

**HB**

**1 1 7**

<TARGET><BILL>HB 117</BILL><SUBJECT>HB  
117</SUBJECT><COMM>HSTA29</COMM></TARGET>

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 18, 2015

FURTHER REFERRALS: Judiciary  
Finance

Date of Committee Action: 3-31-2015

The STATE AFFAIRS Committee considered:

HB 117

HOUSE BILL NO. 117

"An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."

HB 117-SEXUAL ASSAULT EXAMINATION KITS

Recommends it be replaced with  HCS or  CS for HB 117 (STA)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 DHS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

NEW FISCAL NOTES				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DOL			X
	DPS-AST			X
	DPS-LAB			X

PREVIOUS FISCAL NOTES				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
<i>David M. Valerico</i>	Valerico	X			
<i>Louise Stutes</i>	STUTES	X			
<i>Mr. Greenaway</i>	Greenaway	✓			
<i>gwt</i>	Kreiss-Tomkins	X			
<i>E. Vasquez</i>	VAZQUEZ	✓			
<i>gwt</i>	gwt	X			
Chair: <i>Vice Wes Keller</i>	Keller			X	
Chair:					

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## **CS HB117 ver.E**

### *Summary of Changes*

- Pg. 1, Line 7: July 1<sup>st</sup>, 2015 was changed to September 1<sup>st</sup>, 2015
- Pg. 1, Line 13: September 1<sup>st</sup>, 2015 was changed to November 1<sup>st</sup>, 2015
  - Dates were changed to provide more time for the 150 local law enforcement agencies to conduct the audit, and DPS to produce the report
- Pg. 2, Lines 10-16: the definition of “untested sexual assault examination kit” was expanded to include the phrase “with evidence” on line 11 in addition to specifying that the audit will encompass kits that
  - Have been collected but not submitted to the crime lab
  - Have been collected, submitted, yet not processed for DNA and/or other fluids
    - This is to ensure that the audit only includes kits with evidence and that the Crime Lab is included in the audit

**CS FOR HOUSE BILL NO. 117(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-NINTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES TARR, Gruenberg**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring an inventory and reports on untested sexual assault examination kits;**  
2 **and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **REPORT ON UNTESTED SEXUAL ASSAULT EXAMINATION KITS.** (a) By  
7 September 1, 2015, each law enforcement agency and state department charged with the  
8 maintenance, storage, and preservation of sexual assault examination kits shall conduct an  
9 inventory of untested sexual assault examination kits and report, in writing, to the Department  
10 of Public Safety the number of untested sexual assault examination kits in the possession of  
11 the agency or department and the date on which each sexual assault examination kit was  
12 collected.

13 (b) By November 1, 2015, the Department of Public Safety shall prepare and transmit  
14 a report to the president of the senate and the speaker of the house of representatives that

1 contains

2 (1) the number of untested sexual assault examination kits stored by each law  
3 enforcement agency or department;

4 (2) the date each untested sexual assault examination kit was collected; and

5 (3) a plan for addressing the backlog and prevention of a backlog of untested  
6 sexual assault examination kits.

7 (c) The Department of Public Safety shall deliver a copy of the report prepared under  
8 (b) of this section to the senate secretary and the chief clerk of the house of representatives  
9 and notify the legislature that the report is available.

10 (d) In this section, "untested sexual assault examination kit" means a sexual assault  
11 examination kit with evidence that

12 (1) has been collected but that has not been submitted to a laboratory operated  
13 or approved by the Department of Public Safety for either a serological or DNA test; or

14 (2) has been collected and submitted to a laboratory operated or approved by  
15 the Department of Public Safety but that has not had a serological or DNA test conducted on  
16 the evidence.

17 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

**CS HB117 ver.E**

*Summary of Changes*

5/31/15

- ✓ • Pg. 1, Line 7: July 1<sup>st</sup>, 2015 was changed to September 1<sup>st</sup>, 2015
- ✓ • Pg. 1, Line 13: September 1<sup>st</sup>, 2015 was changed to November 1<sup>st</sup>, 2015
  - Dates were changed to provide more time for the 150 local law enforcement agencies to conduct the audit, and DPS to produce the report
- ✓ • Pg. 2, Lines 10-16: the definition of “untested sexual assault examination kit” was expanded to include the phrase “with evidence” on line 11 in addition to specifying that the audit will encompass kits that
  - Have been collected but not submitted to the crime lab
  - Have been collected, submitted, yet not processed for DNA and/or other fluids
  - This is to ensure that the audit only includes kits with evidence and that the Crime Lab is included in the audit

916a  
Not  
defined  
in Bill  
per Keller

**CS FOR HOUSE BILL NO. 117( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

**BY**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES TARR, Gruenberg**

**A BILL**

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15 the Department of Public Safety but that has not had a serological or DNA test conducted on  
16 the evidence.

17 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

## Ray Friedlander

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**From:** Williams, Dean R (DPS) <dean.williams@alaska.gov>  
**Sent:** Tuesday, March 24, 2015 2:54 PM  
**To:** Ray Friedlander  
**Subject:** from Orin Dym, Crime Lab  
**Attachments:** SA Kits data 2014 final.pdf

Dean Williams  
Special Assistant  
Dept. of Public Safety  
Anchorage 269-7661  
Juneau 465-2649  
Cell 350-7734

*See next page*

SA Kits Submitted 2014 (Victim & Suspect)

Alaska Department of Public Safety	109
Anchorage Police Department	207
Bethel Police Department	8
Cordova Police Department	2
Dillingham Police Department	12
Fairbanks Police Department	6
Juneau Police Department	3
Kenai Police Department	2
Ketchikan Police Department	4
Kotzebue Police Department	12
Metro Police Department	6
Nome Police Department	2
North Slope Borough Police Department	13
Palmer Police Department	1
Sitka Police Department	2
U. S. Coast Guard	1
University of Alaska/Fairbanks	2
Valdez Police Department	2
Wasilla Police Department	1

Total 395

Kit Distribution 2014	Submitted	
Total Kits Distributed 2014	558	395
APD Distributed 2014	220	207
JPD Distributed 2014	40	3
DPS 2014 (Note-DPS provides to all other agencies)	298	185

Current Status of Kits at Lab (3/24/2015)	Cases	Kits (V & S)
Unworked	25	36
Screened, Waiting for DNA	171	211
Number of Screened, Waiting for DNA that are Unknown Suspect	60	

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

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**From:** Ray Friedlander [Ray.Friedlander@akleg.gov]  
**Sent:** Tuesday, March 24, 2015 4:07 PM  
**To:** Dym, Orin W (DPS)  
**Cc:** Williams, Dean R (DPS)  
**Subject:** RE: from Orin Dym, Crime Lab

Hi Orin,

Dean just passed along to me the attached file you compiled titled "SA Kits Submitted 2014 (Victim & Suspect)," to which I have a few questions.

Is this data outlining SA kits that have been sent from local law enforcement agencies to the crime lab?  
Yes, for calendar year 2014

The data includes 19 agencies that submitted SA kits- what about the remaining 131 local law enforcement agencies?

I have no sexual assault cases submitted in calendar year 2014 other than those listed--If an agency is not listed, then it did not submit a sexual assault case to the lab for analysis. It may be the case that some agencies utilize DPS to investigate sexual assaults, and as such, the submission would be recorded as a DPS case.

558 kits were distributed from the crime lab (I'm assuming), where are the remaining 163 kits?

"Kits" are an inventory item in the field. Many agencies order one years worth of kits at a time. As an example, Juneau PD ordered 40 kits, yet only 3 were submitted during 2014. A check with Juneau PD today yielded that they still have an inventory of unused kits, although we did not get an exact number. It is also likely there are kits that have been collected, but not submitted to the lab, either because analysis was not required, or , that may need to be submitted.

The kits were actually distributed by DPS supply. The laboratory as of February 2015 distributes the kits. Again, they are a general supply item. It is important that kits be available statewide when an individual presents for an exam. From past experience I estimate there are 500 to 700 kits as a general supply item (unused, ready to be used) in various agencies around the State.

Why were these kits distributed to these particular agencies? Were they requested specifically?

Kits are distributed to an agency upon request from that agency. Requests are received by email. The lab does look at submission of kits from a requesting agency and inquiry if there is a discrepancy, but ultimately, if an agency states they are need of a kit, we supply kits--again, we can not have a situation where a collection kit is unavailable when needed. Again, as an example, Juneau PD called today to order kits. When the lab inquired as to why since 40 had been ordered, but only 3 submitted, the lab discovered that Juneau PD thought they needed to replace their kits since a "new" kit had been released. This misinformation was corrected and no additional kits were distributed.

How can there be 171 cases yet 211 kits?

Now we get to the core of our communication problem--The lab works with cases--an event occurs, and law enforcement investigates and submits a "case" for analysis. A case will contain evidence for analysis. A "Kit" is utilized for victims and suspects, in addition to other evidence that may be collected for analysis. In the case of a multiple victim/multiple suspect assault, we receive a kit collected from each individual--Two victims, two kits. One victim, one suspect, 2 Kits. At times, all that is collected from a suspect is a penile swab--this is not counted as a kit.

How many rapes were reported for 2014?

The crime lab does not know this number. This data is captured by UCR code--Dean may know who can access that data.

How many untested rape kits are there at the crime lab- 25 or 36?

There are 25 cases that consist of 36 kits. Please remember that the 36 kits will be victim and suspect kits.

As to the next question this generates---how many victim kits--I do not know. When evidence is received, the description of the evidence (given by the submitting officer) will vary from Kit, Kit from XXX. There is no standard format, and a unique data field is provided for the lab to data mine this.

Thank you for your time,  
Ray

**From:** Williams, Dean R (DPS) [mailto:dean.williams@alaska.gov]

**Sent:** Tuesday, March 24, 2015 2:54 PM

**To:** Ray Friedlander

**Subject:** from Orin Dym, Crime Lab

Dean Williams  
Special Assistant  
Dept. of Public Safety  
Anchorage 269-7661  
Juneau 465-2649  
Cell 350-7734

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## **HB117**

### *Summary of Changes*

- Eliminated "Attorney General" from pg. 1, line 9 and replaced with "Department of Public Safety"
- Eliminated "Attorney General" from pg. 1, line 12 and replaced with "Department of Public Safety"
- Eliminated "Attorney General" from pg. 2, line 5 and replaced with "Department of Public Safety"

29-LS0386\W  
Martin  
3/24/15

**CS FOR HOUSE BILL NO. 117( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-NINTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES TARR, Gruenberg**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act requiring an inventory and reports on untested sexual assault examination kits;**  
2 **and providing for an effective date."**

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13 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## HB117

*"An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."*

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Victims of sexual assault deserve justice, and it is the state's responsibility to ensure that appropriate actions take place following an assault, such as gathering the evidence necessary to apprehend perpetrators and allow the healing process for the victim to begin. A part of these actions involves processing rape kits to identify suspects and remove these perpetrators from our streets. Our state, however, does not know how many untested rape kits are currently in its possession, which HB117 aims to answer by way of an audit.

Information provided by Orin Dym, the Alaska Scientific Crime Detection Laboratory's forensic manager, stated that it is currently "not known" how many rape kits go untested in Alaska each year; it is "not known" how many completed sexual assault evidence collection kits have been utilized by a law enforcement agency, but not yet submitted to the crime lab for testing; and it is "not known" how Alaska's rate of untested rape kits compares, for better or worse, to other states.

**What we do know** is that Alaska's rape rate is three times the national average, with Federal Bureau of Investigation (FBI) findings reporting that rapes are more common in Alaska than in any other state. In 2013, the FBI listed 922 rape cases in Alaska, which means that for every 100,000 residents, there are 125.4 rape cases.

Although Alaska does not formally track untested rape kits, a 2009 CBS report on the Alaska Scientific Crime Detection Laboratory said there were a total of 565 untested kits in the lab dating back to 2006. Of those, 173 had known suspects, 266 were from 2009 and were waiting to be tested, 123 dated back to 2006 and were waiting to be screened for DNA or testing, and 176 had been through preliminary screening and awaiting DNA analysis. These numbers are in reference to the state's crime detection laboratory, but what numbers could appear once *local* law enforcement agencies start reporting their untested rape kits?

Additionally, with the information provided by an audit, the state of Alaska could be eligible for federal funds through the Department of Justice that are specifically allocated to help process any untested kits.

