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

LEROY D. BACA, SHERIFF

March 31, 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 your January 27, 2009, request for a status report on the Sexual Assault Kit (SAK) audit.

In the previous status report, 4,738 SAKs were reported as unanalyzed, with 3,780 (80 percent) belonging to the Los Angeles County Sheriff's Department (Department) and 958 (20 percent) belonging to independent cities' police agencies. It was also reported that questionnaires had been returned for 3,313 untested SAKs (70 percent).

The following reflects current data regarding received SAK questionnaires:

- 4,024 (85 percent) have been returned
- 3,513 (93 percent) of the Department's have been received
- 511 (53 percent) of the independent agencies have been received

Analysis of the information contained in the 4,024 returned questionnaires indicates the following:

- 545 (13 percent) of the SAKs have unknown suspects
- 244 (6 percent) have known suspects
- 846 (21 percent) were rejected for filing
- 954 (24 percent) have been adjudicated
- 1,435 (36 percent) contain insufficient information to definitively categorize

Additionally, of the 4,024 SAKs for which completed questionnaires have been received, a total of 526 (13 percent) are older than ten years and break down into categories as follows:

- 102 have known or unknown suspects
- 424 were rejected for filing or adjudicated

Of the 4,024 SAKs for which completed questionnaires have been received, a total of 1,323 (33 percent) are beyond the two year statute of limitations and have between two and ten years remaining on the ten year statute. These break down into categories as follows:

- 413 have known or unknown suspects
- 910 were rejected for filing or adjudicated

Obtaining questionnaires for the remaining 714 SAKs for which responses have not been received, and completing those questionnaires with incomplete responses continues to be a priority. The files for the 267 kits belonging to the Department for which no questionnaire was received are currently being hand searched to cull the information necessary to categorize and prioritize. The independent agencies will continue to be encouraged to submit the requested information so that their remaining 447 unanalyzed kits can be properly prioritized.

SAKs with unknown or known suspects and approaching either the two or ten year statute of limitations are given highest priority. Currently, 130 backlogged SAKs have been sent out for analysis. Full-time laboratory staff are working to prepare additional SAKs for outsourcing. By mid-April, an additional 300 SAKs will have been sent, bringing the total to 430 SAKs at contract labs being analyzed. By May, another 150 SAKs will go out, for a total of 580 SAKs sent for testing.

Although results have yet to be received from the contract laboratories, the Department's Scientific Services Bureau is prepared to have full-time staff assigned providing the mandated reviews to enable timely Combined DNA Index System (CODIS) entry of qualified DNA profiles. Based on the submitted questionnaires, all known or unknown suspect SAKs approaching the two or ten year anniversary date will either have already been tested or be at a laboratory undergoing testing by mid-April.

Existing staff within the Department's Scientific Services Bureau continue to analyze SAKs associated with current cases. To assist with this workload, SAKs are also being shipped to the State of California's Bureau of Forensic Services (BFS) for analysis under a previously approved Memorandum of Understanding. To date, the BFS has accepted 84 SAKs. To further assist in this endeavor, negotiations are well underway with the National Institute of Justice (NIJ) to have one of its grantees assist in additional SAK testing.

A plan identifying the additional staffing and funding resources necessary to continue our efforts to test all SAKs in a timely, yet scientifically and legally sound, manner has been developed. This plan will ensure that a backlog of untested SAKs will not reoccur, and will provide a sound foundation to adequately handle current demands for DNA testing, allow for expansion to address expected increases for DNA related services, and will provide for the maximum utilization of the Hertzberg-Davis Forensic Science Center's designed DNA testing capacity. This plan will be presented to the Chief Executive Office for their review.

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

Sincerely,

LEROY D. BACA
SHERIFF