

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

Frequently Asked Questions about Sexual Assault Kit Reform – 2.13.18

Questions submitted to Major Bryan Barlow, Deputy Director, Alaska State Troopers

All sexual assault kits are kept at the Alaska Department of Public Safety Crime Lab

1) What rules are in place surrounding the destruction/storage of rape kits?

- Kits that are submitted to the Crime Lab are kept forever
- While kits may be in the custody of the crime laboratory, they are still considered under the ownership of the submitting agency. As such, if an agency requests the return of a kit, it is returned.
- In addition, all chiefs of police were notified that the Crime Lab should be sent all sexual assault kits, whether for testing or storage starting November 1, 2017. That means any kit collected that date forward should be in the possession of the Lab.
- A new Request for Laboratory Services form was also implemented. It requires the departments to select a reason why the SAK is being asked to be stored and not tested before saving and submitting. The form can be found at <https://dps.alaska.gov/getmedia/83629da3-4c40-42c8-9fef-48c051f7be5a/RLS-2017-09-25;.aspx>

2) What is the current process with the backlog?

- In response to the passage of SB 55, 49 law enforcement agencies were required to inventory untested kits.
- The data showed that 3,484 sexual assault kits are in the possession of law enforcement agencies that had not been submitted to a lab.
- Of these, 3219, or approximately 92%, were in the possession of the seven largest agencies in the state.
- Anchorage had more than 53% of the untested kits.
- There were 114 anonymous victim reports.
- For 2017 we received 413 sexual assault kits for analysis
 - For 2017 we analyzed 349 kits
 - As of today, there 143 kits backlogged (received more than 30 days ago)
 - Of the 143 kits, 92 have not had any analysis started. 51 have been started.

3) How far back, in years, does the backlog go?

- Kits never submitted to the lab for testing and in possession of police departments across the state date back to 1984. The Crime Lab's backlog of kits still needing to be tested date back to August 2017.

4) What is the rate at which rape kits are currently being performed?

- 413 Kits were submitted calendar year 2017
- We have the capacity to meet current submission rates; An analyst can process about 5 to 7 requests (consisting of approximately 10 kits for the total of requests) per month.

5) What is the price breakdown of processing a rape kit?

- Estimated cost of testing all previously unsubmitted kits at a private lab would be between \$2.2 and \$3 million
- Applying a "test all" policy to newly collected kits will require an additional \$204,000 for personnel costs and \$250,000 in chemicals and testing supplies. Total of this option is estimated to be \$454,000 /yr.
- The laboratory has further evaluated the in-house expenses to process a single kit and is updating its estimate to \$2,300/per kit.

6) Who has ownership of the rape kit? Is it the lab, the prosecuting entity, or the victim?

- Once evidence is collected, it is under the control of the law enforcement agency that is investigating the incident. SA kits are treated as evidence.
- While kits may be in the custody of the crime laboratory, they are still considered under the ownership of the submitting agency. As such, if an agency requests the return of a kit, it is returned.

7) What happens if a victim changes their mind about moving forward with pressing charges?

- Department of Law are tasked with working on behalf of and for the public safety of all Alaska and not just an individual.
- Sexual assault victims do not press charges, the State does, and the crimes are seen as crimes against the state not an individual. That being said, law enforcement and prosecutors understand that a sexual assault is one of the most traumatic crimes there is. They aim to treat the victim with dignity and respect and try to take the victim's wishes into account to a degree. If a victim is uncooperative with the investigation, it may be difficult to take a case through to prosecution which may result in charges being dropped. Ultimately, the criminal justice system makes that decision however.

8). Have you analyzed the US Dept. of Justice January 2017 White Paper? There seems to be conflict to having three options for reporting

Yes. The conflict was discussed in our meeting on 01/22/2018 and can be resolved by putting forward two reporting options – a police report and an anonymous report

Note:

The bill's prime sponsor is requesting an amendment to CS HB 31 (FIN) in the Senate State Affairs Committee to eliminate a third reporting option that is not supported by the US Dept. of Justice.