HB117 will provide the Alaska legislature with real numbers from an audit to assess whether or not the state has a backlog of untested rape kits. Untested rape kits need to be processed so perpetrators cannot go on to commit more crimes at the expense of our children, women, and men.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 117  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB117-LAW-CRIM-03-24-15  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: House State Affairs

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>OPERATING EXPENDITURES</b>	<b>FY 2016</b>	<b>FY 2016</b>					
Personal Services							
Travel							
Services							
Commodities	15.0						
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

1004 Gen Fund	15.0						
<b>Total</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version, not applicable.

Prepared By: <u>Valerie Rose, Budget Analyst</u>	Phone: <u>(907)465-3674</u>
Division: <u>Administrative Services Division</u>	Date: <u>03/24/2015 11:00 AM</u>
Approved By: <u>Craig W. Richards, Attorney General</u>	Date: <u>03/24/15</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. HB 117

**Analysis**

This legislation requires the Attorney General to prepare and transmit a report to the legislature which identifies the number of untested sexual assault examination kits and a plan for addressing any backlog of untested kits.

There are approximately 150 law enforcement entities across the state. These entities would be required to inventory untested sexual assault examination kits in their possession and report this figure, in writing, to the Attorney General.

The department estimates that the coordination and reporting of this information, as well as the development of a plan to address any backlog, will take approximately 100 hours of attorney time. Due to the current budget constraints, the department anticipates contracting with outside counsel for the time estimated in order to complete the report.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 117  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB117-DPS-LAB-03-24-15  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: House State Affairs

Department: Department of Public Safety  
Appropriation: Statewide Support  
Allocation: Laboratory Services  
OMB Component Number: 527

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2015) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2016) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: Dean Williams  
Division: Commissioner's Office  
Approved By: Gary Folger, Commissioner  
Agency: Public Safety

Phone: (907)465-2649  
Date: 03/24/2015 03:00 PM  
Date: 03/24/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2015 LEGISLATIVE SESSION

BILL NO. HB 117

**Analysis**

This bill requires all law enforcement agencies within the State to inventory the number of untested sexual assault examination kits and report that number to the attorney general. The bill also directs the attorney general to prepare a plan for addressing the backlog of untested sexual assault examination kits, as well as a plan to prevent a backlog. There is no fiscal impact to the Crime Lab.

# Fiscal Note

State of Alaska  
2015 Legislative Session

Bill Version: HB 117  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB117-DPS-LAB-03-24-15  
Title: SEXUAL ASSAULT EXAMINATION KITS  
Sponsor: TARR  
Requester: House State Affairs

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Not applicable, initial version.

Prepared By:	Dean Williams	Phone:	(907)465-2649
Division:	Commissioner's Office	Date:	03/24/2015 03:00 PM
Approved By:	Gary Folger, Commissioner	Date:	03/24/15
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

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2015 LEGISLATIVE SESSION

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# LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature  
Division of Legal and Research Services  
State Capitol, Juneau, AK 99801

(907) 465-3991 phone  
(907) 465-3908 fax  
research@alleg.gov

## Research Brief

TO: Senator Berta Gardner  
FROM: Tim Spengler, Legislative Analyst  
DATE: February 13, 2015  
RE: Rape Kits in Alaska  
*LRS Report 15.171*

***You had a number of questions pertaining to rape kits in Alaska, including the number of tested and untested kits, relevant statutes, costs, and success in prosecution. Additionally, you asked about rape kit laws in other states.***

Briefly, following a sexual assault, a victim has the option to go to a hospital to have a forensic examination by a trained professional. During a forensic medical exam, a sexual assault evidence collection kit (rape kit) may be used. The kit affords the opportunity to collect any DNA that may have been left by the suspect. The rape kit contains many tools that may be used by the examiner for evidence collection during the forensic medical exam.<sup>1</sup> Of the rape kits collected, many are untested, which is an ongoing issue throughout the United States. A number of factors have been cited as contributing to the backlog of untested kits, including the cost of test analysis. Also, law enforcement agencies sometimes pursue testing only in cases with the best chance of solving or where the alleged rapist is a stranger to the victim.<sup>2</sup>

### Response from Alaska Forensic Expert

Below we list your questions and the information we found for each. Unless otherwise noted by our bracketed comments, we present the information, verbatim, provided to us by Orin Dym, the Alaska Scientific Crime Detection Laboratory's forensic manager.<sup>3</sup>

- ***Are all rape kits in Alaska processed by the Department of Public Safety's Alaska Scientific Crime Detection Laboratory?***<sup>4</sup>

Yes, with the exception that Federal agencies may utilize the FBI laboratory.

- ***How many kits have been tested in Alaska in each of the last five years?***

2010	2011	2012	2013	2014
484	333	242	617	443

<sup>1</sup> This introductory information comes largely from the Rape, Abuse and Incest National Network (RAINN) and from the Alaska crime lab. RAINN is the nation's largest anti-sexual violence organization and was named one of "America's 100 Best Charities" by *Worth* magazine (<https://www.rainn.org/>). We also found valuable information from a 2011 report from the U.S. Department of Justice entitled "The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases." This 21-page document can be viewed at <https://ncjrs.gov/pdffiles1/nij/233279.pdf>.

<sup>2</sup> An additional factor in the backlog is that the FBI's forensic data base—the Combined DNA Index System (CODIS)—did not exist until the mid-1990s. Rape kits that date back prior to that may not have been tested if the victim could not identify a suspect. By the time law enforcement started matching forensic evidence from rape kits to the DNA of previously convicted criminals, many police department already had a large backlog.

<sup>3</sup> Mr. Dym can be reached at (907) 269-5743.

<sup>4</sup> Information on the crime lab is accessible at <http://www.dps.state.ak.us/crimelab/>.

- ***How many rape kits typically go untested in Alaska each year?***

Not known. Nearly all of the kits submitted to the laboratory are processed. **Exceptions** occur when the laboratory is contacted by the submitting agency to withdraw the request for analysis, when the kit was collected beyond the time frame in which detectable scientific evidence would remain, or when analysis would not yield interpretable findings owing to the limitations of the scientific methods.

[Mr. Dym relayed to us in a phone conversation that if a law mandating that all rape kits be tested was enacted, it would lead to an indeterminate fiscal note, as it is not tracked or known how many kits go untested. If the lab were to be inundated with untested kits, analysis would either take a significantly longer time to complete, or the lab would have to hire additional personnel. At present, priority rape cases are analyzed in 40 days or less. Tests with low scientific value may take up to 14 months. Mr. Dym relates that the crime lab has monthly meetings with the Department of Law and law enforcement agencies to determine testing priorities.]

- ***If you do not have data on the above question, do you have an estimate on what percentage of rape kits are tested in Alaska?***

Not known. The Department does not know how many completed sexual assault evidence collection kits have been utilized by a law enforcement agency, but not yet submitted to the crime lab for testing. Beginning February 1<sup>st</sup> we will be requiring that all kits must ultimately be sent back to the lab. This will give us a better understanding of what is collected, and what is analyzed. [This DPS policy will only apply to kits collected by State Troopers not to city police forces. Mr. Dym informs us that the troopers submit around 40 percent of the total amount of kits that come to the laboratory. Only the Anchorage Police Department submits more.]

- ***What is the geographic breakdown of tested vs. untested kits in Alaska (i.e. are kits from Anchorage tested at a higher rate than kits from rural Alaska)?***

This is unknown with regards to kits that are never submitted to the laboratory. Geographic location does not factor in to the laboratory's processing of kits.

- ***What are the typical reasons that kits go untested?***

In addition to the reasons given above, kits may go untested for a variety of additional reasons that include—Anonymous reporting, case is un-prosecutable (victim withdraws complaint, suspect dies), Consent (the physical evidence is not in question). In some of these instances, the kit may never be submitted to the lab.

- ***What is the cost of processing a rape kit in Alaska? Is the cost absorbed by DPS, or by the law enforcement agency that sends you the kit?***

The State Crime Lab provides service to all State law enforcement agencies at no cost. Since the nature of each case and items of evidence are unique to every sexual assault, there is no stock analysis cost. [In a subsequent phone conversation with Mr. Dym, he estimated that the cost to analyze each kit is in the \$3,000 to \$5,000 range.]

- ***Are there statutory, regulatory, or policy timeframes for testing kits?***

None.

- *Are you aware of any examples of rape kits that were not tested, which resulted in more hardship (for example, another rape) for victims?*

Unknown. [There is information readily available on why testing rape kits is important both in solving current, and preventing future, crimes. The entity ENDTHEBACKLOG is a good place to start <http://www.endthebacklog.org/backlog/why-testing-matters>.]

- *Do you know how Alaska's rate of testing kits compares to other states?*

Unknown. [Like Alaska, the vast majority of other states do not track the testing of rape kits. Those that are tracking such information have only done so in recent years and we identified no useful data.]

The Department of Law (DOL) does not keep data on the number of convictions that resulted from evidence generated from rape kits or the breakdown of closed vs. open cases involving kits.<sup>5</sup> According to Kaci Schroeder, DOL's legislative liaison, the agency would have to pull cases by hand in order to arrive at any figures, a task that would take a great deal of time and resources.

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#### Rape Kit Legislation in Other States

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A number of states have passed legislation in the last few years that attempt to address the backlog of untested rape kits. These laws tend to fall into the following categories: those that require audits, inventories, and/or tracking of kits, and those that mandate testing. Unfortunately, we found very little information on how successful or costly these legislative attempts have been, largely because most of the measures have only been implemented in the last year or two.

In the table on the following page, we summarize some of the relevant enacted legislation that we identified.<sup>6</sup> Following that we provide pertinent information from the National Conference of State Legislatures that you may find useful. As we mentioned earlier, it appears that any potential bill in Alaska requiring the testing of all rape kits would likely come with an indeterminate fiscal note, as the number of kits that go untested (and those that are backlogged) in the state is unknown. Presumably, less costly would be a measure to identify and track Alaska's untested kits and assess the backlog.<sup>7</sup>

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<sup>5</sup> Ms. Schroeder can be reached at (907) 465-4037.

<sup>6</sup> You may also want to peruse a document from the National Center for the Victims of Crimes entitled "Laws about the Sexual Assault Kit Backlog," at <https://www.victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/sexual-assault-kit-backlog-laws>. This document lists relevant recently enacted as well as pending legislation.

<sup>7</sup> For information on what type of rape kit legislation might be best suited for Alaska, we suggest you contact Legislative Legal Services.

Table 1: Selected Enacted Legislation Pertaining to Rape Kit Testing		
State	Citation	Summary
California	Audit	Approved an audit to survey untested rape kits in state. Audit will assess how rape kit backlog funding is being used and will analyze laboratory and law enforcement policies.
	Section 680 of the Penal Code	Requires law enforcement to submit sexual assault forensic evidence to a crime lab within five days of collection. The lab must test the rape kit and enter results in the federal CODIS database within 30 days.
Colorado	CRS 24-33.5-113	Requires forensic testing be done, if requested by victim. Kit must be submitted to crime lab within 21 days. Also, law enforcement must submit an inventory of untested kits to state Bureau of Investigation for the preparation of a plan to analyze kits.
Hawaii	House Concurrent Resolution 99-H.D. 1	Among other things, requires Attorney General to provide report on efforts to create an effective kit tracking mechanism and identify funding to help with effort.
Illinois	725 ILCS 202/5	Mandates submission of all sexual assault evidence within ten days to Illinois State Police (ISP). The ISP is then required to have kits analyzed within 10 days. Law enforcement must also provide ISP with an inventory of untested kits.
Louisiana	LSA-RA 15.622	Agencies that store rape kits must submit an inventory of untested kits. State crime lab must then submit a report detailing untested kits in each parish.
Michigan	MCLA 752.962	Creates a state commission to establish regulations, procedures, and timetables with deadlines that law enforcement agencies and health care providers must follow when collecting and using rape kit evidence.
Ohio	ORC 2933.82	Requires law enforcement to forward untested rape kits to crime laboratory for DNA analysis within one year.
Texas	Gov't Code 420.041-043	Requires that law enforcement submit rape kits to lab within 30 days.
Virginia	Virginia Uncodified Acts 642 (2014)	Requires local and state law enforcement to inventory and submit a report regarding untested kits, by county.
<p><b>Notes:</b> These are the majority of enacted rape kit laws. More detail on these and other relevant laws are available at <a href="https://www.victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/sexual-assault-kit-backlog-laws">https://www.victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/sexual-assault-kit-backlog-laws</a>.</p> <p><b>Sources:</b> The National Center for Victims of Crime (see above URL), Westlaw.</p>		

In September 2014, the National Conference of State Legislatures produced a webinar that may prove illuminating to you. The webinar discusses how states are coordinating resources and addressing the issue of untested sexual assault evidence. The webinar can be viewed at <http://www.ncsl.org/research/civil-and-criminal-justice/untested-sexual-assault-evidence-webinar-the-legislative-response.aspx>.<sup>8</sup>

Also of possible interest to you is a Colorado news story from September 25, 2014. It reports how Colorado's new law is working well in some ways (more kits being tested) but not well in others (not addressing previously-untested kits). The story can be viewed at <http://www.thedenverchannel.com/news/call7-investigators/call7-investigation-reveals-thousands-of-rape-kits-still-may-not-be-tested-despite-new-law>.

