



B179 Victim Sexual Assault Evidence Kits (SAEKs) — Teamwork Between a Crime Lab, Special Victim’s Unit, and District Attorney’s Office

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After attending this presentation, attendees will better understand the impact of analyzing all victim SAEKs in one jurisdiction.

This presentation will impact the forensic science community by providing data on how to approach the analysis of victim SAEKs to obtain viable DNA typing data, the use of the analytical results by the Special Victim’s Unit (SVU) investigators, and the prosecution outcome.

When California passed the “Sexual Assault Victims’ DNA Bill of Rights” in 2003; it was the first law of its kind in the nation. The bill addresses the importance of timely DNA analysis of sexual assault evidence. On January 1, 2016, an amendment to the Section 680 of the California Penal Code encourages law enforcement agencies to submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence. The bill also encourages the crime lab to process that evidence, create DNA profiles when able, and upload qualifying DNA profiles into the Combined DNA Index System (CODIS) within 120 days after initially receiving the evidence.

In May 2014, the Oakland Police Department (OPD) Criminalistics Laboratory developed a plan for analyzing all victim SAEKs as soon as practicable. The laboratory defined this plan as the Contemporary Victim Kit Program. The Program goals are to analyze all victim SAEKs, enter eligible DNA profiles into CODIS within ten business days, and provide reports to the investigators within 20 business days. This Program requires the support of the county hospital Sexual Assault Response Team (SART), OPD investigators, OPD property room staff, Forensic Biology Unit (FBU) scientists, and Alameda County District Attorneys (DA). The Program includes the analysis of all evidence within the SAEK, including clothing. As such, the Program is not considered a Rapid Turnaround DNA program as defined in Assembly Bill (AB) 1517.

The FBU tracks victims’ SAEKs submitted to the OPD Property and Evidence Unit weekly. The FBU then communicates to the SVU a list of submitted kits for the week. SVU investigators determine which victim SAEKs are eligible for analysis. Currently, all kits will be examined except those in which the crime occurred in a different jurisdiction or a crime has not been committed.

Currently, the FBU has enrolled 571 victim SAEKs into the Program. The FBU analyzed more than 550 victim SAEKs and, when present, the 95 corresponding suspect SAEKs. Most of the CODIS-eligible DNA profiles originated from the vaginal swab; however, eligible profiles were obtained from oral contact sites, clothing, and other orifice swabs.

The FBU, SVU investigations, and DAs evaluated the efficacy of testing and charging all victims’ SAEKs. A subset of the analyzed cases revealed approximately 56% of the victim SAEKs contained CODIS-eligible DNA profiles of which 38% resulted in a named individual association. In addition, a small percentage of cases resulted in an association of one assailant to more than one victim (serial assailant).

Approximately 29% of the analyzed victim SAEKs were submitted to DA’s office for charging purposes. The prosecution status of this subset falls into four categories: charged, convicted, requires additional investigation, or will not be charged. The remaining 71% cases not submitted to the DA’s office are either under OPD SVU investigation or did not have a CODIS-eligible DNA profile.

This data illustrates the collaboration of three entities to ensure all viable victim SAEKs are analyzed, investigated, and prosecuted in a timely fashion, thus providing justice to survivors, creating safer communities, and convicting serial rapists. The OPD Contemporary Victim Sexual Assault Kit Program will prevent future backlogs by proactively testing kits in a timely manner.

SAEK, Contemporary, DNA