



Adherence to Sexual Assault Standard Investigative Guidelines as a Driver to the Outcome of Sexual Assault Offenses' Forensic Investigation in Butere Sub-County, Kakamega County, Kenya.

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ABSTRACT

The criminal justice system has been faced with challenges to conclusively address the plight of victims and survivors of sexual assault offences. In Kenya, it is estimated that only 25% of total sexual offence cases presented before a court of law are successfully convicted. The study's primary focus was to determine the influence of adherence to sexual assault standard investigative guidelines on the outcome of sexual assault offenses' forensic investigation in Butere sub-county. The study adopted a descriptive survey design and explanatory research design. Stratified random sampling was used to pick police respondents from police stations, police posts and patrol bases in Butere Sub County. Snowball and purposive sampling was used to pick survivors of sexual assault offences within Butere sub county and health workers from level 4 hospitals in Butere Sub County. Data was collected using likert scale questionnaires administered to police officers. Interview guide was used to collect data from health workers and survivors of sexual assault offenses. Qualitative data was analysed thematically with the help of NVivo software. Quantitative data was analysed using Statistical Package for Social Sciences (SPSS) version 24.0. Results were presented using tables. The results showed that sexual assault forensic investigative guidelines were moderately adhered to in Butere Sub County (composite mean=2.87). Coefficient of correlation ($r = 0.730$) and coefficient of determination ($R^2 = 0.637$). The study recommends continuous training on forensic investigations and increased public education and interagency corporations on forensic investigation of sexual offenses.

Key words: Sexual assault offenses, Forensic Investigation, Investigative guidelines.

INTRODUCTION

One of Kenya's most pressing public health and human rights issues today is sexual violence. Sexual violence deprives victims of their right to dignity whether it occurs in the course of an intimate relationship, during a conflict, or within the framework of the family or community. For this study, the working definition of a sexual offense is the penetration of the genital organs of another person with any portion of another person's body or an object that has been handled by another person, unless the penetration is done for legitimate, expert, sanitary, or medical reasons (Sexual Offences Act (SOA), 2014). At least one-third of intimate partners or unrelated people sexually assault women all around the world WHO 2013. According to Kenya's demographic and health survey (KDHS) (2019), statistics show that one (1) in every five (5) women in Kenya between the ages of 15 and 49 experienced various types of sexual violence. Before the age of 18, 32% of Kenyan women and 18% of men experience sexual violence (KDHS 2014). According to National Police Service Annual Report (2020), offences against morality which include rape, defilement, incest, bestiality, indecent assault, abduction, and bigamy accounted for a significant percentage of 13% of all crimes reported in Kenya in the year 2020 with an increase in cases of defilement by 1,204 (19.5%) from the previous year of 2019. The national police service report (2020), ranks Kakamega county number 11 in offenses against morality with 240 cases reported in the year 2020. Forensic examination refers examination carried out in anticipation of potential future legal proceedings requiring an expert's opinion. The forensic investigation and prosecution of sexual offences have remained a challenge hindering the complete closure of sexual assault cases in a court of law. Effective investigation of sexual assault offences is a prerequisite to the successful prosecution of any judicial proceeding. According to Ruo (2020), more than 50% of reported sexual crimes against women are thrown out due to lack of enough evidence thus affecting prosecution. It takes about 4 to 5 years approximately to conclude sexual-related cases in Kenya and this delayed justice is as well as denied (Shako & Kalsi, 2019). There is need for a study to investigate the determinants of outcome of sexual offenses' forensic investigation in Butere Sub County, Kakamega County, Kenya.

METHODOLOGY

Study Design: The study adopted descriptive survey design to gather, analyze, and combine quantitative data with qualitative themes and explanatory research design to explore casual links between the dependent and independent variable.

Study area and study population; Research was conducted in Butere Sub County, Kakamega County. Police officers were selected from all the police stations, police posts and patrol base in Butere Sub County by stratified random sampling. Survivors of sexual assault offenses were drawn from Butere Sub County and health workers drawn from level four hospital in Butere Sub County via purposive and snowball sampling.

