

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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March 21, 2025

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Sent by email only

Re: Sexual Assault Law Enforcement Appropriation found
at Act No. 166 Public Acts of 2022,

Dear Representatives, Senators, and Directors;

The Michigan Legislature appropriated \$1.48 million in funds to the Attorney General for sexual assault enforcement efforts. In PA 166 of 2024, the Legislature directed the Attorney General to provide a report concerning the use of those funds.

Such report is to include the number of sexual assault kits across the state that remained untested as of January 31, 2024, in addition to a detailed work and spending plan outlining anticipated litigation and expenditures resulting from the findings of the sexual assault kit testing. This report is submitted in compliance with that directive.

The Michigan State Police advises that testing for previously unsubmitted kits collected during their statewide inventory in 2016 is complete. The last kit completed testing in August 2018. After the statewide inventory was completed, an additional 500 unsubmitted kits were located by the Detroit Police Department. Those kits were shipped to a vendor in early February 2019 for testing under a Michigan State Police contract which is covered by federal grant money. Those kits were never tested by the contracted lab and have been sent back to the Michigan State Police to be tested by state laboratories.

The Attorney General has entered into several agreements with county prosecutors to fully investigate and prosecute cases identified through the testing of submitted sexual assault kits. Sexual Assault Kit Initiative (SAKI) agreements are currently in place with the Ingham County Prosecutor, Kalamazoo County Prosecutor, Washtenaw County Prosecutor, and Wayne County Prosecutor.

The agreements enable the prosecutors to supplement their respective staff with an experienced sex crimes prosecutor, several investigators, and part-time victim advocate who are dedicated to investigating and prosecuting cases arising from the previously untested sexual assault kits.

Under a separate Memorandum of Understanding (MOU) between the Attorney General and each of these county prosecutors, the prosecutor's office is reimbursed for the costs of salary and benefits for up to three investigators and one part-time community-based victim advocate. The prosecutor's office is also reimbursed for the costs of equipment, travel, and other expenses related to the SAKI program.

Each of these SAKI teams is led by an experienced sexual assault prosecutor, paid under contract with the Attorney General but working under the supervision of the local county prosecutor. These four women have a combined total of almost 70 years of prosecution experience with specialties in sexual assault prosecutions. In these projects, the Special Assistant Attorney General (SAAG) exclusively handles cases arising from the previously untested sexual assault kits. It should be noted that the investigators for Ingham are funded through the Michigan State Police and a federal grant they administer.

The longest standing SAKI projects are within Kalamazoo County, Ingham County, and Washtenaw County. The newest SAKI project and newest SAAG was created in October of 2023, and that SAAG is embedded within the Wayne County Prosecutor's Office. This SAAG, working under the supervision of the local prosecutor in Wayne County has, to date, assisted with handling warrants and taking on the in-court prosecution of backlogged, actively charged, and currently submitted SAK-based sexual assault cases.

In previous years, the SAKI program in Ingham County followed a modified protocol that created a "Regional SAKI Program." The SAAG previously split her time between Ingham, Jackson, and Calhoun Counties. With the Calhoun County project closing its cases in 2023, Jackson County soon thereafter closed out their case investigations in 2024; leaving just one pending case scheduled to commence jury trial here in April of 2025. Jackson County ended its project with 61 total cases. Of those, 51 cases closed by investigation, and six others were then returned to their agency for investigation. The project also had three jury trial convictions.

In addition to the payments made to the various law enforcement agencies and the SAAG attorneys, the Attorney General has budgeted an FTE victim advocate to provide help as needed to operating SAKI programs.

The current MOUs with the Ingham, Kalamazoo, Wayne, and Washtenaw County Prosecutor's Offices expire at the end of September 2025. The contracts with the existing SAAG in each of the projects run through September 2025. It is unlikely that investigation and prosecution of cases arising from the previously untested sexual assault kits will be completed by the end of those terms, and it is almost certain that extensions will be necessary.

Kalamazoo County

Kalamazoo SAKI has 221 total cases. Currently, the project has one charged case pending in the court system, and there are 23 pending investigations. Three additional cases remain open but not investigated yet. The other 152 cases have been closed without charges, 59 of those at the victims' request. To date, the project has had 22 convictions: 18 by plea, and four by jury trial. There have been two acquittals.

Notable case update: In 2024, Kalamazoo SAKI secured a conviction by plea wherein the defendant, who had no prior criminal record and was out on bond, pled to two Counts of CSC 1st degree with a plea agreement that he serve 12-25 years in prison. This outcome was likely the result of the fact that Kalamazoo SAKI identified six other victims of this defendant, only one of whom had ever made a

police report before. The Court ruled to allow two of the victims to testify in court. All seven of the victims came to the sentencing to watch the defendant finally be held accountable. All the victims talked about how healing and affirming the SAKI process had been for them. Without the funds that were appropriated by the Legislature, this victim would not have received justice in her case. Also, notable in 2024, a juror in a SAKI trial was so inspired by her experience, that she began volunteering as a supportive advocate for victims during sexual assault nurse examiner (SANE) exams at the local YWCA.