We hope this is helpful. If you have questions or need additional information, please let us know.

<sup>8</sup> An NCSL blog on the topic can be accessed at <http://www.ncsl.org/blog/2014/09/23/states-respond-to-untested-sexual-assault-evidence.aspx>. Also, a 2013 document from NCSL on untested forensic biology including sexual assault evidence can be viewed at <http://www.ncsl.org/Documents/cj/StateBacklogsOfForensicEvidence.pdf>.

By LAURA STRICKLER / CBS / November 10, 2009, 6:23 PM

# Thousands of Rape Kits Wait to be Tested



Untested rape kits, that could contain incriminating DNA evidence, have never been sent to crime labs for testing. / CBS

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By Laura Stricker, with additional reporting by Joshua Scheinblum, Chris Ross, Frankie Dillard, Bonnie Shelton and Jonathan Blakely.

A five month CBS News investigation of 24 cities and states has found that more than 20,000 rape kits were never sent to crime labs and an additional 6,000 rape kits from active investigations are waiting months, even years, to be tested.

### ALABAMA:

According to the Birmingham Police Department there are at least 2,100 rape kits in storage but they do not know if they are tested or untested. The department sends its kits that it wants tested to the Alabama Department of Forensic Sciences Laboratories that has a current backlog of 270 kits and an average turnaround of 180 to 270 days according to the state crime lab.

### ALASKA:

Officials at the Anchorage Police Department say they don't know how many kits, tested or untested they have in storage. According to Orin Dym Forensic Laboratory Manager of the Alaska Scientific Crime Detection Laboratory, the lab has 266 rape kits in its queue waiting to be tested and on average it takes 240 days for turnaround.

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However, the lab has older rape kits mixed into its backlog. These rape kits are either waiting to be screened for DNA samples or ready to be tested. They date back to 2006. State Lab Director Orin Dym tells CBS News the kits that are older than 2009 are likely to be from stranger rapes. Dym says there are 123 rape kits that are currently waiting for preliminary screening. Of those there are 96 kits from stranger rapes: 16 from 2006, 12 from 2007, 35 from 2008 and 33 from 2009. There are also 7 kits from 2008 from known suspects and 16 from 2009. There are also 176 rape kits that have been through preliminary screening and are awaiting DNA analysis. Six from 2007 and 1 from 2009 are from stranger rapes. The rest are from known suspects: 9 from 2006, 23 from 2007, 52 from 2008 and 66 from 2009.

**ARIZONA:**

At the Phoenix Police Department Crime Lab there are 309 kits waiting to be screened for the presence of "testable" DNA and one kit that is waiting to be processed for DNA according to the Phoenix Police Department. Turnaround time for DNA in sexual assault kits is on average 138 days. Jody Wolf, Assistant Crime Lab Administrator tells CBS News in an email the oldest kit in the crime lab waiting for testing dates back to October 27, 2005. There are also 4,100 rape kits in the Phoenix Police Department property and evidence storage facilities. The department does not know how many of these kits are tested or untested. These are rape kits where law enforcement has not requested testing.

**CALIFORNIA:**

California has eleven state labs that handle rape kits throughout the state. Combined they have a backlog of about 350 DNA requests at the crime labs- there is no breakdown of rape kits vs. homicide evidence according to the state crime lab. Jill Spriggs, Chief of the California Department of Justice, Bureau of Forensic Services tells CBS News that while the crime labs ducked a major budget cut earlier this year increasing crime in California has led to a heavier statewide caseload at crime labs.

The California state crime lab system is also helping the Los Angeles Police Department and the Santa Monica Rape Crisis Center with rush cases where the turnaround can be as quick as five days.

The Los Angeles Police Department and the L.A. County Sheriff's Department's Scientific Services Bureau have had a historic problem processing rape kits. At last check the LAPD had tested thousands of kits but were still working their way through a remaining 2,937 kits. However, LAPD's new Chief Charles Beck says the department now tests all kits. Beck says efforts to reduce the backlog have "resulted in 405 hits (suspect identifications)" in the FBI DNA database. The L.A. County Sheriff's Department sent a statement to CBS News saying the number of untested kits in their possession is now at 3,777, down from 4,673 due to ongoing testing. The Sheriff's Department is testing the backlogged kits with the aid of federal funding. The department says they anticipate the full backlog will be cleared by 2011.

Earlier this summer the San Diego Police Department was in the process of counting its untested kits in its storage facility. One San Diego law enforcement source who did not want to be identified explained the reason for the counting, "We don't want to be on the front page of the LA Times." This is in reference to the negative attention Los Angeles received from its rape kit backlog. Update- San Diego Police Department says it has 2,065 untested rape kits in storage that were not sent to the city's crime lab. Michael Grubb from the San Diego Police Department Crime Lab says the department does not test every kit. For example he writes in an email, kits will not be tested if the "detective has information from the prosecutor's office that the prosecutor will not take the case to court. In these cases, we are not asked to examine the kit." At the San Diego Police Department crime lab there are 40 kits in its queue and the lab spokesperson says the average

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turnaround time is less than 60 days. Steve Guroff at the San Diego County Sheriff's Department crime lab says their law enforcement agency tests all rape kits regardless of the circumstances of the rape as of April 2009.

The Oakland Police Department has a few hundred kits in its regular queue at the crime lab but this year they did a "hard census" of their untested kits in storage and found 489 untested kits from "solvable" stranger rapes that they realized they should have tested but never did.

These kits date back to 2003 and the breakdown is as follows: October 2003-10, 2004- 108, 2005-102, 2006-90, 2007- 69, 2008- 69, 2009-42 according to the Oakland Police Department Crime Lab. Why were the kits never tested? "It was not a priority for the Oakland Police Department," says Lt. Kevin Wiley of the Oakland PD's Special Victims Unit. Wiley says back in 2002 and 2003, the department had only 4 to 6 sex crimes investigators who were overwhelmed by individual caseloads of 659 cases per investigator. Recommended caseload for a sex crimes investigator is 10 to 15. Wiley said due to the backlog in sex crimes investigations it was not unusual for a victim to report a rape and not hear from an investigator for a full year.

Today, Wiley says his investigators are down to about 55 to 70 cases per investigator. Wiley adds that now all kits are tested, even cases where the question seems to be that of consent, not of identity, but he says it will take the department about two years to plow through the 489 untested kits they recently uncovered. Lab director Mary Gibbons says she will have to shift resources around to accommodate these older kits as well as the everyday caseload but she says that testing the older kits has value, "These kits have a story to tell and there could be connections that you would never know of but for this evidence," Gibbons said.

#### **CONNECTICUT:**

A spokesperson for the Connecticut Department of Public Safety's Forensic Science Laboratory says there are approximately 200 rape kits awaiting testing.

#### **FLORIDA:**

Florida Department of Law Enforcement reports that they have 452 pending sexual assault kits awaiting testing. Of those the lab says 165 cases have been there longer than the average turnaround time of 111 days so they are considered to be "backlogged".

Jacksonville Sheriff's office says they don't know how many tested or untested kits they have in storage, "Our property storage facility does not track which kits have been sent for processing and which kits have not. There is no report available with this information."

#### **ILLINOIS:**

The Chicago Police Department tells CBS News that it sends all of its rape kits to the Illinois State Police lab for testing and requests that they be processed. Chicago PD says a DNA test for a rape kit takes the state lab about 270 days. Chicago stores untested kits that are "unfounded" meaning the victim might have recanted or never responded to department investigators but the department does not know how many of those kits are in the department's possession.

A spokesperson for the Illinois State Police Forensic Lab tells CBS in an email that they have 1,123 current cases in their system. They say they do not distinguish their DNA requests based on type of case. The state lab says its turnaround time for forensic biology screening and DNA for a rape kit is 106 days. The oldest kit at the ISP lab still in process is from November 2008, but a spokesperson notes some cases like this one require more work because of "the nature of the analysis required, the condition and number of exhibits to be analyzed, and/or additional submissions of evidence from the law enforcement agency as they continue their investigation and develop more leads." If the Chicago PD does not want a kit to be

in")



tested then the ISP returns that evidence to the Chicago PD.

**INDIANA:**

The Marion County Forensic Services Agency in Indianapolis had 80 untested rape kits in its queue. Unlike any other jurisdiction interviewed by CBS, the lab also collects all rape kits that are taken at area hospitals even if the victim does not submit a report to the police. Michael Medler who runs the Marion County Forensic Services Agency says this is done in the event a victim decides she wants to file a report in the future she can call and the kit can be submitted. Medler says his lab is currently storing 289 kits where the victims have not reported the crime. If kits are sent to the county lab but later not tested they are sent back to the Indianapolis Police Department.

According to the Indianapolis Metropolitan Police Department, there are currently 1,356 rape kits in storage but the department does not know which kits are tested and which are untested. Sergeant Paul Thompson of the Indianapolis Metropolitan Police Department told CBS in an email, "The kits would not be tested if the victim did not report the incident or chose not to pursue prosecution or cooperate in the investigation." Kits are destroyed if the responsible officer says they can be destroyed.

**KENTUCKY:**

The Kentucky State Patrol Crime Lab has 368 rape kits waiting to be tested according to the crime lab. It takes the lab 30-120 days to do preliminary testing to see if there is anything to test and then an additional 180 to 270 days for DNA testing according to Lt. David P. Jude of the Kentucky State Patrol.

Jude told CBS News in an email his lab could certainly use more resources, "If money were no object, we would double our capacity and have DNA results available within 30 days regardless of case type." And he adds that all crime labs are victims of their own success, "The more cases we solve, the more they send in."

According to Jude, the Louisville Police Department has been sending in its "cold cases" for sexual assaults to the state lab dating back to spring of 2007.

**LOUISIANA:**

The state lab in Louisiana has 256 kits waiting to be tested, some that date back to 2001. Almost all of them have been outsourced to a private lab.

Doug Cain, spokesperson for the state crime lab was asked why the kits have not been tested, Cain responded, "We don't really have a good answer." He says resources have provided major challenges. Cain points to a recent stranger rape case that was solved successfully by DNA...but because of backlogs it took three years.

A woman was walking down a road in Lafourche Parish and was picked up by a man who then drove her to some woods and raped her. Although her rapist, Curtis Hinton is now behind bars, it took three years for the crime lab to test the rape kit, allowing Hinton to be free until late this summer.

Cain at the state crime lab says he is not interested in shielding the public from the true reality of the backlog and says the lab wants to be transparent because he says, "The public has a right to know." Cain says all of the backlogged kits have been outsourced and the backlog should be completely cleared by the end of 2009.

**MARYLAND:**

In Baltimore there are 84 rape kits waiting to be tested in the city's crime lab. The department says they have no way to estimate how many untested kits are in storage. Lab director Francis Chiafari says the reasons for not testing kits include: "Non-probative evidence/cases, uncooperative victim, false statements resulting in unfounding, detective not requesting processing for investigative reasons,

reclassification of the type of crime..."

**MICHIGAN:**

In Detroit, the Wayne County Prosecutor Kym Worthy recently said she is worried about 10,000 untested rape kits in the Detroit evidence storage facility. John Roach, spokesman for the Detroit Police Department says there are really about 7,000 kits in storage with an estimated 5,800 kits that are untested. He attributes this to cases where there is a known alleged assailant, no charges being pressed, a guilty plea or insufficient evidence to proceed.

In Flint, Michigan there are 80 rape kits awaiting testing according to the Flint Police Department. According to the Michigan State Police Crime Lab there are 20 rape kits waiting to be processed in their facility and the average turnaround time is 60 to 180 days.

**MINNESOTA:**

In Minneapolis, with the help of a new federal grant the department and the Hennepin County Attorney's office recently started looking through untested kits in storage and found there were kits from stranger rapes where the victim did not cooperate that were never tested. At the urging of Steve Redding, Hennepin County Attorney and Lt. Nancy Dunlap, the head of the Sex Crimes Unit at the Minneapolis Police Department, the kits were put in for testing. Almost immediately it yielded results and Minneapolis law enforcement was able to put eight men behind bars. In an effort to find more cases of this kind, the prosecutor and the sex crimes unit are combing through 8,500 rape cases reported since 1991 looking for stranger rapes where the evidence was never tested.

**MISSOURI:**

At the Missouri State Highway Patrol laboratory there are 497 rape kits waiting to be processed. Turnaround time can be as long as eleven months but the lab says the average time is 6 months. At the crime lab for the St. Louis Metropolitan Police Department, there are 69 rape kits waiting to be processed. The oldest untested rape kit dates back to 2007 and there are 225 rape kits currently in process.

