



Criminalistics Section – 2011

A60 A Tale of Two Cities: Testing Your Rape Kit Backlog — Two Very Different Approaches

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After attending this presentation, attendees will be able to compare two different approaches to testing a jurisdiction's rape kit backlog. In one case, a forklift approach was taken and every kit of a 17,000 kit backlog was tested; in another, kits were triaged and carefully screened for maximum efficiency.

This presentation will impact the forensic science community by demonstrating results of two different approaches to backlog testing. Attendees can determine whether the most efficient approach is the best approach and compare outcomes in terms of cost, time, and whether the crimes were solved.

In 2000, when New York City's DNA lab joined CODIS, the New York Police Department (NYPD) and the Office of the Chief Medical Examiner (OCME) decided to tackle New York City's backlog of untested rape kits. At that point there were close to 17,000 sexual assault evidence kits in storage. After entering into contracts with three private laboratories, the NYPD began shipping close to 200 kits per month to each lab, for a total of 600 kits per month.

Because rape evidence kits are collected from victims at the very start of an investigation, they had been stored with only a police evidence voucher and no accompanying paperwork containing details of the crime or name of the suspect. This made it difficult, expensive, and time consuming to determine whether the case underlying each kit was prosecutable, whether an arrest had in fact been made, and if so, the disposition in court. In addition, the statute of limitations on thousands of cases was ticking away. For these reasons, a decision was made to test

every single kit in the order they were removed from storage, with no regard to the status of the case.

In Los Angeles County, the decision to tackle the backlog of untested rape kits was based on policy changes. In 2008, increased media attention due to backlogs reported in Los Angeles City and pressure from rape treatment centers and victim advocate groups convinced the Sheriff and County Board of Supervisors to direct the crime lab to locate and examine all untested sexual assault kits.

After hand counting all 6,700 kits from the Sheriff's Department and its 87 client municipal law enforcement agencies, the crime lab devised a triage plan. The goal was to prioritize testing of kits most likely to get predators off the street in the fastest way possible. This required significant upfront administrative work to determine the status of the cases represented by each untested kit. Prior to testing, every agency was sent a detailed questionnaire to determine which category a kit fell into: Category 1, the highest priority, involved kits with unknown suspects, where DNA testing could potentially identify the perpetrator. Categories 2 through 6 involved known suspects, cases rejected by prosecutors, cases already adjudicated, cases where the police agency did not fill out the questionnaire, and cases where it could not be established whether a crime was actually committed. Ultimately, every kit was slated to be tested, regardless of investigative need.

Comparing statistics regarding crimes solved and costs involved will help jurisdictions facing backlog reductions to decide whether either approach meets their needs.

Rape Kit, Backlog Testing, Outsource Labs