Ingham County

In Ingham County, 125 previously untested kits were tested, and 127 cases in total were referred to the SAKI team. Two cases were added to the project after its inception. Each of these cases has been reviewed, whether or not a suspect was identified through testing. To date, Ingham County has obtained six felony convictions in Circuit Court. There have been no acquittals.

Notable case update: In a recent Ingham County SAKI prosecution in 2024, the defendant was charged with CSC 1st degree, with the perpetrator having caused an injury to an incapacitated victim. The defendant pled guilty in July of 2024, and was sentenced to 51-240 months in the Michigan Department of Corrections. Without the funds that were appropriated by the Legislature, this victim would not have received justice in her case.

Washtenaw County

There are currently 154 kit cases that have been referred to the Project in Washtenaw County. Washtenaw County achieved their first conviction in October of 2023. In 2024, there was one conviction by way of plea. Four cases are currently charged, all still pending final disposition here in 2025. There are 10 pending investigations. There have been 15 case closures

Notable Case Update: In Washtenaw County in 2024, the prosecution won a significant motion on one of their pending sexual assault cases. The motion, filed by the defense, asserted a “delay in prosecution” due to the age of this cold case. Fortunately, the prosecution succeeded in the trial court, and when the defense filed an interlocutory appeal in the Michigan Court of Appeals, the higher Court denied the defense’s case. Without the funds that were appropriated by the Legislature, this case would not be prosecuted, and this case would not have had the opportunity to be litigated in the appellate courts. An important legal battle over cold case sexual assaults was won, and this case lives another day to push forward justice for this victim.

Wayne County

In Wayne County, the project had executed an MOU and hired a SAAG in October of 2023. This SAAG came to SAKI's most recently created project with years of experience prosecuting cases of both sexual assault and domestic violence and being well versed in handling these particular cases in a victim-centered, offender-focused, and trauma-informed manner.

This SAAG is handling sexual assault cases involving both old and new sexual assault kits, cold cases, and new, current cases. She hit the ground running in Wayne County, already taking on actively charged cases and assisting in the backlog of investigations involving sexual assault kit-based assaults. Since the inception of the project in late 2023, the SAAG has been assigned 66 cases, and currently has 29 cases assigned. There are 13 cases currently charged and awaiting disposition. The project has 16 open cases in investigation status, and five closed cases not resulting in charges. There are 15 total convictions: 11 by plea and four by jury trial, along with two hung juries from other trials. There has been one acquittal.

Notable Case Updates: The Wayne County SAAG has prosecuted many notable cases since being hired for the project in October 2023. An older sexual assault case that had been pending in court for years was assigned to the SAAG and this project. A guilty plea to Criminal Sexual Conduct 1st degree and Felony Firearm was obtained with a successful sentence agreement of 22-40 years in the Michigan Department of Corrections. After waiting so many years for justice, the victim in this case was thrilled with the outcome achieved for her. Without this funding, this case would have not resulted in such a successful guilty plea. The SAAG prosecutor took the case over and prepared it so well for a pending jury trial that the guilty plea resulted in ensuring the victim did not have to be retraumatized on the stand in court.

Also, early on in the implementation of the project, the SAAG was assigned a retrial of a horrific sexual assault and kidnapping case. It had been sent back from the Michigan Court of Appeals for a new trial after a guilty conviction several years prior. The victim, after already thinking her case had been resolved, and already beginning her path towards closure, had to have her wounds completely reopened once more. This was a complicated case as the SAAG had to deal with many difficult evidentiary issues, which were compounded by the fact that she was not the prosecutor on the first trial. The victim in this case also suffered from mental impairments, and there was no DNA obtained from the Sexual Assault Kit. Despite the obstacles, the SAAG proceeded to trial and obtained a guilty as charged

conviction. Defendant was sentenced to an even harsher prison sentence this time around, with a sentence of 18.75 – 60 years in the Michigan Department of Corrections. Without the funding for this project, this re-trial and its tremendously successful outcome would not have been possible.

In yet another jury trial that has been conducted by this project, the SAAG achieved a conviction of CSC 3rd degree, on a case where the facts included the victim being “physically helpless,” in that she was severely intoxicated and unable to communicate she did not want to participate in the act. The SAAG dealt with a slew of evidentiary issues, including recantation and memory loss by the victim. Despite this, a conviction and sentence of 36 months – 22.5 years resulted. Once again, this funding for the SAKI project was instrumental in achieving this justice.

In addition to providing funding and assistance to the SAKI programs herein discussed, the Attorney General continues to offer advice, assistance, and support to any county seeking help in the investigation and prosecution of crimes identified by the testing of previously untested sexual assault kits. This matter remains a priority for this department.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Steffen". The signature is written in a cursive, flowing style.

Ashley Steffen
Director, Office of Legislative Affairs
Department of Attorney General

AS/sg