

**DNA Backlogs and the  
Sexual Assault Kit Evidence Action  
Research Project**

**National Public Safety Summit on  
Forensic Science**

**October 20, 2011**



# You've seen the headlines....

**“Progress is minimal in clearing DNA Cases”**

*NY Times, 2008*

**“DNA backlog piles up for the FBI”**

*USA Today, 2007*

**“DNA backlog reveals past problems with NOPD and rape cases”**

*WWLTV, 2011*

**“DNA backlog grows with LAPD hiring on hold”**

*LA Times, 2010*

**“Thousands of untested rape kits in Detroit”**

*Detroit News, 2010*

# Backlogs

- Backlogs are not static
- Demand for DNA services more than tripled
- Capacity did not keep up
- Reasons for increased demand include:
  - Increased awareness
  - Use of DNA in non-violent crimes (property crimes)
  - Use of DNA to solve cold cases, missing persons cases and postconviction cases
  - Increased testing sensitivity

## Backlog Confusion

- Many headlines refer to untested sexual assault kits stored in law enforcement evidence rooms
- But...these kits are not really in a crime laboratory backlog
- Untested evidence awaiting submission to laboratories is a separate and different problem
- Only when submitted does this evidence become part of a crime laboratory's backlog

## RTI Survey of Law Enforcement

- In 2009, NIJ published results of a nationwide survey of forensic evidence that had not been submitted by a police agency to a crime lab for analysis
- Survey was conducted by Research Triangle Institute (RTI)
- More than 2,000 state and local law enforcement departments participated in the survey
  - Response rate was 72.7% (of 3,094 agencies)

## Results from RTI Survey of LE

During 2002-2007, police had not submitted forensic evidence to a crime lab in:

- 18 percent of unsolved rapes
- 14 percent of unsolved homicides
- 23 percent of unsolved property crimes

## Results from the RTI Survey

### Reasons forensic evidence not sent to crime lab:

- Suspect not identified (44 %)
- Case solved without forensic evidence (24%)
- Case dismissed (19%)
- Officer didn't feel it was usefulness to the case (17%)
- Analysis not requested by the prosecutor (15%)
- Suspect was identified, but not charged (12%)
- Lab couldn't produce timely results (11%)
- Not enough money to test (9%)
- Lab wasn't accepting cases due to backlog (6%)

# RTI Study: Evidence Tracking and Preservation

- 4 in 10 of the nation's law enforcement agencies—43 percent—do not have a computerized system for tracking forensic evidence
- Only 46 percent of agencies said they had a policy requiring the preservation of biological evidence in cases where the defendant was found guilty



## Untested Evidence is a Problem

- There are many beliefs about untested evidence, specifically sexual assault kits:
  - All cases should be submitted
  - Cases should be triaged before submission
  - Cases submitted only with victim consent

## Thinking About the Problem

- How do agencies decide to submit or not submit?
- What proportion of unsubmitted cases could benefit from testing?
- How should cases be prioritized for testing?
- Understand that a “rape” or “sexual assault” kit is only *part* of the evidence that may need to be examined
  - Clothing, objects, trace evidence
  - Latent prints, fibers, hair, etc.

## Victim-Centered Approach

- When and how communication with the victim occurs is paramount
- Timing of notification needs to be discussed
  - When case is reopened?
  - When foreign DNA profiles are found and uploaded?
  - When no foreign DNA profile is found?
  - When John Doe DNA warrant is issued?
  - When a CODIS hit occurs?

# Sexual Assault Kit Action Research Study

## Goals

- Understand the underlying causes of the backlogs of untested sexual assault kits
- Develop evidence-based solutions that can be adapted by other jurisdictions
- Develop victim-centered protocols for victim notification

# SAK Evidence Action Research Project

## What is action research?

- Partnership between researchers and practitioners
- Identify the problem
- Develop and implement strategies to address the problem
- Evaluate the strategies
- Allows for “mid-course corrections”

## Site Selection

- Open competition
- Backlog of more than 500 cases
- Solid partnerships in place
- Winners: Houston, Texas and Wayne County, Michigan

# SITES

## Houston

- Lead: Houston Police Department Crime Lab
- Research partners: UT-Austin and Sam Houston State University
- 16,000 untested sexual assault kits

# SITES

## Wayne County (Detroit)

- Lead: Wayne Co. Prosecutor's Office
- Research partner: Michigan State University
- 12,000 untested sexual assault kits



# Timeline

- Study announced by Vice President Biden in October, 2010
- Awards announced by AG Holder in March, 2011
- Phase I began in April 2011
- Phase II began in October 2011
- Results expected in 2013

# Contact Information

Kristina Rose

[Kristina.Rose@usdoj.gov](mailto:Kristina.Rose@usdoj.gov)

Kathy Browning, Ph.D.

[Katharine.Browning@usdoj.gov](mailto:Katharine.Browning@usdoj.gov)

Bethany Backes

[Bethany.Backes@usdoj.gov](mailto:Bethany.Backes@usdoj.gov)