



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Public Safety

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November 15, 2019

The Honorable Cathy Giessel
Senate President
Alaska State Capitol Room 111
Juneau, AK 99801-1182
Senator.Cathy.Giessel@akleg.gov

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Capitol Room 208
Juneau, AK 99801-1182
Representative.Bryce.Edgmon@akleg.gov

Subject: 2019 Report on Untested Sexual Assault Examination Kits

Dear President Giessel and Speaker Edgmon,

In accordance with AS 44.41.070, the Department of Public Safety (DPS) has prepared the following report on the results of a statewide inventory of untested sexual assault examination kits (SAKs) taken as evidence by Alaska law enforcement agencies. This report also provides an update on the \$2.75 million capital budget appropriation for sexual assault kit backlog analysis, as well as the Sexual Assault Kit Initiative project, both of which are included as part of DPS' overall plan to address untested SAKs.

The 2019 inventory identified 1,696 untested sexual assault examination kits in the possession of either a law enforcement agency or the Alaska Scientific Crime Detection Laboratory; 34 percent less than the number of untested kits identified in the 2018 report (2,568) and 51 percent less than the number of untested kits identified in the 2017 report (3,484). With the passage of legislation such as HB 31 in 2018 and HB 49 in 2019, and the hard work and dedication of the many staff involved in this effort, progress is being made.

Thank you for your continued support as we work to address the inventory of untested sexual assault examination kits to ensure justice is served.

Sincerely,

A handwritten signature in blue ink that reads "Amanda Price".

Amanda Price
Commissioner

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Updated Inventory of Untested SAKs

On August 8, 2019, DPS contacted each Alaska law enforcement agency regarding the requirement to conduct an annual inventory of untested SAKs in the possession of the law enforcement agency in accordance with AS 44.41.070. Subsequent emails and phone calls were made as needed, and **46 of 47 law enforcement agencies** complied with the request.¹

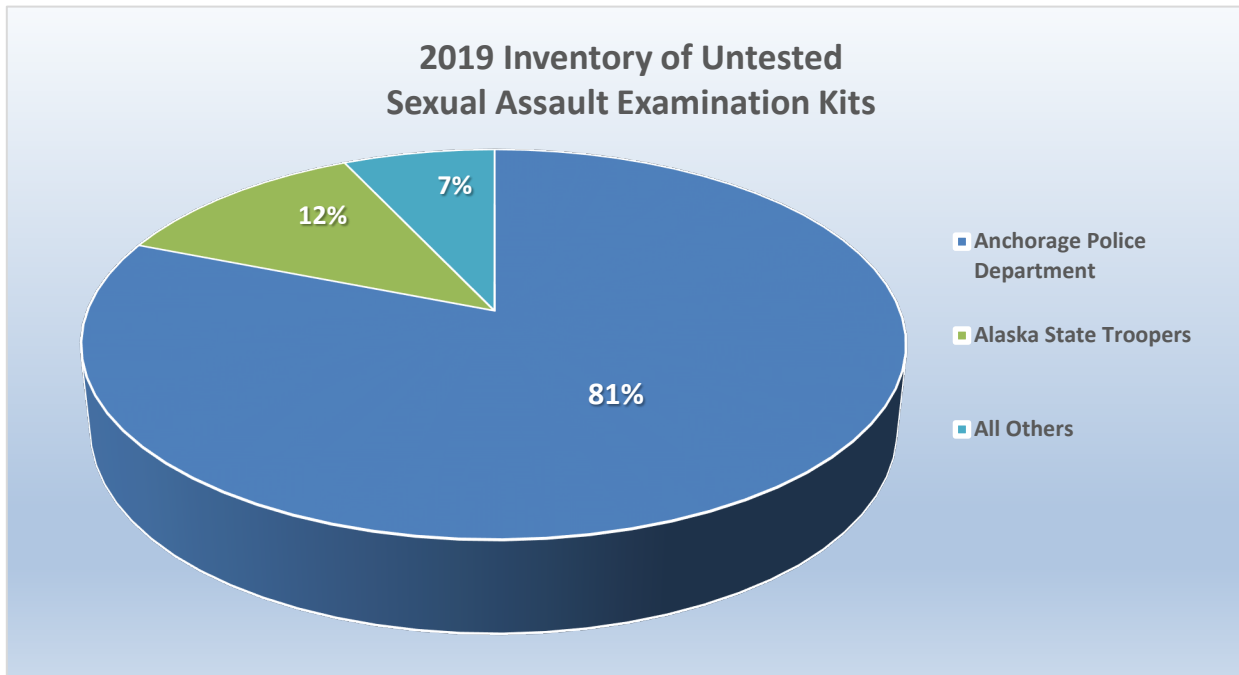


Figure 1. 1,696 sexual assault examination kits were inventoried by 46 law enforcement agencies and the crime lab.

