



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Public Safety

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The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol Room 111
Juneau, AK 99801

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The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801

Dear President Kelly and Speaker Edgmon,

In accordance with AS 44.41.070, the Department of Public Safety (DPS) prepared the following report on the results of a statewide inventory of sexual assault kits (SAKs) taken as evidence by law enforcement agencies, but never submitted to a laboratory for testing. This report will also address the \$2.75 million capital budget appropriation to the state Scientific Crime Detection Laboratory (SCDL), and the Sexual Assault Kit Initiative (SAKI) which are included as part of the DPS overall plan to address untested SAKs.

This report serves as an update to the statewide SAK inventory and plan submitted to the Senate President and Speaker of the House on November 1, 2017 (attached for reference). DPS is always available to answer any questions or recommend resources to further your understanding.

Updated inventory of untested SAKs

On May 22, 2018, each police agency was contacted regarding the renewed requirement to inventory previously untested SAKs in response to the passing of HB31. Subsequent emails and phone calls were made as needed, and **48 of 48 police agencies**¹ complied with the request resulting in **2568** victim SAKs being inventoried.²

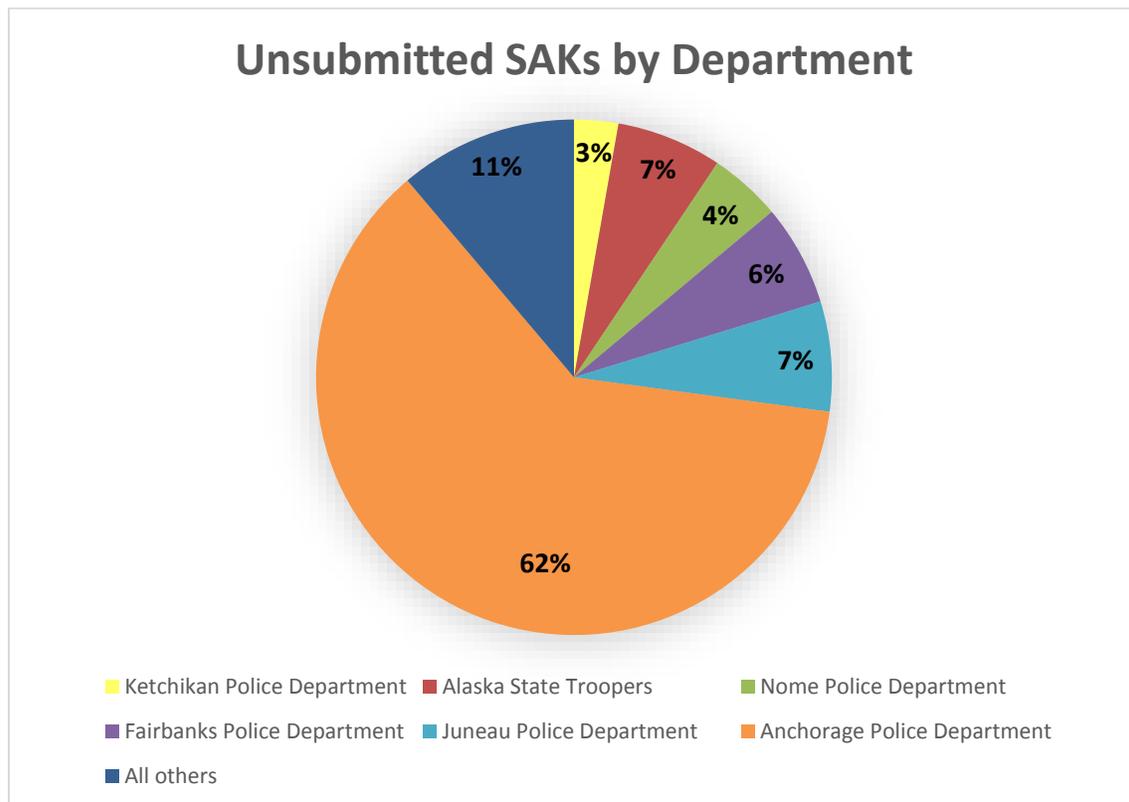


Figure 1. 2568 SAKs were inventoried by 48 departments. 89% or 2281 belonged to the six listed agencies.³

¹ The 2017 inventory references 49 police agencies in Alaska. However, at the time of the 2018 survey there were 48.

² 577 Alaska State Trooper (AST) victim SAKs were submitted for testing resulting in a decrease in the SAK inventory and a reduction in their overall percentage of total SAKs from 22% to 7%. The total inventory of victim SAKs do not include anonymous victims as they are not eligible for testing according to recommendations by Office of Violence Against Women.

³ All other departments category is comprised of data from the following active municipal or tribal police departments: Alaska Railroad Police, Alaska State Parks, Anchorage Airport and Fire, Bethel Police Department, Bristol Bay Police Department, Chickaloon Police Department, Cordova Police Department, Craig Police Department, Dillingham Department of Public Safety, Fairbanks Police and Fire, Fort Yukon Police Department,

All law enforcement agencies, apart from Anchorage Police Department (APD), were asked to submit their entire inventory of previously unsubmitted victim SAKs to the SCDL as part of the process. Every SAK sent to the SCDL in response to this request was entered into the SCDL records management system which includes all information recorded on the evidence and the Request for Lab Services form, including agency case number and date of collection. Departments that could not comply within the given time frame provided an electronic inventory. Their physical inventories will be collected prior to their start date for outsourced analysis.

