



### **B153 Six Months to 30 Days in 24 Hours: A Laboratory's Journey to Meet Statutory Requirements Relative to Sexual Assault Evidence Collection Kit (SAECK) Processing**

*Lynn A. Schneeweis, MS\*, Massachusetts State Police Crime Laboratory, Maynard, MA 01754; Stefany E. Harman, MS, Maynard, MA 01754; Darina A. Griffin, JD, Massachusetts State Police Crime Laboratory, Maynard, MA 01754; Kristen Sullivan, MS, Massachusetts State Police Crime Lab, Maynard, MA 01754*

---

**Learning Overview:** After attending this presentation, attendees will better understand how legislative mandates relative to the forensic analysis of SAECKs may impact a laboratory's operations. Attendees will gain knowledge of the practical, operational, and financial considerations for implementing such mandates.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by providing insight that may assist laboratories with meeting statutory requirements relative to turnaround time on the analysis of SAECKs.

A national dialogue emerged several years ago as a result of the discovery of thousands of SAECKs sitting untested in law enforcement agencies' evidence storage facilities. This prompted demand for legislative reform by advocacy groups, scientific agencies, and law enforcement nationwide. The subsequent reaction of many jurisdictions has been one of action; identify the scope of the problem in their respective jurisdictions and implement measures to reform current practices with the goal of ensuring such a situation never repeats itself.

In April 2018, the Commonwealth of Massachusetts passed an Act Relative to Criminal Justice Reform (CJR) containing many initiatives designed to overhaul the Commonwealth's Criminal Justice System. Included in the reforms were sections that addressed topics directly applicable to forensic analysis providers within the Commonwealth. Specifically, one section directed the Commonwealth to identify and test previously unsubmitted SAECKs while another outlined requirements for testing current and future kits.

An Act Relative to Criminal Justice Reform, Chapter 69, Section 214, mandated law enforcement agencies to submit to the laboratory all previously unsubmitted investigatory kits to the crime laboratory. To accomplish this, each agency had to complete an inventory of SAECKs within their custody. Additionally, the section further prescribed that all identified previously unsubmitted investigatory SAECK must be tested within 180 days of submission.

Chapter 41 section 97B ½ addressed the processing of current and future kits by virtue of the following mandates: all investigatory kits would be submitted to the crime laboratory and tested within 30 days. Additionally, a SAECK tracking system would be implemented statewide between June 30, 2019, and December 1, 2019.

While well-intentioned, the CJR Act posed significant challenges to address before the mandates could be effectively met. Massachusetts has several hundred law enforcement agencies, including local, county, state, and academic institutions. By statute, all of these agencies were now required to complete the inventory, report on any SAECKs within their custody that fit the criteria for testing, and submit all identified kits to the laboratory. However, the statute did not specify the logistics or ultimate responsible party for ensuring this task was completed. Additionally, given that the number of potential kits subject to the new legislation was widely unknown, determining an appropriate facility to store what could be a significant number of kits posed another potential obstacle.

The 30-day turnaround time mandate for testing was progressive and likely intended to provide both expeditious justice for potential defendants as well as forensic answers for survivors. However, at the enactment of this bill, the Massachusetts State Police Crime Laboratory (MSPCL) lacked the adequate personnel, space, and equipment necessary to meet this mandate. Further compounding this, the statute was effective immediately, meaning no transition period was contemplated to achieve compliance.

Criminal justice reform is not unique to Massachusetts; many other jurisdictions have or may soon have mandates related to SAECK processing. This presentation will discuss the challenges associated with the reforms enacted within Massachusetts and the steps MSPCL has taken toward meeting these mandates. Specifically, the initial process for determining what kits fit the criteria of "previously unsubmitted," as well as the coordination of the inventory, collection, and testing of said kits, will be detailed. Additionally, the challenge to meet a 30-day turnaround time, including identification of resources needed and the data to support requests for these resources as well as optimization of current workflow, will be discussed. Lessons learned from the perspective of MSPCL will be shared, as well as suggestions for other agencies facing similar scenarios will be presented.

---

#### **Sexual Assault, Legislation, Testing**