This inventory, combined with the SAKs already in possession of the Alaska Scientific Crime Detection Laboratory (crime lab), resulted in a total of **1,696 untested victim SAKs** being accounted for. **190 of the 1,696 SAKs** are in storage at the crime lab but are pending review to determine their eligibility for testing. **388 of the 1,696 SAKs** were submitted to the crime lab for testing but remain on the backlog as of this report.

Apart from the Anchorage Police Department (APD), law enforcement agencies were asked to continue to submit their entire inventory of untested victim SAKs to the crime lab as part of the inventory process. The crime lab is accepting APD SAKs in batches as crime lab staffing is limited in its ability to take in nearly 1,000 SAKs at once.

Every SAK submitted to the crime lab in response to this request was entered in the lab's records management system which includes information recorded on the *Sexual Assault Evidence Kit* form and the *Request for Laboratory Services* form, including agency case number and date of collection, when provided. Agencies that could not comply within the given timeframe provided an electronic inventory.

¹ There were 47 active law enforcement agencies in 2019. One agency was removed from the inventory as they are no longer operational and the Alaska State Troopers retains jurisdiction. The Galena Police Department did not respond to requests for the inventory.

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Note: Future inventories will remove the Alaska Railroad Corporation Police Department, Ketchikan Airport Police, and Alaska State Parks from the inventory as it was confirmed with each agency that their sexual assault investigations are handled by another law enforcement agency of jurisdiction (e.g., the Alaska State Troopers).

There are an additional **300 SAKs** not eligible for testing that will be retained at the crime lab under the same evidence retention timeframes as all other SAKs. These SAKs are not included in the 1,696 count as they are not being considered for testing.

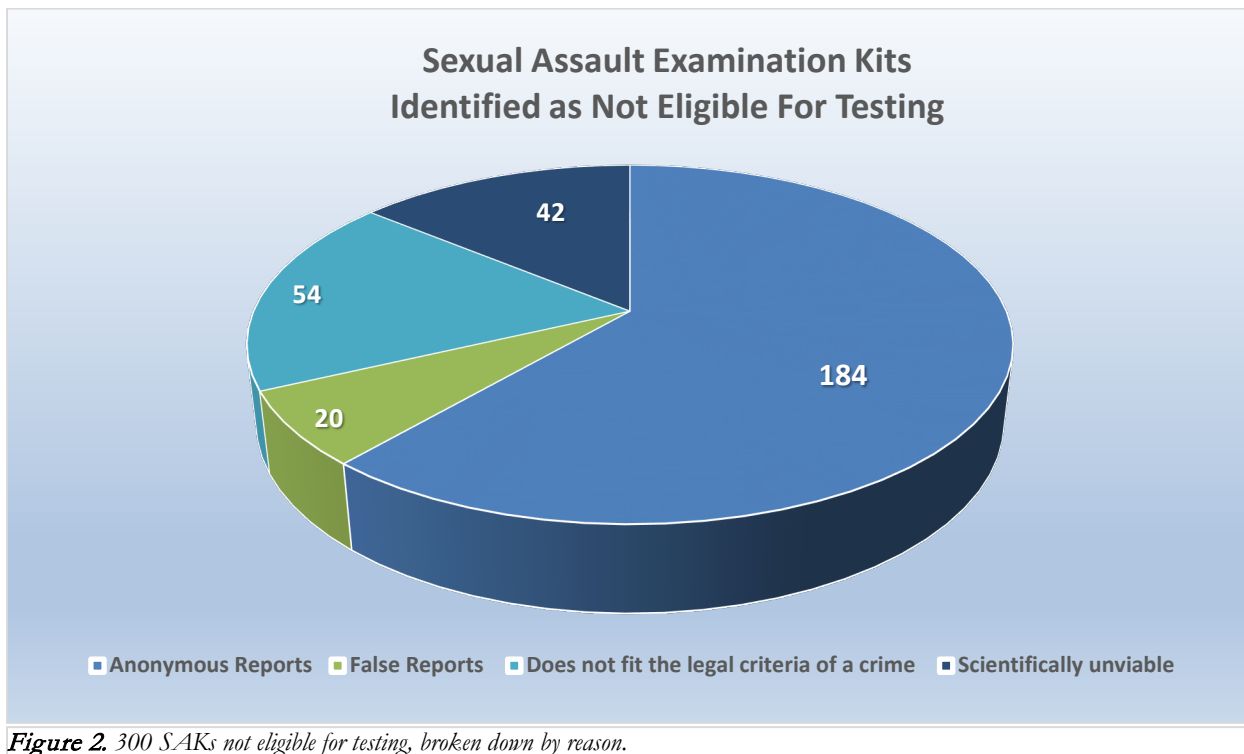


Figure 2. 300 SAKs not eligible for testing, broken down by reason.