**NEW MEXICO:**

At the Albuquerque Police Department lab there are 84 rape kits waiting to be tested at the crime lab. These are the kits where an officer has requested testing. The typical turnaround is a few months to a year. There are also 1,116 rape kits from active cases that have not been tested that are up to nine years old. These kits have not been tested for the following reasons according to department spokesman Paul Feist: the suspect pled guilty and the kit wasn't needed, charges were dropped or the victim changed her mind and did not want to prosecute. The statute of limitations for rape in New Mexico is nine years, after nine years the department can destroy the rape kits.

**NEW YORK:**

New York City's Office of the Chief Medical Examiner tests every single rape kit that accompanies a report to the police at the request of the New York District Attorneys offices and the New York Police Department. Kits are started within a day or two of when it arrives at the New York lab. Average turnaround time is 60 days.

Mecki Prinz, Lab Director for the New York City's Office of Chief Medical Examiner says her office tests all rape kits, even kits from acquaintance rapes. "One of our motives is that we would like to generate a DNA profile to compare it to other cases in our database because it is our experience that a person who is accused of a date rape or an acquaintance rape could also be the true perpetrator in another stranger case," said Prinz.

Prinz says her office has found links between acquaintance rapes and stranger rapes, "We have lots of situations where a domestic situation or an acquaintance

situation is actually an indication of the male involved responsible for other rapes," she said.

In Rochester, New York, the Monroe County Lab has an estimated 400 sexual assault cases that have undergone forensic screening and may be awaiting DNA testing.

**OHIO:**

Cincinnati: the police department has 21 sexual assault kits waiting to be tested and the average turnaround is 88 days. The department has 1,248 rape kits in storage but does not know if they are tested or untested.

Columbus: 17 kits waiting to be tested that have been sent to the state lab. The turnaround time is 60 days. The Columbus Police Department does not know how many untested kits it has in storage.

Cleveland Police Department, also, does not know how many untested kits it has in storage and sends all of its DNA requests to the state lab.

Holly Hollingsworth, Director of Media Relations for the Ohio Attorney General says in an email funding is a concern at the state lab, "We do not have regular funding to support our DNA programs, and we must convince our senators and representatives that at some point we will need a significant funding stream to support our laboratories." Hollingsworth says the average turnaround time for a rape case is 104 days and 216 untested cases are in the queue.

**OKLAHOMA:**

A recent case in Enid, Oklahoma shed light on the need for timely DNA processing. In May of 2008, a man allegedly raped a 15 year old girl in Enid, Oklahoma. A local prosecutor told CBS News that charges were not filed at the time because there was not enough evidence in the case to be confident that the case could be proven beyond a reasonable doubt. A rape kit was taken from the 15 year old victim and sent to the lab at the Oklahoma State Bureau of Investigation (OSBI). Five months later the state lab told the Enid Police Department that there was enough DNA from the rape kit to compare to a suspect sample. The police collected a DNA cheek swab from the suspect and sent it to the state lab. Eight months went by.

CBS News has learned from police reports that during those eight months the suspect was accused of statutory rape, domestic assault, trespassing, harassment and death threats.

On July 7, 2009 the suspect allegedly raped again, this time it was rape by instrumentation. The day after the second alleged attack, the police received a fax saying the rape kit from more than a year ago matched the suspect. Police acted quickly and arrested the suspect within 48 hours.

OSBI spokeswoman Jessica Brown told CBS News the state's lab has 123 rape kits on backlog and the processing time usually takes about eight months. Brown declined CBS News's request for an interview and told CBS via email the reason for turning down the interview request, "We don't see a good public policy reason in doing an interview about this."

**PENNSYLVANIA:**

Joseph Szarka, Lab Manager at Philadelphia Police Department's Forensic Science Center tells CBS News that his department like New York City tests every rape kit, "How could we not?" he asked in a phone interview. Szarka described to CBS a series of cases where even testing acquaintance cases illuminated key evidence. Szarka says there are a few hundred kits waiting to be tested and the turnaround time is 90 to 180 days.

**RHODE ISLAND:**

The state lab at the Rhode Island Department of Health has 44 sexual assault cases as of August 2009 waiting to be tested and 1,050 untested sexual assault cases that will be tested if the police departments that submit kits ask for testing to be done. On average the lab tells CBS News in a statement that it takes 180 days for processing.

**SOUTH DAKOTA:**

The South Dakota State Forensic Laboratory has 26 kits waiting to be tested and the lab says the average turnaround is 120 days.

**TEXAS:**

At the state lab at the Texas Department of Public Safety there are 1,433 sexual assault kits on open, active cases waiting to be tested.

In Dallas, there are an estimated 10,000 untested rape kits in storage that were never sent to the crime lab dating back to the 1980's according to Sgt. Patrick Welsh of the Dallas Police Department. Welsh told CBS News that depending on a rape case submitted today to the lab, results could take up to a year to obtain.

In Houston there are 462 rape kits waiting for preliminary testing to see if there are any biological stains, and 237 kits waiting for DNA testing. The oldest kits date back to 2008. There are also 3,846 kits in storage that have not been tested.

A Houston Police Department spokesman told CBS the kits have not been tested because the kits are taken from victims where the identity of the suspect is not in question, where the department is not pursuing prosecution or the kits are provided by victims who later recanted.

On average in San Antonio the turnaround time for rape kits is 15 to 20 working days according to the San Antonio Police Department at a cost of \$315 per kit. The department tells CBS they have 5,191 untested rape kits in storage.

**VIRGINIA:**

At the state lab in Virginia there are an estimated 325 rape kits waiting to be tested that have a typical turnaround time of 90 days. The lab does not know the age of the oldest kit in its backlog.

**WISCONSIN:**

The Wisconsin Division of Law Enforcement Services says the backlog of rape kits is 142.

In Milwaukee, an audit in early September, 2009 showed that 12,000 DNA profiles of offenders never made it into the state's DNA database. 4,000 of the DNA profiles have since been submitted to the database.

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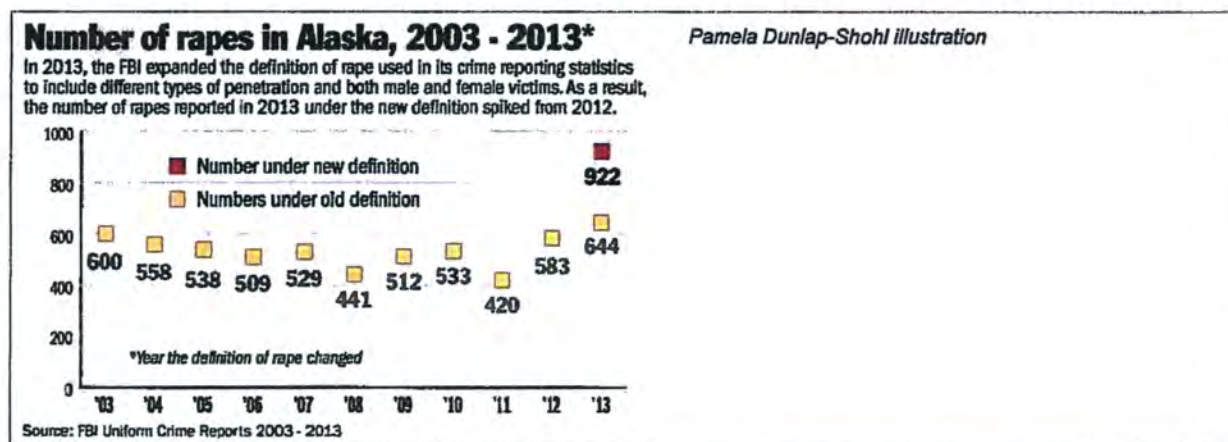


Anchorage

SECTIONS

# New FBI definition increases Alaska's already high rape rate

Jerzy Shedlock | November 12, 2014



The FBI has released its 2013 crime statistics, and a revised definition of rape has increased the rape rate in Alaska and nationwide.

Last year, the federal agency's Uniform Crime Reporting program started collecting rape data under the new definition. The new definition reflects an expanded interpretation of what types of penetration constitute rape and includes male and female victims.

The old definition of rape included only female victims and was narrowly defined as "The carnal knowledge of a female forcibly and against her will."

The new definition is broader and is defined as, "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

The revised definition expands rape to cover victims of both genders, said Kevin Donovan, assistant special agent with the Alaska FBI. It also reflects the various forms of sexual penetration understood to be rape, especially nonconsensual acts of sodomy and sex assaults with objects, he said.

According to the 2013 report, the number of rapes -- under the revised definition -- known to police in Alaska totaled 922. If the old definition was applied, that total would be 644. The increase caused a bump in the state's rape rate, from 87.6 rapes per 100,000 residents to 125.4 rapes.

Reported rapes are more common here than in any other state, according to the FBI. Alaska's rape rate is nearly three times the national average. And state officials recently said that nothing short of a holistic approach with adequate resources will reverse the trend.

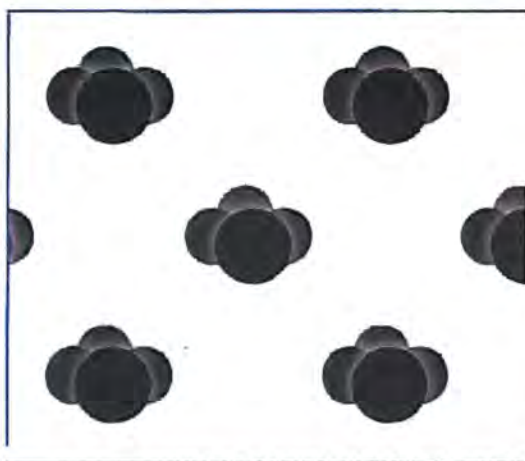
Donovan said the new definition is more inclusive and provides the FBI with a more accurate understanding of the scope and number of rapes in Alaska and other states.

"The changes broaden the scope of the previously narrow definitions by capturing data without regard to gender and including offenses in which physical force is not involved," he said. "For example, instances in which offenders use drugs or alcohol or incidents in which offenders and victims are of the same gender are now counted as rape for statistical purposes."

Since the FBI started collecting the data using the new definition of rape, a rise in the number of reports was expected, Donovan added.

Lisa Purinton, a program coordinator who oversees UCR data collection for state agencies such as the Alaska State Troopers, as well as for municipal police departments, said the state applied the revised definition on Jan. 1, 2013.

She said the revision did not affect how data was collected, but it expanded the state's focus. The stats are collected by examining instances of rape and applying the government's definition, then submitting those findings.



"It's no longer the narrow focus it previously was," Purinton said. "With that expansion, of course, the numbers were going to go up substantially."

Anchorage experienced the most rapes among the state's reporting metropolitan areas. In 2013, there were 408 rapes known to police, the highest total in the past 10 years. However, according to the police department's 2013 statistical report, the number of forcible rapes under the old definition was 312.

In 2012, there were 303 rapes reported in Anchorage. In 2011 and 2010, the totals were 283 and 263, respectively. The 10-year average of rapes in Anchorage from 2002 to 2012 is approximately 289.

The city with the second-most rapes in 2013 was Fairbanks, population 32,204, reporting a total of 34.

Kotzebue had the third largest number of reported rapes in 2013, totaling 24. The Northwest community is home to 3,202 Alaskans.

Kotzebue's Chief of Police Eric Swisher said he expects his department will be reporting more sex assaults under the broader definition. However, the small rural town experienced a decrease in the total number of rapes for 2013 over previous years, he said.

Swisher said Kotzebue had a total of 34 rapes last year. He pulled the data from the Alaska Department of Public Safety's finalized yearly crime stats. In 2012, there were 43 rapes, he said.

"As far as why that is, it's many different factors, from predators being in jail to victims being in a better environment," Swisher said.

Donovan said as a result of the change, the FBI is confident the number of victims of rape will be more accurately reflected in crime statistics.

"People should not assume increases in rape numbers are due to an increase of violence or sexual assaults," Donovan said. "The increase may just be a reflection of the more inclusive definition."

Among the other Alaska findings in the 2013 Uniform Crime Report:

- There were 4,708 violent crimes in 2013. Most of those crimes were aggravated assaults, totaling 3,128. In 2012, there were 4,412 violent crimes.
- Law enforcement agencies reported 34 murders and non-negligent manslaughters.
- There were 624 robberies, 2,916 burglaries and 21,210 property crimes statewide.

**Update:** This story was updated on Thursday, Nov. 13 to add information provided by the Anchorage Police Department.

**RELATED:**

On sexual violence issues, some Alaska candidates reluctant to prioritize areas of concern

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## Out of every 100 rapes:

Sexual assault is one of the most underreported crimes, with only 54% still being left unreported.

### Why?



**The other 97 will walk free**



### Test my kit!

A rape kit is the biological and physical evidence, including DNA, collected from a rape victim's body. But not all rape kits get tested. Instead, many become part of the rape kit backlog.



