County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

January 27, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

SEXUAL ASSAULT KIT STATUS REPORT

This correspondence is in response to the Board of Supervisors' December 16, 2008, request for a status report on the Sexual Assault Kit (SAK) audit.

Reconciliation of the SAK database reflects a total of 6,129 kits in storage. The following is reflected within that number:

- 75 percent (4,620) SAKs belong to Los Angeles County Sheriff's Department (Department) cases
- 25 percent (1,509) SAKs belong to independent agency cases
- 77 percent (4,738) SAKs are unanalyzed
- 23 percent (1,391) SAKs are analyzed

Of the 4,738 unanalyzed SAKs, the following has been determined:

- 80 percent (3,780) are Department kits
- 20 percent (958) are independent agency kits

The SAK audit is now in Phase III. This phase consists of sending questionnaires requesting information regarding the current status of each case associated with an untested SAK to each Sheriff's station, investigative unit, and outside law enforcement agency, and compiling the data received. Thus far, completed questionnaires have been received for 70 percent (3,313) of the 4,738 unanalyzed SAKs.

Evaluation of the 3,313 completed questionnaires indicates that the unanalyzed kits fall into the following categories:

- 25 percent (815) of the cases have unknown suspects
- 43 percent (1,437) have known suspects
- 21 percent (701) were rejected by the District Attorney's Office for filing
- 11 percent (360) were adjudicated

Additional information garnered from the 3,313 completed questionnaires included:

- 3 percent (106) are within 6 months of being 10 years old
- 8 percent (261) are within 6 months of being 2 years old
- 9 percent (311) are more than 10 years old

Two priorities are currently underway regarding this audit. Letters are being sent to Sheriff's stations, investigative units, and independent agencies who failed to send in questionnaires, or the questionnaires were incomplete. Written notification will be followed-up with direct contact. Next, all SAKs falling into either the "unknown suspect" or "known suspect" categories, which have neither been rejected for prosecution or adjudicated, and which are approaching either the ten year or the two year statute of limitations, are being individually culled for immediate attention.

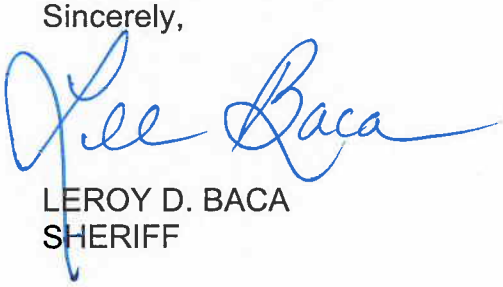
A memorandum of understanding has been signed with the California Bureau of Forensic Services (BFS). Cases flagged for analysis have been sent to the BFS, and others are being prepared for shipping. This month, a new master services agreement for DNA analysis, approved on December 2, 2008, went into effect. Sixty SAKs are in preparation to be sent to agreement vendors this month, with more to follow shortly. Negotiations are in progress with the National Institute of Justice (NIJ) with the goal of entering into an agreement to allow one or more NIJ grantee(s) to assist with testing.

The Department's Scientific Services Bureau staff is making an effort to analyze in-house as many of the 800 SAKs as possible that are projected to be received annually. Currently, 35 criminalists are assigned to the Biology Section, of which 21 are fully trained and certified to perform DNA testing. Eleven more criminalists are scheduled to complete training to become certified in DNA testing within the next 3 months, and 7 vacant criminalist positions in this section are in the process of being filled.

Finally, a plan which delineates timetables and additional staffing and costs to address eliminating the SAK backlog, along with providing sufficient resources to test all new incoming SAKs, is near completion. This plan is currently under review within the Department. Upon completion of that review, the plan will be presented to the Chief Executive Office for study and comment.

Should you have questions please contact Chief David R. Betkey, Technical Services Division, at (562) 345-4301.

Sincerely,



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