

The California State Auditor released the following report today:

Sexual Assault Evidence Kits

Although Testing All Kits Could Benefit Sexual Assault Investigations, the Extent of the Benefits Is Unknown

BACKGROUND

Law enforcement investigators collect various types of evidence in sexual assault cases, including biological evidence collected from a victim's body stored in a sexual assault evidence kit that may contain a DNA profile from a suspect in the investigation. Several entities are involved in collecting and analyzing such kits—health care providers perform the exam, collect biological evidence, and provide the kit to law enforcement agencies; law enforcement agencies investigate the case and determine whether to request testing for the kit; and crime labs analyze and, when possible, upload a suspect's profile to a network of databases in an attempt to discover the suspect's name.

KEY FINDINGS

During our review of the processing and analysis of sexual assault evidence kits by three local law enforcement agencies and their associated crime labs, we noted the following:

- Because there are no requirements to track or report information about the number of unanalyzed kits, the total number of unanalyzed kits is unknown. However, we determined that the three agencies we reviewed had analyzed between 31 percent and 47 percent of all kits they received from 2011 through 2013.
 - ✓ Investigators at the agencies base their decisions about whether to analyze kits on the circumstances of individual cases—none of the agencies had detailed formal policies in place guiding these decisions and investigators rarely documented their reasons for deciding not to analyze kits.
 - ✓ While we did not identify any negative effects on the 45 cases we reviewed in which investigators did not request analyses, unanalyzed kits could be a missed opportunity to benefit other investigations through a DNA match.
- Though it is uncertain whether analyzing all sexual assault evidence kits in California would substantially improve the State's arrest and prosecution rates in sexual assault cases, a few jurisdictions—two in other states and one here—indicate that they obtained some new convictions from analyzing kits that they had not previously analyzed.
- Investigators and lab analysts usually processed the sexual assault evidence kits in the cases we reviewed within two years of the date of the offense—the time frame required to receive an additional year beyond the normal 10-year legal limit within which to prosecute a case.
- During our review period, all three crime labs we visited had sexual assault evidence kits backlogged—according to the federal definition of having a final analysis report issued by a lab within 30 days of receiving the kit.
- The Department of Justice's (Justice) Rapid DNA Service (RADS) program could provide valuable information—including outcome information—about the benefits of analyzing all sexual assault evidence kits because this program tests every kit that hospitals collect in the nine counties that the program serves.

KEY RECOMMENDATIONS

We made several recommendations to various entities, including that:

- The Legislature require local law enforcement agencies to submit kits to crime labs for analysis in all cases in which the identity of the assailant is unknown and require crime labs to complete the analysis within two years of the date of the associated offense.
- The Legislature direct law enforcement agencies to report certain information regarding sexual assault evidence kits to Justice annually so it can report this information to the Legislature.
- Justice require counties participating in the RADS program to report case outcome information, such as arrests and convictions for the kits Justice analyzes, and annually report this information to the Legislature.
- Local law enforcement agencies require investigators to document the reason they do not submit a request for a sexual assault evidence kit analysis.