**24%**

According to the Federal Bureau of Investigation the national arrest rate for rape is 24%



**74%**

In New York City, where every rape kit is tested, the arrest rate for rape is 74%

## Make a change!

Find out if there is a backlog in your state and if your state tests every kit.

**Research**

**Advocate**

Encourage state legislators to change existing laws.

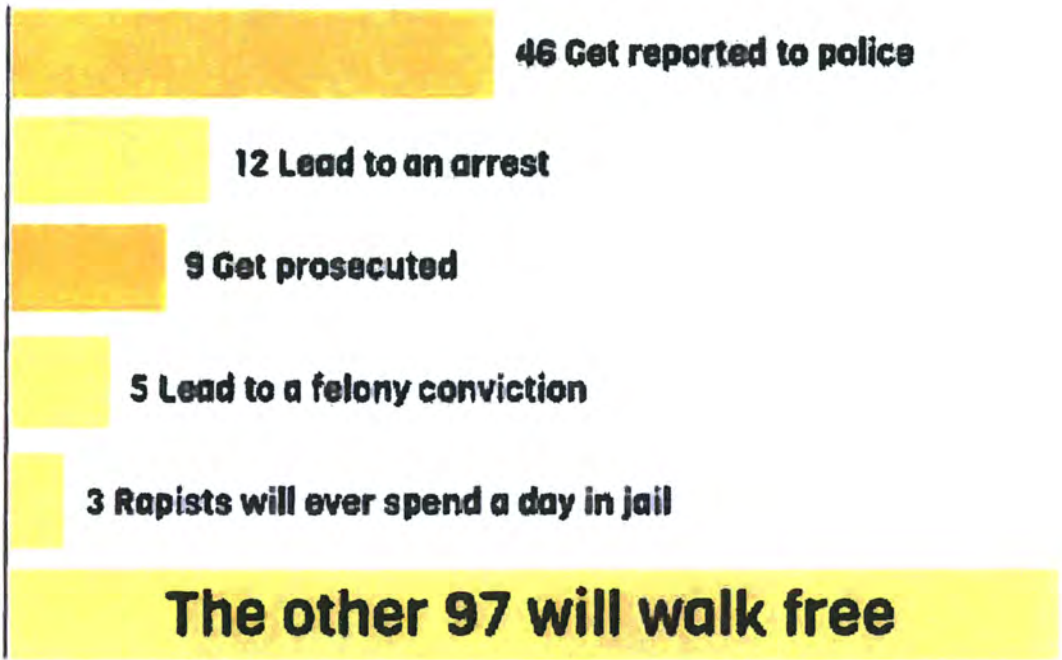
Together we can make a difference. Every kit tested can lead to justice for a survivor.

**END THE**

Sources: Justice Department, FBI, ...

Sexual assault is one of the most underreported crimes, with only 54% still being left unreported.

## Why?



**400,000**  
Rape kits sit unteted on shelves across the nation.

## Test my kit!

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### Advocate

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March 4, 2015

Representative Geran Tarr  
Alaska State Legislature  
120 4<sup>th</sup> Street  
Juneau, AK 99801

Representative Tarr,

Per the request of your staff, the information below and related attachments detail Texas' effort to analyze thousands of untested sexual assault kits.

In the 82<sup>nd</sup> Texas Legislative session, Senate Bill 1636 was passed to change the handling procedures for sexual assault kits.

- First, it established an end point for discretionary submissions. The vast majority of the untested sexual assault kits in the state were never submitted for laboratory testing due to three main discretionary factors: 1) suspect identity was not an issue in the case; 2) the victim decided not to pursue prosecution; or 3) other issues with evidence, witnesses, or victims resulted in a decision that the case was not prosecutable.
- Effect August 1, 2011, every sexual assault kit that is collected as part of a criminal investigation is required to be submitted to a crime laboratory within 30 calendar days. The requirement appropriately stopped short of mandating the analysis be conducted within 30 days as to not shackle already overwhelmed forensic laboratories. Decisions on the priority of cases to be analyzed should be left to the laboratory and its criminal justice customers.
- Secondly, the statutory language defined an "active case" to include any sexual assault kit that remained unanalyzed and was still within the prescribed statute of limitations. This definition included kits where a prosecution had already occurred. Under the existing Texas statute of limitations, "active cases" covered a timeframe from September 1, 1996 through July 31, 2011.

The statute required every law enforcement agency and forensic laboratory to audit and report the total number of "1636" kits to the Texas Department of Public Safety (DPS). The statute only provided 45 days for that audit and report to take place, and the statute provided no sanction to law enforcement for not reporting.

- DPS provided written guidelines to every law enforcement agency in the state regarding which kits applied to the statute. Those instructions are attached for reference.
- For smaller agencies, 45 days was sufficient, but for larger agencies with a greater volume of kits, it was unattainable. In order to determine if the kit was sent to a laboratory and

analyzed, personnel from the agency must review the actual investigative file. That process takes time, especially if no additional resources/funding are provided to perform the task.

- The lack of a sanction placed DPS in the position of having to "encourage" reporting.
- DPS utilized its crime laboratory directors network to achieve an estimate of the total kits in the state as a gauge of the accuracy of the law enforcement reporting. The networking effort estimated 20,000 untested kits. At the time of our initial report to the legislature, state law enforcement had reported just over 15,000 kits. Reports have continued to trickle in beyond the deadline and more accurate counts of previously reported kits have been updated. Currently, our total is over 19,000 kits reported. The laboratory directors estimate has proven to be a reliable gauge of the total volume.

DPS was required to tally the numbers and provide the Texas Legislature during the 83<sup>rd</sup> session (in 2013) with an estimated cost and a plan for completing the testing.

- In the interim, DPS secured grant funding from the Texas Governor's Office and began receiving and analyzing "1636" kits as capacity allowed.
- DPS instructed law enforcement agencies to hold on to their kits until DPS asked for them in order to prevent an untenable storage issue for our laboratory system.
- DPS was able to test approximately 1500 kits in the interim period with the grant funding.
- The City of Houston, which reported the most kits at 6,663, assumed the responsibility for acquiring both city and grant funding to outsource the analysis of their kits.

In February 2013, DPS reported its findings to the Texas Legislature. That report is attached for reference.

- The legislature chose to fund DPS the outsourcing option, with the funding effective on September 1, 2013.
- DPS also required five additional laboratory personnel to review the outsourcing results as a quality assurance issue.
- DPS sent a letter to all law enforcement updating them on the status of the initiative. That letter is attached for reference.

DPS began the contracting process, which took 10 months to complete. DPS contracted with two private laboratories and one university laboratory in Texas.

- All three laboratories were operating at full capacity effective November 1, 2014.
- DPS coordinates which agencies submit to which laboratories, but the agency submits directly to the outsourcing laboratory. The cost of shipping was included in the outsourcing contract and does not burden the law enforcement agency.
- DPS anticipates this effort will take two full years to accomplish the analysis.
- DPS provided a legislative status update in January 2015, which is also attached.

Results from the outsourcing effort are unavailable at this point. The DPS testing conducted between the biennial sessions is available. The highlights include:

- The testing produced CODIS eligible samples in approximately 350 cases or in 20% of the total kits analyzed.
- Approximately 40% of those samples resulted in a CODIS hit.
- Several hits were made to a convicted offender where no suspect was previously available.
- Several hits linked one case to another case with the offender still unknown.
- Over 50% of hits were confirmation hits. The same defendant convicted for the case was identified by DNA in the kit.

- In 40-50% of kits, no DNA is discovered.

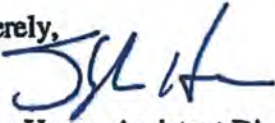
**Important issues to remember:**

- A CODIS hit or match does not guarantee a prosecution and conviction. All the same discretionary issues detailed at the beginning of this letter remain applicable.
- DPS does not have visibility on the prosecution of cases as a result of kit analysis. Inquiries for that data must be directed to the investigative agency or prosecuting attorney.
- To questions on the status of the outsourcing effort, DPS posts the status spreadsheet on its website and updates it monthly.

<http://dps.texas.gov/CrimeLaboratory/sexualAssltEvidenceInit.htm>

Hopefully this information will be helpful for the State of Alaska to develop an effective and efficient initiative to address untested kits in your state. The Texas Department of Public Safety remains available as a resource in your efforts.

Sincerely,



Skylor Hearn, Assistant Director  
Law Enforcement Support Division

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August 17, 2011

## Guidelines for the Implementation of SB 1636 (82R)

### Definitions (for purposes of these guidelines):

#### Active Case -

#### Statutory Definition:

"Active criminal case" means a case:

(A) in which:

- (i) a sexual assault has been reported to a law enforcement agency; and
- (ii) physical evidence of the assault has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(B) for which:

- (i) the statute of limitations has not run with respect to the prosecution of the sexual assault; or
- (ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

#### What this means (in reference to these guidelines):

- (A) The offense has to have been reported to Law Enforcement (LE) and the evidence must be in the custody of a LE agency or an accredited crime laboratory.
- (B) This does not apply to sexual assault evidence that was collected prior to September 1, 1996.

The new law does not exempt cases that have been adjudicated without DNA analysis from having to be submitted for analysis if they meet the other qualifiers of an active case.

New Case - one for which the evidence was collected on or after August 1, 2011.

Non-active case -

- 1) The evidence was collected prior to September 1, 1996, or
- 2) The investigation of the complaint has determined that no crime was committed.

Old Case - one for which the evidence was collected between September 1, 1996 and July 31, 2011.

**Procedures:**

- 1) Where does a LE agency submit evidence for new cases? New cases should be submitted to the public accredited laboratory which has traditionally served the LE agency.
  - A) If that laboratory is a DPS laboratory, then the standard DPS evidence submission policies will apply. This includes the signed certification required by the submitting person.
  - B) If that laboratory is a non-DPS laboratory, it will be up to that laboratory to determine if they will accept the evidence.
  - C) If a non-DPS laboratory declines to accept the sexual assault evidence for analysis, the LE agency may request to submit the evidence to the DPS laboratory which serves that geographic area.
- 2) What evidence should be submitted for new cases? DPS guidelines limit the initial evidence submission to a sexual assault (SA) kit and the victim's panties (see the DPS DNA acceptance guidelines for more detail <http://www.txdps.state.tx.us/CrimeLaboratory/DNA.htm>). The submitting agency will be contacted if additional evidence is necessary. LE agencies that are served by other laboratories (non-DPS) should consult with those laboratories for their evidence submission policies.
- 3) Where does a LE agency submit evidence for old cases? No evidence should be submitted to the DPS for old cases until the LE agency has been advised to do so by the Laboratory System. LE agencies are required by the statute to submit to the DPS a list of their active criminal cases, which have not

been submitted to an accredited laboratory. This list is due to the DPS by October 15, 2011. That list (with the information requested below) should be submitted to the DPS laboratory that serves their geographic area (see <http://www.txdps.state.tx.us/CrimeLaboratory/documents/PEHmanual.pdf>).

The following information should be provided with the list of cases: agency name, agency case #, offense type, offense date, county of offense, victim name, suspect name (if known), and a description of the evidence.

- 4) What if evidence from old (active) cases is submitted to or retained by a non-DPS crime laboratory? The LE agency shall notify the DPS, no later than April 1, 2012, which laboratory the evidence was submitted to and any analysis which has been completed, including the date of analysis.
- 5) What evidence should be submitted to DPS for old cases? Only evidence from active criminal cases that has not been submitted to a public accredited laboratory for analysis shall be submitted. If the DPS Laboratory serving the LE agency's area has advised the agency to submit their sexual assault evidence, the agency shall follow the standard DNA submission guidelines as indicated for new cases. Submit the SA kit and panties/underwear if available. The DPS will contact the submitting agency if additional evidence is necessary.
- 6) LE agencies have until April 1, 2012 to submit their sexual assault evidence to the DPS (or other public accredited crime laboratory). The DPS will evaluate the case information submitted in (3) above to determine if storage space is available. The LE agencies will be informed if the DPS can/will accept their evidence and when it can be submitted, if approved.
- 7) The statute requires the person submitting the evidence to a public accredited crime laboratory to provide a signed written certification that "This evidence is being submitted by (name of person making submission) in connection with a criminal investigation". See separate form, LAB-06A.

*D. Johnson* 2/18/11  
Deputy Assistant Director  
Crime Laboratory Service

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February 15, 2013

**Report in Compliance with SECTION 15 (b) of SB1636, 82<sup>nd</sup> Legislature regarding estimated cost and timeline for the completion of laboratory analyses of all unanalyzed sexual assault kits submitted to an accredited crime laboratory by a law enforcement agency pursuant to Government Code Section 420, Subchapter B-1.**

### Total Number of SB1636 Kits:

As of February 1, 2013, law enforcement agencies in Texas have reported 15,823 sexual assault kits applicable to SB1636. This information was provided by a total of 136 agencies. Due to the complexity of evaluating statute applicability by large volume agencies, the DPS estimate remains at 20,000 total kits statewide.