Current Projects Addressing Untested SAKs

DPS is continuing to coordinate two large scale efforts to address the current inventory of untested SAKs in Alaska:

1. Sexual Assault Kit Initiative (SAKI) Project

The DPS SAKI project is funded through a federal grant from the USDOJ and is in year three of a four-year timeline. SAKI covers eligible SAKs belonging to cases from the Alaska State Troopers (AST). As of this report, all 568 eligible AST SAKs under the SAKI project have been analyzed by a private lab and eligible DNA profiles have been uploaded into CODIS.

SAKI funds have paid for a cold case investigator and a specialized SAKI prosecutor to evaluate the impacts of the DNA results on the cases. While several cases are still being investigated, there has been one indictment and subsequent arrest of a previously unnamed suspect in a 2001 case. Identifying this suspect was a direct result of analyzing the kit for DNA and uploading his profile into CODIS.

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The SAKI Working Group is comprised of multidisciplinary experts and continues to meet on a quarterly basis. Protocols and documents developed by the SAKI Working Group have been shared with local law enforcement and advocacy agencies. An interim report of best practices and recommendations from the Working Group has been provided to DPS with the focus on improving outcomes for survivors and the process of sexual assault investigations.

2. Capital Appropriation

While SAKI focused on SAKs belonging to AST, the \$2.75 million appropriated by the legislature in the FY2019 capital budget focuses on analyzing the remaining 2,568 untested victim SAKs across the state that were identified in the 2018 SAK inventory. It is estimated the kits identified for this project will be completed by September 2021. It is important to note that each inventory is a snapshot in time and additional kits are added to these inventory totals each month as law enforcement agencies continue to collect and submit SAKs to the lab for storage or analysis.

As of October 2019, 1,129 SAKs have been submitted to a private lab for analysis with 729 case reports received back. The crime lab has developed a website with additional information for victims and the public on the SAK projects which will provide quarterly updates on the status of the testing.²

Ongoing Plan to Address Untested SAKs

The capital appropriation was a one-time event that is expected to allow for the testing of all historical SAKs in Alaska up through 2018.

The passage of HB 49 in May 2019 addressed several of the remaining gaps regarding untested SAKs in Alaska. Effective January 1, 2020, law enforcement agencies must:

1. Submit SAKs to the crime lab, or another accredited lab in coordination with DPS, within 30 days after the agency collects the kit;
2. Ensure the crime lab tests each kit within one year after the lab receives it; and
3. Make reasonable efforts to notify victims that their kit has been tested within two weeks of receiving results.

Additionally, HB 49 defined SAKs that were ineligible for testing to be those that:

1. Are scientifically unviable;
2. Do not meet eligibility requirements for inclusion in CODIS; or
3. Were collected from an anonymous victim.

Finally, HB 49 expanded the information to be provided in the annual report of untested SAKs to also include the number of SAKs determined to be ineligible for testing along with the reason(s) they were determined to be ineligible.

The crime lab was provided funding for two additional DNA analysts to meet the one-year turnaround time on testing. It is the expectation, however, that DPS continue to build the capacity and staffing to significantly reduce that timeline even further. All SAKs that are submitted to the crime lab by a law

² Updates on the status of untested SAKs in Alaska can be found at <https://dps.alaska.gov/Comm/SAK/Home>

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enforcement agency for storage will be reviewed by a DPS investigator. The investigator has been assigned by the Office of the Commissioner to improve consistency among law enforcement agencies across the state and to ensure analysis is performed for every SAK that should be tested.

Summary

The 2019 inventory identified 1,696 untested SAKs in the possession of either a law enforcement agency or the crime lab. This is 34 percent less than the number of untested SAKs identified in the 2018 report (2,568) and 51 percent less than the number of untested SAKs identified in the 2017 report (3,484). With the passage of HB 31 in 2018 and HB 49 in 2019, and the hard work and dedication of the many staff involved in this effort, progress is being made.