Data collection methods and procedure; the researcher administered Likert scale questionnaires' to 71 police from Butere Sub County. The researcher conducted interviews to 10 key informants, 5 health workers and 5 survivors of sexual assault offenses lasting 30-40 minutes. A pilot study was initially conducted in Kirinyaga Central Sub County prior to the actual study in Butere Sub County. To establish the validity of the research instruments, the researcher consulted with lecturers from school of health sciences in Kirinyaga University where an approved research instrument was made possible as a result of revision and adjustments. Reliability was tested using Cronbach's Alpha which produced a value of 0.863. This indicated that the items had relatively high internal consistency suggesting that the research instrument was reliable to collect data. The data was analyzed by use of SPSS version 24.0

Ethical consideration; Ethical review was obtained from Mount Kenya University Research Ethics Committee (MKU) and a research permit obtained from National Commission for Science, Technology and Innovation (NACOSTI). Participation in this study was on voluntary basis requiring the participant to sign a consent form prior to undertaking the study. Confidentiality of all information was highly maintained and the information was used solemnly for academic research.

RESULTS AND DISCUSSION

Descriptive Statistics

The study's specific objective was to determine the influence of adherence to sexual assault standard investigative guidelines on the outcome of sexual assault offenses' forensic investigation in Butere sub-county.

The respondents were asked to indicate their level of agreement with the given statements. A Likert scale ranging from 1 – 5 was used on the questions where 1 represented strongly disagree, 2 represented disagree, 3 represented neutral, 4 represented agree, while 5 represented strongly agree. According to the scale, a mean value of between 4.5 and 5 represents strongly agree, 3.5 – 4.49 represents agree, 2.5 – 3.49 represents neutral, 1.5 – 2.49 represents disagree, and a value below 1.5 represents strongly disagree.

In the analysis, the researcher classified the composite mean into three; a mean value of between 3.67 and 5 represents strong adherence, 2.34 –3.66 represents moderate adherence, and 1.0-2.33 represents no/slight adherence.

Table 1 below shows the agreement level of respondents on adherence to sexual assault offense standard investigative guidelines in Butere sub-county, Kakamega County, Kenya. The findings are shown in percentages, mean, and standard deviation.

Table 1: Descriptive Statistics adherence to sexual assault standard investigative guidelines

Statement	Strongly disagree %	Disagree %	Neutral %	Agree %	Strongly agree %	Mean	Std. Dev
Biological evidence was collected within 72hours	16.9	28.8	27.1	16.9	10.2	2.75	0.22
Head to toe examination of the victim was done within 72 hours of reporting the case	18.6	22.0	32.2	23.7	3.4	2.71	1.13
Forensic Evidence collection takes place alongside medical examination	8.5	40.7	25.4	16.9	8.5	2.43	1.03
Integrity of chain of custody of sexual assault evidence is maintained	5.1	22.0	40.7	27.1	5.1	3.05	0.95
Presence of functional gender desks that provide services to sexual assault victims	18.6	18.6	13.6	32.2	16.9	3.10	1.39
Composite mean						2.874	

According to the findings, as illustrated in table 4.6, respondents agreed on the presence of functional gender desks that provide services to sexual assault victims, shown by a mean of 3.10 and a standard deviation of 1.39. From the study, the chain of custody of sexual assault evidence was maintained as shown by a mean of 3.05 and a standard deviation of 0.95. Respondents were neutral that biological evidence was collected within 72 hours, as showed by a mean of 2.75 and a standard deviation of 0.22. Additionally, the respondents were neutral on head-to-toe examination of the victim being done within

72 hours of reporting the cases shown by a mean of 2.71 and a standard deviation of 1.13. Lastly, the respondents disagreed with the statement that evidence collection is done alongside medical examination, as shown by a mean of 2.43 and a standard deviation of 1.03.

A composite mean of 2.874 shows a moderate adherence to sexual assault standard investigative guidelines of sexual assault offenses in Butere sub-county.

Qualitative Results

Qualitative data was collected via interviews, transcribed and translated accordingly by the help of an expert in linguist. The major noticeable themes included; time elapsed before evidence collection, forensic evidence collection verse medical examination, chain of custody maintenance functional gender desks.