### Timeline for Completion of Testing:

The timeline proposed is an estimate based upon certain assumptions of which and how many accredited laboratories will receive and analyze the evidence in these sexual assault cases.

Including the DPS system, there are seventeen accredited crime laboratories in Texas capable of conducting the required analyses on these kits – sixteen public and one private laboratory. Those laboratories are listed below:

- DPS Laboratories in Austin, Houston, Garland, Waco, El Paso, Lubbock, Corpus Christi, and Weslaco.
- The Southwestern Institute of Forensic Sciences at Dallas
- The Bexar County Criminal Investigation Laboratory
- The Harris County Institute of Forensic Sciences
- The Houston Police Department Crime Laboratory
- The Tarrant County Medical Examiner Forensic Laboratory
- The Fort Worth Police Department Crime Laboratory
- The Austin Police Department Forensic Science Service Division
- Cellmark Forensics (private)
- The University of North Texas, Health Science Center, DNA Identity Laboratory

In lieu of submission to DPS, the Houston Police Department Crime Laboratory has declared it will facilitate the testing of its 6,663 identified kits through a combination of outsourcing and in-house analysis.

An assumption is made that other agency laboratories listed above will work their own cases as well. Based on that assumption, the DPS expects to receive and analyze evidence in 10,000 cases. DPS has two alternative plans submitted for completing the analysis.

- The first option will be to outsource all the analysis, and then have DPS personnel enter the DNA profiles into the CODIS DNA database. The outsourcing option is likely to take six months to obtain a contract with a private DNA laboratory and an additional six month ramp up time, due to the volume, for that laboratory to commence testing. The testing of evidence is then expected to take two years. The total estimated timeframe for completion with this option is three years.

- The second option will be for DPS to employ a sufficient number of additional forensic scientists and support staff to complete the DNA testing in-house. Once funding is provided, it will take one year to employ and train personnel. Two additional years will be required to complete the DNA testing. The total estimated timeframe for completion with this option is three years.

The aforementioned options are incorporated as Exceptional Item #15 in the DPS Legislative Appropriation Request (LAR) to the 83<sup>rd</sup> Legislature.

Statewide, the overall timeline for complete testing of all SB 1636 kits - whether analyzing in-house, outsourcing, or a combination - is estimated at three years.

**Required Funding:**

For DPS, the first option is a plan to out-source the screening and DNA testing of the evidence in the 10,000 cases to one or more accredited private forensic DNA testing laboratories. The estimated cost for a private laboratory to perform screening (detecting biological evidence from which to recover DNA) is \$400 on average for a sexual assault case. The estimated average cost for the subsequent DNA testing is an additional \$1,250 per case. All 10,000 cases will require the screening step. It is estimated that through the screening process, analysts will discover no semen or other male tissue in 30% of the cases to provide for DNA testing. Therefore, we estimate actual DNA testing will be required on evidence in 7,000 cases.

Screening 10,000 cases @ \$400/case:	\$4,000,000.00
DNA testing of 7,000 cases @ \$1,250/case:	\$8,750,000.00
DPS case review and CODIS database work:	\$700,000.00
<b>Total cost for Option 1:</b>	<b>\$13,450,000.00</b>

For DPS, the second option is a plan to conduct all testing of the evidence in the 10,000 cases in-house. This would require adding twenty-five (25) personnel, as well as additional equipment.

	YR1	YR2	YR3
Salaries at \$46,652/yr/FTE	\$1,419,375.00	\$1,419,375.00	\$1,419,375.00
Fringe benefits @ 29.74%	\$453,250.00	\$453,250.00	\$453,250.00
Supplies @ \$329/case		\$1,150,000.00	\$1,150,000.00
Other operating costs	\$500,000.00	\$500,000.00	\$500,000.00
Travel/training	\$50,000.00	\$50,000.00	\$50,000.00
Equipment	\$400,000.00		
Total cost of each year	\$2,822,262.00	\$3,572,625.00	\$3,572,625.00
<b>Total cost for Option 2</b>			<b>\$9,967,512.00</b>

DPS estimates the costs of other laboratories to complete testing in-house or out-source to be similar to the costs listed above.

Statewide, the estimated cost to complete testing on 20,000 kits through out-sourcing would be \$26,900,000.00.

Statewide, the minimum estimated cost to complete testing on 20,000 kits through in-house testing would be \$13,267,512.00. This figure includes the total DPS in-house option for 10,000 kits, plus the estimated cost for supplies and operating for two years for the additional 10,000 cases assumed to be worked in other local laboratories. Local laboratory estimates for additional staffing, training, and equipment costs cannot be estimated by DPS, but are likely necessary.

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September 5, 2013

Sheriff/Chief,

As you know, SB 1636 (82<sup>nd</sup> Session) required Texas law enforcement agencies to report to DPS the number of untested sexual assault kits in their custody originating from an offense committed between September 1, 1996, and July 31, 2011. DPS tallied those responses from your agencies and provided that information to the 83<sup>rd</sup> Legislature in a February 2013 report, also required by SB 1636.

In that report, DPS listed the existing accredited laboratories in the state that would be eligible to work these cases and the estimated cost to work the total estimated number of kits statewide. From that overall cost, DPS broke out the estimated number of kits DPS expected to receive from responding agencies that regularly utilize a DPS laboratory – as opposed those expected to be worked by agencies who normally utilize a non-DPS laboratory. Our exceptional item only covers funding for the kits we anticipated receiving, and no funding for non-DPS laboratories was provided.

However, based on several positive factors, it may still be possible to accomplish this entire initiative with the funding allocated to DPS. Some of those factors include: 1) DPS obtained grant funding in 2012, began working SB 1636 kits as we had overtime capacity in our eight DNA laboratories, and will have analyzed 1000 kits with that initiative; 2) Houston PD's effort to independently acquire their grant funding and work their own kits is a substantial factor; 3) a high percentage of negative findings at screening; and 4) an anticipated contract savings from the previous estimates.

Currently, DPS is not accepting additional SB 1636 kits. We are in the process of soliciting an open bid for contract services. Once the contract(s) are in place, we will provide each agency with instructions on submitting SB 1636 kits directly to the contracted vendor(s). Based on the exceptional item funding, DPS intends to first prioritize agencies that regularly utilize a DPS laboratory, and then include as many kits from non-DPS laboratory agencies as the funding will allow. Again, based on the aforementioned factors, we are hopeful the existing funding will cover the remaining statewide SB 1636 kits reported.

Respectfully,

Skylor Hearn, Assistant Director  
Texas Department of Public Safety  
Law Enforcement Support Division

**SB 1636 Untested Sexual Assault Kit Initiative  
Legislative Update – January 2015**

As part of the SB1636 (82<sup>nd</sup>) statutory requirement, Texas law enforcement agencies have reported to DPS the existence of 18,975 total untested sexual assault kits applicable to the SB1636 statute.

In FY2013, DPS sought and was provided \$600,000 grant dollars from the Governor's Criminal Justice Division to begin testing in anticipation of the effort to come from decisions made in the 83<sup>rd</sup> session. DPS was able to analyze approximately 1,400 kits with that initiative – reducing the statewide number of SB1636 kits to ~17,575.

During the 83<sup>rd</sup> session, DPS provided the Legislature with a report on the estimated number of SB1636 kits in the state and the estimated cost to complete their testing. DPS anticipated receiving 10,000 kits from its usual customer agencies and the remainder being worked by the other accredited law enforcement labs in the state.

As requested by Exceptional Item, DPS was appropriated \$10.9 million to outsource the analysis of approximately 10,000 kits and hire five forensic scientists to review the case work and input any eligible data into the CODIS database.

No additional funding was provided to local labs to conducting testing of their agency's kits.

Beginning in September 2013, DPS began the extensive process of contracting with private laboratories to complete this initiative. It was anticipated the process would take 8-10 months to complete due to the complexity of the requirements and site visit/certification of the private laboratories by DPS laboratory staff.

During that period, the University of North Texas Health Science Center's DNA laboratory requested the opportunity to participate in the initiative. Since UNTHSC is already accredited by DPS and we work together on other DNA initiatives, an interagency contract was completed and UNTHSC began accepting SB1636 kits on June 1, 2014. The UNTHSC contract is for \$1,000,000.

In July 2014, two private laboratories were awarded contracts for the remaining outsourcing funds. Orchid Cellmark (Dallas) and Bode Technologies (Virginia) were each contracted for \$4,100,000 to perform analysis of SB1636 kits.

Two questions continue to be asked: "How many kits will you be able to work with \$10,200,000 (professional fees)?" or "How much does it cost to test one kit?" Due to the complexity of sexual assault kit testing, it is difficult to forecast an accurate dollars-to-kits ratio. There is no front-end "cost per kit" figure that is accurate. Kits must first be screened for DNA sources and then if a DNA source is discovered, those items are analyzed in a secondary process. This is best explained by looking the cost of service breakdown in the UNTHSC contract with DPS summarized below (from pages 10-11):

- Kit screening - \$300
- Kit screening for DNA including one evidence sample - \$650
- Analysis of additional semen positive sample - \$210
- Analysis of additional non-semen sample - \$180
- Analysis of reference sample - \$150

**SB 1636 Untested Sexual Assault Kit Initiative  
Legislative Update – January 2015**

- **Additional small item examination - \$50**
- **Additional large item examination - \$150**
- **Testimony – one day no charge. \$1,500 every additional day. \$1,500 per day for every additional employee subpoenaed.**
- **Travel expenses for testimony are paid by the requesting agency.**
- **Client consultation – one hour at no charge. \$250 per hour thereafter.**

These are standard contract costs in the forensic science industry and the two private vendors have similar line items in their contracts. Therefore, every kit will require a fee of \$275-469 for screening and those with positive DNA findings could reach as high as \$1,400 or more per kit depending on the required testing based on the evidentiary content. Any required courtroom testimony incurs further costs, equivalent to the testing cost of 1-5 kits per day.

Despite the shortfall in overall funding, DPS believes it is still possible to complete the entire SB1636 initiative with the appropriated funding due to the first four factors listed below and if the final item remains true:

- **DPS used grant funding to start the initiative in FY2013 and completed testing on approximately 1,400 kits**
- **Houston PD outsourced the testing of their 6,663 reported kits with their own funding. That reduced the overall number of kits to be tested to ~10,912.**
- **The contracted outsourcing costs are close to the estimated outsourcing costs provided to the legislature. (We didn't substantially miss the mark.)**
- **Approximately 40-50% of the kits tested so far have failed to provide DNA evidence that would require further examination and additional costs.**
- **No agencies come forward with a large number of unreported kits.**

While UNTHSC began analyzing kits in June, the two private vendors' contracts allowed them 90 days to ramp up their services to meet our volume demands. All three outsourcing laboratories should be at full capacity by November 1, 2014. DPS is coordinating the efforts with the vendor laboratories and the local agencies.

DPS still anticipates it taking 24 months to complete the 1636 testing. Since the contracting process absorbed the bulk of the fiscal year, DPS will be requesting a Rider to forward any remaining project funds into FY2016 to complete the initiative.

DPS will provide monthly updates on the initiative beginning in December.

**The New York Times** <http://nyti.ms/1ojM6FJ>



U.S.

# No Longer Ignored, Evidence Solves Rape Cases Years Later

By **ERIK ECKHOLM** AUG. 2, 2014

**MEMPHIS** — Meaghan Ybos was 16 and had just arrived home from school when a man in a ski mask held a knife to her throat and raped her.

The man said he would kill her if she called the police, but she did so anyway. That led to barrages of skeptical questions, Ms. Ybos said, and the excruciating collection of evidence from her body, gathered into what is commonly known as a rape kit.

“I felt so vulnerable being laid out on a table, with all my clothes off and in a bag and all the swabs and brushes and combs,” she recalled. But at least, she figured, the police would use the swabs and hair samples to help catch the rapist.

They did not. Like hundreds of thousands of other rape kits across the country containing evidence gathered from victims, that of Ms. Ybos lay untested for years on a storeroom shelf.

The reasons for the backlog, experts say, include constraints on finances and testing facilities, along with a slow recognition among investigators that even when the offender is known, DNA testing might reveal a pattern of serial rapes. And too often, women’s advocates say, the kits went untested because of an uncaring and haphazard response to sexual assault charges.

In recent years, the issue has exploded as one city after another has discovered stockpiles of untested kits.

Today, after years of pressure, a shift is beginning. Several cities — including, most recently, Memphis — have won praise for aggressive new efforts not only to submit all new rape kits for testing but also to test those in storage. In just the last year, initial testing of old kits in Detroit and Cleveland has yielded hundreds of indictments and revealed scores of repeat offenders.