Because APD applied for FFY2018 Sexual Assault Kit Initiative (SAKI) funds through the Bureau of Justice Assistance to test their SAKs independently through a separate contract, APD was asked to provide an electronic copy of their inventory in lieu of submitting the SAKs to the SCDL. However, APD was recently notified that it was not awarded the SAKI grant. Accordingly, DPS will develop a plan with APD to prioritize the submission of their SAKs to the SCDL.

In addition to the previously unsubmitted SAKs in the custody of law enforcement agencies, the **SCDL currently has 219 SAKs that have been awaiting analysis for 30 days or more.**

Current projects addressing untested Sexual Assault Kits

DPS is coordinating two large scale efforts to address the current inventory of untested SAKs in Alaska:

1. Sexual Assault Kit Initiative

The DPS SAKI project is in year two of a four-year timeline. SAKI covers eligible SAKs belonging to cases from the Alaska State Troopers (AST). At this time, all 577 eligible AST SAKs have been submitted to a private lab for analysis. DNA results have been received for 340 SAKs, with the remaining results expected to be received by March 2019.

SAKI funds have paid for a Cold Case Investigator and a specialized SAKI prosecutor to evaluate the impacts of the DNA results on the cases. The SAKI Working Group, comprised of

Galena Police Department, Homer Police Department, Kenai Police Department, Ketchikan International Airport Police, King Cove Police Department, Klawock Police Department, Kodiak Police Department, Kotzebue Police Department, Metlakatla Police Department, North Pole Police Department, North Slope Borough Police Department, Palmer Police Department, Petersburg Police Department, Sand Point Department of Public Safety, Seldovia Police Department, Seward Police Department, Sitka Police Department, Skagway Police Department, Soldotna Police Department Unalaska Department of Public Safety, University Police Department , Anchorage, University Police Department, Fairbanks, Valdez Police Department, Wasilla Police Department, Whittier Police Department, Wrangell Police Department, Yakutat Police Department

multidisciplinary experts, continues to meet monthly. Protocols and documents developed by the SAKI Working Group have been shared with local law enforcement and advocacy agencies.

2. Capital Fund Appropriation

While SAKI focuses on SAKs belonging to AST, the legislature appropriated \$2.75 million to the SCDL to analyze the remaining untested victim SAKs across the state that were identified in the 2017 SAK inventory. The SCDL has budgeted \$300,000 of this \$2.75 million to purchase the high-density shelving and supplies needed to increase the storage capacity for maintaining all SAKs in the state. The state procurement process is complete, and the SCDL is moving forward with the awarded contract.

Remaining funds will be used for having the previously untested SAKs analyzed by a private lab, and to hire a forensic scientist to manage the project and provide the technical reviews required before DNA profiles may be entered into the CODIS database. The state procurement process is complete and SAKs will begin being submitted November 2018. It is estimated that it will take 3-4 years for all SAKs to be submitted and analyzed, at a submission rate of 100 kits per month.

The SCDL has developed a new website with additional information for victims and the public on the SAK projects which will provide quarterly updates on the status of the testing (dps.alaska.gov/saks).

Prioritizing the timeline and order of the untested SAKs will be made in consideration of local and state needs, including department size and access to resources. With those factors in mind, the full inventory of smaller police agencies will be tested. The budget will be reevaluated at regular intervals to determine the quantity of SAKs to be submitted from APD in batches. This will ensure the largest number of departments will have their entire inventory tested as well as alleviate some burden on APD's resources. APD possesses about 62% of the state's unsubmitted kits and will therefore require more planning to absorb the increase in follow-up investigative and prosecutorial workloads.

Ongoing plan to address untested SAKs

The capital appropriation was a one-time event that should allow for the testing of all historical kits in the state. However, without additional planning the problem of a buildup of untested kits will reoccur as kits not requiring scientific analysis continue to be submitted to the SCDL for storage.

Additionally, feedback from the public indicates that the SCDL should continue efforts to ensure that all sexual assault analysis requests are assigned and initiated within 10 days of receipt of available evidence related to the request.

To meet these goals, the SCDL recommends creating a dedicated sexual assault analysis team and implementing a policy to perform DNA analysis on all viable SAKs from identified victims. Viable SAKs are defined as those:

1. Eligible to be entered into CODIS; and/or
2. Suitable for analysis based on the case details to aid in the investigation of the crime

Using that criteria, the SCDL will not test SAKs in limited circumstances including:

1. Anonymous victim SAKs
2. CODIS ineligible SAKs (DNA is not eligible for entry into CODIS if it is determined that no crime was committed).
3. Scientifically unviable cases (e.g. damaged kits, some specific case circumstances, such as length of time between the alleged events and kit collection, etc.)

Building SCDL capacity to process more SAKs while also continuing to improve turnaround time on kits submitted for analysis will require additional funding for staff and chemical reagents.

The cost to create a dedicated sexual assault analysis team is estimated to be approximately \$700.5 thousand annually and would include four forensic scientist positions and necessary reagents and other consumables associated with testing an additional 120 SAKs per year. The approximate requirements are as follows:

- Four new full-time positions
 - Three Forensic Scientist I/II/III Flex DNA (\$316,278)
 - One Forensic Scientist IV DNA (\$126,002)
- Operating funds for reagents for testing of sexual assault kits (\$200,000).

I hope this summary report is a helpful update on these important projects. I would encourage you to visit the SCDL's new website for more detailed information and on-going updates as progress is made. As always, we are available to answer any further questions you may have, or discuss any concerns.

Sincerely,



Walt Monegan
Commissioner