technical specifications, such as the DNA amplification kit, that need to be consistent for review purposes. However, there may be more effective ways to use money and still achieve the expected quality of results. Coordinate with the agency's local laboratory and be open to new ideas and pilot processes or technology changes. Pilot programs provide needed research to the community, support for future budgets, and often resolve a problem. Creative outsourcing solutions have been born from public and private partnerships such as Male DNA Screening, Models for Property Crime Outsourcing,<sup>1</sup> and Deploying a Rapid DNA Laboratory.<sup>2</sup>

Through efforts conducted by BJA, DANY, and NIJ, many SAK outsourcing projects are being conducted simultaneously throughout the country. Due to the time needed for procurement, organizing shipments, and reviewing and uploading resulting profiles, the actual time for testing is less than 1 year in some jurisdictions. While the private industry is fee-for-service, the magnitude of submissions in the United States likely will create delays in being able to on-board all agencies concurrently. Although there is pressure for each submitting agency to show progress, a vendor may use trained resources more effectively by spacing the overall testing of submitted SAKs over the grant periods, resulting in better quality service during the testing phase. An agency should not hesitate to reach out to its BJA grant manager with any concerns about commitments and to inquire about an extension. Vendor laboratories are continuously balancing resources, enhancing capacity with technology changes, and on-boarding new personnel to help mitigate delays. Lapses in communication, vision, and feedback can have a negative impact on project success. These objectives may be

leveraged to formulate a relationship with a chosen vendor. Remember, a partnership is not created out of a contract but is cultivated over time, if nourished.

### Creative Ways to Yield Quality Results:

- ◆ Coordinate with local laboratories
- ◆ Explore new ideas
- ◆ Embrace pilot programs
- ◆ Accept technology changes
- ◆ Investigate outsourcing partnerships

#### References:

1. Crouse, C., Sikorsky, J., Jeanguenat, A., Vreeland, T., & Looper, A. (2012). Evaluating the Effectiveness of DNA Analysis on Property Crimes and Identifying a New Model for Outsourcing. Retrieved March 8, 2017, from <http://www.forensicmag.com/article/2012/12/evaluating-effectiveness-dna-analysis-property-crimes-and-identifying-new-model>
2. Harran, F., Jeanguenat, A., & Singer, A. (n.d.). Deploying a Rapid DNA Laboratory to Solve Local High-Volume Crimes. Retrieved March 8, 2017, from [http://www.evidencemagazine.com/index.php?option=com\\_content&task=view&id=1583](http://www.evidencemagazine.com/index.php?option=com_content&task=view&id=1583)

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