It was in 2012, nine years after her rape, that Ms. Ybos learned that her kit had gone untested. She had called the police to say an attacker described in news accounts resembled the man in her nightmares. At that point, the evidence gathered in 2003 was sent for analysis. Ms. Ybos, it showed, had been an early victim of a man who went on to assault at least six more women over the years and who is now serving a 178-year sentence.

"I felt like I finally got my life back," Ms. Ybos said of the moment she knew her attacker was behind bars.

It will be a while before many others can say the same, even in Memphis. More than 12,000 kits here have been tested incompletely or not at all. Mayor A C Wharton Jr. has vowed to proceed with a \$6.5 million plan to test the entire lot, appealing for state and private donations to help meet the cost and hoping that long-promised federal aid will soon appear.

The stacked-up kits are "more than pieces of evidence," Mr. Wharton told reporters; each one represents a victim hoping for justice. He formed a task force of police officials, prosecutors and community advocates that meets twice a month to oversee the process and make monthly public reports.

Over the last decade, reports of large rape-kit backlogs have surfaced, often after investigations by news reporters or advocacy groups. But because many cities have resisted looking too hard or have even destroyed untested kits over time, the extent of the problem is unknown, said Sarah Tofte, director of policy at the Joyful Heart Foundation, a New York group that aids victims of sexual assault and is now advising Detroit and Memphis.

"What we know about the extent of backlogs around the country is still less than what we don't know," said Ms. Tofte, saying it appears likely that hundreds of thousands of kits still lie on shelves untested. Some of the rape kits were collected in the 1980s, before DNA analysis was fully developed, to establish blood types, something of limited use in court. But in the 1990s and after — as the technology improved and the F.B.I. set up the Combined DNA Index System, or Codis, to allow matching — a large share of kits were still not processed.

The newly concerted testing programs, when combined with the investigative heft to turn cold cases into prosecutions, are producing results.

In Detroit in 2009, officials discovered more than 11,000 unprocessed rape kits, dating back to the 1980s, in a police warehouse. Kym L. Worthy, the Wayne County

prosecutor, has won praise for pursuing full testing. Analysis of the first 1,600 kits identified 455 suspects in 23 states, including 87 involved in multiple assaults, her office reported in March.

Cuyahoga County, which includes Cleveland, has sent its backlog of nearly 4,000 kits to the state laboratory for the free testing Ohio now offers. The county prosecutor, Timothy J. McGinty, formed a DNA cold-case task force to follow new leads.

Initial priority has been given to kits from crimes committed in 1993 and 1994, so indictments can be issued before the 20-year statute of limitations is exceeded. So far, 173 people have been indicted, including 38 accused of multiple rapes, according to Joseph Frolik, a spokesman for the Cuyahoga County prosecutor.

Officials expect to bring as many as 1,000 cases over the next few years, Mr. Frolik said.

Some officials question the value of analyzing all the neglected kits from the past, saying indiscriminate testing diverts funds and laboratory resources from the cases most likely to yield prosecutions. Salt Lake City has decided to take a more selective approach, but many advocates argue that it is worth the cost to possibly detect serial offenders.

DNA testing is only the start. Memphis has created a cold-case team of 10 officers and expects to add more as results from the new testing efforts arrive, said Jim Harvey, the deputy police chief in charge of detectives.

Another challenge being confronted in Memphis, Detroit and elsewhere is how best to contact victims of long-ago crimes when belated testing provides a lead and investigators may want to conduct new interviews or seek their testimony in court. Some women may have buried their memories of the crime, or never told a later spouse about it. Do you start with a letter or a home visit? From whom? Cities are experimenting and comparing protocols for this delicate task.

If the testing gaps are a sign of broader problems in the investigation of sexual assaults, as many critics say, then more wide-ranging changes in the culture of police departments must be nurtured as well.

In an interview at City Hall, Mayor Wharton of Memphis said he had asked for changes in police promotion and assignment guidelines "to make sure those moving into this field have a special passion."

"We'll do whatever it takes to have a top-notch sex-crimes unit," he said. "The police are taking reports more seriously, and there is no more saying, 'Victim is a known prostitute,' " he added, referring to one notorious rationale for not pursuing rape cases.

Where the money will come from to wipe out the backlog remains murky, he admitted, but said, "We'll get it done."

Here and elsewhere, the new efforts, however welcome, cannot erase the sense of betrayal expressed by victims who assumed that evidence so painstakingly collected from their bodies would be fully analyzed.

In the case of Ms. Ybos, whether prompt testing would have made a difference is in dispute. City officials note that the DNA of the offender, Anthony Alliano, was not collected and recorded until his arrest in 2012.

But Ms. Ybos and two other women have sued the city and county, charging that lax investigations and reckless handling of rape kits left predators on the loose and inflicted wrenching uncertainty on victims. Officials said they could not comment on a pending lawsuit.

"We were left in the dark for a decade," said a second woman in the suit, Madison Graves, who was just 12 when an intruder now known to be Mr. Alliano, again in a ski mask and wielding a knife, raped her in her home. It was in the same suburban area, Cordova, and only two days after the assault on Ms. Ybos. In the case of Ms. Graves, the police say they did test her rape kit at the time. But they did not inform her and, she said, at some early point told her to stop calling for updates.

Officials have not explained the inconsistent handling of the two similar attacks or why they failed to connect them, which might have led to a more focused search for a serial offender and a different response to a later case that, in retrospect, was a disastrous missed opportunity.

In 2004, according to police records described by The Memphis Commercial Appeal, officers were called to a Motel 6 where Mr. Alliano, then 33, had plied a 16-year-old girl with "date-rape" drugs and had sex with her.

The prosecutors considered a charge of forcible rape, records show, then charged him with felony statutory rape and then, for undisclosed reasons, dropped the charge. No sample was taken of his DNA, and he resumed his secret life as a predator.

A version of this article appears in print on August 3, 2014, on page A1 of the New York edition with the headline: No Longer Ignored, Evidence Solves Rape Cases Years Later.

## Ray Friedlander

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**From:** Spector, Adam T <Adam.T.Spector@usdoj.gov>  
**Sent:** Thursday, March 05, 2015 12:30 PM  
**To:** Ray Friedlander  
**Subject:** Sexual Assault Kit Initiative

Ms. Friedlander,

Per our conversation, the Department of Justice received a \$41 million appropriation “for a competitive grant program to support multi-disciplinary community response teams tasked with a comprehensive approach to sexual assault cases. The goal of this grant program is to address the growing backlog of unsubmitted sexual assault kits at law enforcement agencies. There is broad consensus that this must be accomplished through an integrative approach to the problem . . . Grant funding may be used to inventory the existing backlog of unsubmitted rape kits, test backlogged kits, develop “cold case” units to pursue new investigative leads and to support victims throughout the investigation and prosecution process. Grants may also be used to develop evidence-tracking systems, train law enforcement on sexual assault investigations, and conduct research on outcomes in sexual assault cases.”

There is not much we can share before the solicitation is released, but Sexual Assault Kit Initiative will be a comprehensive program including resources for SAK inventorying, testing, performance metrics reporting, investigation, prosecution, and victim response. The SAKI Program will support competitively awarded grants to state, local, tribal law enforcement agencies; and targeted training and technical assistance (TTA) for grantees and the field through a competitively awarded cooperative agreement. While SAKI will include testing of SAKs, it also aims to address why SAKs continue to remain unsubmitted for testing in the custody of law enforcement agencies, and help jurisdictions implement new policies and procedures to prevent this from occurring again. The program also takes a victim-centered approach. Since the critical needs around unsubmitted SAKs in law enforcement agencies extend well beyond simply testing kits and increasing crime lab capacity, the program also addresses the investigative and prosecutorial aspects of sexual assault cases resulting from the testing and enhancing provision of victim’s services. One of the many criteria that will likely be used to evaluate applicants is a statement of the untested SAK problem in their jurisdiction.

I hope this information is helpful. Please feel free to follow up.

Thanks.

Adam

Adam Spector

Acting Deputy Director

Congressional and Intergovernmental Affairs

Office of Communications

Office of Justice Programs

U.S. Department of Justice

202-307-3912

x

## DNA Backlog

The goal of NIF's

- Increase the
- Increase the

Under this program

funding should be

used to support the

work of a laboratory

in the reduction of

DNA backlogs.

For more information

please contact the

program manager at

nij.dna@nij.gov

or call 1-800-451-5711

ext. 2000.

Last updated: 10/20/14

Fiscal Year	Solicitation Title (links to solicitation)	Awards Made (links to list)	Total Funding
2014	<b>DNA Capacity Enhancement and Backlog Reduction Program</b> Opportunity detail   Opportunity document	122	\$71,578,465
2013	<b>FY 2013 DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	125	\$74,495,175
2012	<b>FY 2012 DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	117	\$74,347,305
2011	<b>FY 2011 DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	116	\$88,707,086
2010	<b>FY 2010 Convicted Offender and/or Arrestee DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	20	\$4,349,119
2010	<b>FY 2010 Forensic DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	115	\$64,811,981
2009	<b>Convicted Offender and/or Arrestee DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	22	\$9,178,072
2009	<b>FY09 Forensic DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	110	\$62,271,832
2008	<b>Convicted Offender and/or Arrestee DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	15	\$6,022,421
2008	<b>Forensic DNA Backlog Reduction Program</b> Opportunity detail   Opportunity document	102	\$53,245,922

x

### DNA Backlog

The goals of NIF's

- Process more forensic DNA samples
- Increase # forensic DNA samples

Under this program funding should be used to meet our sample analysis goals. To learn more about

Read a video

### Solicitation Title: DNA Capacity Enhancement and Backlog Reduction Program

#### Description:

NIJ seeks proposals for funding for the FY 2014 DNA Capacity Enhancement and Backlog Reduction Program. This program funds States and units of local government with existing crime laboratories that conduct DNA analysis to process, record, screen, and analyze forensic DNA and/or DNA database samples, and to increase the capacity of public forensic DNA and DNA database laboratories to process more DNA samples, thereby helping to reduce the number of forensic DNA and DNA database samples awaiting analysis. In general, eligible applicants are given the opportunity, based on their individual needs, to determine what portion of their anticipated funding should be used for capacity building purposes and what portion should be used for analysis of forensic DNA and/or DNA database samples.

View the full document.

**Fiscal year:** 2014

**Post date:** April 3, 2014

**Close date:** June 1, 2014

**Total Awards:** 122

**Award total amount:** \$71,578,465

View a list of awards made in response to this solicitation

Select a term below to find related funding opportunities:

- **Open opportunities:** DNA Backlog Reduction, Capacity Enhancement, Laboratory Operations, Forensics, DNA
- **Closed opportunities:** DNA Backlog Reduction, Capacity Enhancement, Laboratory Operations, Forensics, DNA

## Federal Responses

*"Using the DNA evidence collected in a rape kit, a police department can conclusively identify an assailant—even when the survivor cannot visually identify her attacker.*

*When DNA collected in rape kits matches existing DNA records, police can quickly capture habitual rapists before they strike again. Rape kit DNA evidence is survivors' best bet for justice. It is also communities' best bet for public safety."*

*- U.S. Senator Al Franken*

The federal government does not require state and local law enforcement agencies to report on the number of untested rape kits in their facilities. As a result, there is no comprehensive, national data on the nature and scope of the rape kit backlog.

Despite this lack of a reporting requirement, federal lawmakers have put forth several promising reforms, and various federal laws have helped to encourage rape kit testing at the state and local levels.

### New Federal Funding for Rape Kit Reform

President Obama's FY2015 budget proposal included dedicated funding for a grant program that will provide communities across the country with the vital resources they need—and are asking for—to develop and implement comprehensive, multi-disciplinary rape kit reform. In December 2014, Congress approved a federal spending bill including an allocation of \$41 million to address the national rape kit backlog.

In February 2015, President Obama released his FY2016 budget, which included \$41 million in funding for the Justice Department's community-based sexual assault response initiative. This funding will build on the efforts of the Department of Justice's grant program, and will allow even more jurisdictions to address their rape kit backlogs, apprehend perpetrators, and bring justice to survivors. The President's budget also includes \$20 million for research on reducing the backlog of sexual assault kits at Justice's National Institute of Justice.

### Debbie Smith DNA Backlog Reduction Grants

In 2004, Congress passed the Debbie Smith Act, which provides grants to eligible states and local governments for several purposes, including training and education programs for law enforcement, correctional personnel and court officers, training and education programs for sexual assault forensic examiners, testing backlogged DNA evidence—including rape kits—and increasing the capacity of state and local crime labs to conduct DNA testing. The Act also provides funding for jurisdictions that outsource DNA evidence to private crime labs for testing.