The findings revealed that there was delay in collection of biological evidence after a sexual assault has occurred. One of the health workers stated that;

“Majority of sexual assault victims present themselves several days after the assault and it becomes very difficult to obtain any useful biological and trace evidence that can link a suspect.”

Additionally, the study established that head-to-toe examination of victims' was done way after 72 hours have elapsed. This is brought about by late reporting of the assault by the victim who, out of fear, keeps to themselves until someone else reports on their behalf. Other victims lacked knowledge concerning the legal system procedures and did not know where to go. These findings concur with the findings of Seelinger *et al.*, (2011), who posit that most rape cases are committed by people well known to the victim making the victim fear to come out and report fearing discrimination from other family members. On the statement regarding functional gender desk at police stations or posts, the study established that even though gender desks were present, they were understaffed. Secondly, the desks did not have a separate room to enable investigation in a sensitive and sympathetic manner; however, such rooms were improvised to enable victims of sexual assault to speak about their ordeal with less difficulty. On the same note, majority of female victims explained that they were uncomfortable speaking about their ordeal to male investigators who were assigned to their case. This can be attributed to the few women officers in the region. These findings echo the findings of Ndungu (2016), on the effectiveness of police desks, found out that police gender desks were not conducive without victims privacy and infrastructure quit wanting. The study the chain of custody of evidence was critical to ensure evidence was not altered. The study established that chain of custody of evidence was well maintained, with the only challenge being occasioned lack of chain of custody forms at police stations/posts. These findings differ from the findings of Shako & Kalsi (2019) that a major contributory factor in improper management of forensic evidence is lack of chain of custody. From those interviewed, they concurred with the findings of Verma (2010) that there exist hurdles in the quest for justice by women due to inconsistencies in police officers when handling cases of women violence, as some fail to order an inquiry, others fail to take in first information report while others impose moral guardianship on survivors.

Regression Findings

The specific objective was to investigate adherence to sexual assault offense standard investigative guidelines in Butere sub county, Kakamega County.

Table 2: Regression Analysis on adherence to sexual assault offenses standard investigative guidelines

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.730 ^a	.532	.524	.35878

The coefficient of correlation ($R = 0.730$) revealed that there existed a strong positive relationship between the adherence to sexual assault standard investigative guidelines and successful investigation of sexual assault offenses. The coefficient of determination ($R^2 = .532$) revealed that adherence to sexual assault standard investigative guidelines determined about 53.2% of the successful investigation of sexual assault investigation in Butere sub county, Kakamega county. Therefore, 46.8% could be determined by other factors other than adherence to sexual assault standard investigative guidelines.

Table 2: ANOVA Analysis for adherence to standard sexual assault investigative guidelines

ANOVA ^a						
Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	30.735	1	7.684	75.049	.000 ^b
	Residual	25.391	57	.102		
	Total	56.126	58			

a. Dependent Variable: Successful investigation of sexual assault offenses

b. Predictors: (Constant), adherence to sexual assault standard investigative guidelines.

The F- test revealed that ($F = 1, 57 = 75.049$) and $P = 0.000$ meaning that the model was significant at 95% confidence level as indicated in Table 2.

CONCLUSION AND RECOMMENDATIONS

There are loopholes in adherence to sexual assault investigative guidelines in Butere Sub County. The study established that sexual assault standard investigative guidelines are moderately adhered to, composite mean of 2.87. Biological evidence is seldom collected within 72 hours, head to toe examination of sexual assault victim is not always done within 72 hours, forensic evidence collection and medical examination of the victim are not done concurrently and the chain of custody of sexual assault evidence within Butere Sub County is maintained. Interviewing of sexual victims in special secluded areas will enable them to give information with less difficulty. Police stations lack these rooms. Adherence to sexual assault offense standard investigative procedures determines the successful investigation of sexual assault offense ($r= 0.730$, $p= 0.000$).

The study recommends adequate periodical training to law enforcement agencies and health workers on standard investigative procedures and handling sexual assault evidence so as to build airtight cases. The study also recommends interagency corporation that lead to provision of medical, legal and psychological support services for sexual assault victims under one roof. This will encourage early and effective collection of forensic evidence.

Conflict of interest

The author declare no conflicts of interest regarding the publication of this paper.

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