### The Sexual Assault Forensic Evidence Registry Act

The Sexual Assault Forensic Evidence Registry (SAFER) Act, passed by Congress as part of the 2013 reauthorization of the Violence Against Women Act, re-focuses the Debbie Smith grant program on ending the backlog. State and local grantees must now use a greater percentage of Debbie Smith funds—up to 75% from 40%—directly on analyzing untested DNA evidence, or enhancing the capacity of labs to do so. Previously, the greater portion of funds went to initiatives like training, education programs and equipment for law enforcement.

The SAFER Act also provides state and local governments with funding to conduct one-year audits of the untested rape kits in their possession and upload data on every individual kit into a national web-based registry. This process is slated to begin at the end of 2013. While this funding program is voluntary, we believe the registry has the potential to improve what we know about the rape kit backlog and enhance our collective efforts to end it.

### National Institute of Justice Research Grants

The National Institute of Justice (NIJ), the research arm of the Department of Justice, has provided millions of dollars in direct grants to accredited public crime labs through its DNA Backlog Reduction Program.

Eligible states and local governments may request funds from NIJ to increase the capacity of their existing crime labs to analyze DNA samples more efficiently. Eligible applicants may also request funds to handle, screen and analyze backlogged DNA evidence. For more information, click [here](#).

## GOVERNMENT RESPONSES

### Federal

\$41 Million Funding Fact

Letter To Congress

### State

Colorado

Illinois

Ohio

Texas

### Local

Detroit

Houston

Los Angeles

Memphis

New York City

San Francisco

## INVESTIGATIVE REPORTING

## VICTIM NOTIFICATION

## JOYFUL HEART'S EFFORTS

## OUR PARTNERS' EFFORTS

## YOUR RESPONSE

### What Can I Do?

## Backlog News

Joyful Heart Applauds President's Investment in Rape Kit Reform

*News, February 2, 2015*

Detroit Launches Fundraising Initiative to Address Rape Kit Backlog

*News, January 13, 2015*

Manhattan District Attorney Seeks Input from Jurisdictions with Rape Kit Backlog

*News, December 19, 2014*

Statement of Manhattan DA Cyrus R. Vance, Jr. On Congressional Funding To Help Eliminate Rape Kit Backlogs

In 2011, NIJ also awarded action-research grants to Wayne County, Michigan, which includes Detroit, and Houston, Texas to convene multidisciplinary teams to study the causes of the backlog and develop and implement a plan for testing. There were more than 11,000 untested rape kits in Detroit and approximately 6,600 in Houston.

Learn more about local efforts, including those taking place in [Detroit](#), [Memphis](#) and [Houston](#), as well as [state-level reforms](#).

In Cities Nationwide

*News, December 10, 2014*

Sexual Assault Survivors Given Hope  
in Congressional Spending Bill

*News, December 9, 2014*



March 4<sup>th</sup>, 2015

**RE Letter in support of HB 117**

Natasha's Justice Project stands in strong support of HB 117 - legislation aimed at identifying and counting untested rape kits in Alaska.

A victim who agrees to a forensic examination after a sexual assault reasonably expects evidence collected from that exam to be analyzed. Untested rape kits mean lost opportunities to develop DNA profiles, search for matches, link cold cases, prosecute offenders, and bring resolution to rape victims. Delays in testing can also preclude criminal charges from ever being filed against rapists who are identified long after their crimes.

At the age of 19, I was raped and robbed at gunpoint in New York City. It took nearly a decade to process my rape kit and identify my attacker. During the 10 years that my rape kit sat in a police storage facility collecting dust, my attacker was on a nationwide crime spree, harming others and creating a public safety hazard. In 2008, the man that raped me was convicted of multiple charges including rape, sodomy, and sexual abuse and was sentenced to 44 to 107 years in prison.

By passing HB 117 Alaska joins other states across the nation that understand that counting unprocessed rape kits is a vital step towards creating safer communities and supporting victims of this violent crime. I commend the lawmakers, legislators and advocates in Alaska for their bravery and dedication to public safety and justice.

Respectfully,

*Natasha A. Alexenko*

Natasha Alexenko  
Founder and Spokesperson

# RAPE KIT ACTION PROJECT

PUTTING DNA TO WORK FOR JUSTICE AND SAFETY

March 4, 2015

## Letter in support of HB 117

The Rape Kit Action Project (RKAP) stands in strong support of HB 117, legislation aimed at identifying and counting untested rape kits in Alaska. This legislation is a vitally important starting point in determining whether Alaska, like most other states, has a "hidden backlog" of rape evidence that was carefully collected by trained medical professionals, but then never sent forward to the forensic lab for analysis. We urge the Alaska Legislature to enact this important public safety measure.

The Rape Kit Action Project is a collaboration between the National Center for Victims of Crime, Natasha's Justice Project, and the Rape Abuse & Incest National Network (RAINN). Our Advocacy Partners include sexual assault survivors and parents of rape and homicide victims. RKAP's primary mission is to promote policies for timely submission and analysis of untested sexual assault evidence kits to achieve justice.


Communities across the country are struggling with the discovery of thousands of untested rape kits in law enforcement storage. In some of these jurisdictions where analysis on this long-neglected evidence has begun, numerous rapes and murders have been solved, bringing answers to victims and taking dangerous criminals off the streets.

**Passing HB 117 will add Alaska to the growing list of states that believe—as we do— that our nation can do better at protecting our communities and ensuring justice for victims.** Counting untested sexual assault kits is critical for a community that takes public safety and victims' rights seriously.

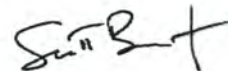
Rape Kit Action Project Steering Committee:



National Center for Victims of Crime



Natasha's Justice Project



Rape, Abuse & Incest National Network

THE NATIONAL CENTER FOR  
Victims of Crime

  
Natasha's Justice Project

**RAINN**  
RAPE,  
ABUSE &  
INCEST  
NATIONAL  
NETWORK

## MESSAGE FROM RAPE KIT ACTION PROJECT ADVOCACY PARTNERS

The *RKAP Advocacy Partners* are the reason behind the Rape Kit Advocacy Project: survivors of sexual assault and their family members. With this unique perspective, we provide RKAP – and through them, state lawmakers – with input and support. We hope you will consider introducing legislation in 2015, and we are poised to support your efforts. Below is some additional information. Even more can be found on the RKAP website: [everykitcounts.org](http://everykitcounts.org). Please act today and contact RKAP for assistance. Support has never been greater for this critical work.

Carol Bart, TX  
Michelle Bowdler, MA  
Susan Cash, GA

Yvonne Pointer, OH  
Amy Roberts, OH  
Joanie Scheske, MO

Jayann Sepich, NM  
Debbie Smith, VA  
Julie Weil, FL

### AT LEAST 100,000 FACES, ONE BIG PROBLEM.

Based on only a handful of public reports, we know that more than 100,000 sexual assault forensic evidence kits (“rape kits”) sit untested and unaccounted for. Each of these kits represents a victim seeking justice and a potential serial criminal who may be wandering the streets. This is inexcusable and we must do better. Here’s a sampling of what we *do* know has been discovered to date:

**AZ:** 2,000 kits in Phoenix

**CA:** 2,000 kits in Alameda County

**IL:** 4,000 kits statewide

**OK:** 3,700 kits in Tulsa

**OH:** 4,000 kits in Cleveland

**MI:** 11,000 kits in Detroit

**NV:** 4,000 kits Clark County

**TX:** 20,000 kits statewide

### WHAT ARE STATES DOING?

In 2014, **Louisiana, Massachusetts, Tennessee, and Virginia**, with RKAP’s expert advice and support, enacted laws requiring law enforcement to audit evidence rooms for untested kits and report the figures to the legislature. Sample legislation is attached.

States like **California, Colorado, Illinois, Michigan, Texas, and Utah** have gone a step further and passed laws addressing issues of ongoing tracking and reporting of rape kit evidence, and established statewide standards for the timely submission of sexual assault evidence kits.

### THE IMPACT.

States and local jurisdictions that have moved decisively to identify and test all rape kits in their jurisdictions are finding remarkable success:

**CO:** 24 rape suspects identified from testing 150 previously un-submitted rape kits.

**OH:** 1,600 rape suspects identified from testing 4,000 kits.

**MI (Detroit):** 100 rape suspects identified from testing of first 1,600 kits.

**CA (Alameda County):** 27 rape suspects identified from the first 52 rape kits processed.

### FEDERAL GRANT FUNDING AND SUPPORT FOR STATES’ EFFORTS.

- The FY 2015 federal budget includes \$41 million to support community responses to rape kit backlogs. The U.S. Department of Justice has announced grants will be available to support a variety of functions, including audits of backlogs, and rape kit testing.
- The **Debbie Smith DNA Backlog Elimination Act** was renewed by Congress in 2014, and supports crime laboratory analysis of forensic DNA cases, including rape kits.
- The **Sexual Assault Forensic Evidence Reporting (SAFER)** grant (part of the federal Debbie Smith grant program) will provide resources to local law enforcement for the purpose of auditing un-submitted rape kits.
- In the fall of 2014, Manhattan’s District Attorney announced a grant fund of \$35 million to assist jurisdictions **nationwide** with the costs associated with rape kit testing. The solicitation for this grant is expected later in 2015.

For information on these and other funding opportunities and related solutions, please visit our site or contact RKAP at [everykitcounts@gmail.com](mailto:everykitcounts@gmail.com).



March 6, 2015

Dear Alaskan Legislators,

I am writing in regard to HB 117 / Senate Bill 54 which requires reporting of untested rape kits in Alaska and wanted to share with you Tennessee's experience in addressing our rape kit backlog.

In response to discovering that Memphis, Tennessee had more than 12,000 untested rape kits, some of which were more than 30 years old, the Tennessee General Assembly enacted legislation last year requiring all law enforcement agencies to inventory and report their rape kit backlogs to the Tennessee Bureau of Investigation (TBI) who was then required to report the data to the General Assembly. The bill had no fiscal note and was seen as the first step in developing policies to address the backlog. While Memphis has subsequently received some additional state, federal, and private funds to help address their backlog, results of the audit found that of the 9,062 untested kits statewide, 7,121 of those kits were from Memphis.

Conducting the audit and subsequent testing of rape kits has lead to the arrest of serial rapists, exposed the lack of funding for laboratories, and identified the need to develop consistent policies for the investigation of sexual assault crimes.

The Tennessee General Assembly is currently considering a bill requiring law enforcement agencies to submit rape kits to TBI for testing within 60 days of receipt. The bill also sets up procedures for collection and storage of non-reporting kits and mandates the adoption of sexual assault policies by all law enforcement agencies in Tennessee.

Please let me know if I can provide you with any additional information.

Best regards,

Kathy Walsh  
Executive Director

2 International Plaza Drive | Suite 425 | Nashville, Tennessee 37217  
615/386-9406 | Fax: 615/383-2967 | Toll Free: 800/289-9018  
tncoalition.org | tnblue.org | preventTN.com  
*A Community Shares Agency*

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## HB117

*"An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."*

-----  
List of Testifiers

Natasha Alexenko, Natasha's Justice Project, 646-770-0228

Kathy Walsh, Executive Director of the Tennessee Coalition to End Domestic and Sexual Violence, 615-386-9406

Skylor Hearn, Assistant Director, Law Enforcement Support Division, Texas Department of Public Safety, 512-424-7420

Lisa Hurst, Rape Kit Action Project, 615-386-9406

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## HB117

*"An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."*

To: Representative Bob Lynn, Chair, House State Affairs Committee

From: Representative Geran Tarr, Prime Sponsor

Date: March 5<sup>th</sup>, 2015

As prime sponsor, I would like to request a hearing on HB117 by the House State Affairs Committee. Attached is the sponsor statement, the bill, list of testifiers, and additional documentation related to the bill.

Sincerely,

A handwritten signature in cursive script that reads "Geran Tarr".

Representative Geran Tarr



# LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature  
Division of Legal and Research Services  
State Capitol, Juneau, AK 99801

(907) 465-3991 phone  
(907) 465-3908 fax  
research@akleg.gov

February 13, 2015

**TO:** Senator Berta Gardner  
**FROM:** Tim Spengler<sup>TC3</sup>, Legislative Analyst  
**SUBJECT:** Rape Kits in Alaska  
*Research Request 15.171*

Please indicate your preference and return this form via interoffice mail or fax.

- I approve the release of this information with my name attached.**
  - Now
  - At the end of the 29<sup>th</sup> Legislature
  
- I approve the release of this information, but remove my name.**
  - Now
  - At the end of the 29<sup>th</sup> Legislature
  
- Keep confidential.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

To assist us in improving the quality of our services, we would appreciate your response to the following questions. Please be assured that we will take your comments seriously in performing future research.

*Was the information objective?*

*Was it clearly written?*

*Did it provide answers to (or, at least, useful information on) all the questions you posed?*

*Was the research completed and delivered to you in a timely manner?*