



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

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October 30, 2020

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: Subject: 2020 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. Additionally, the report discusses compliance efforts under HB 49 as well as the DPS' award of the BJA FY 20 Sexual Assault Forensic Evidence - Inventory, Tracking, and Reporting Program grant. Each of these programs speak to the DPS' ongoing tactics of addressing the issue of previously unsubmitted sexual assault kits in the state.

The 2020 inventory identified 811 untested sexual assault examination kits in the possession of either a law enforcement agency or the Alaska Scientific Crime Detection Laboratory; this is 52% percent less than the number of untested kits identified in the 2019 report (1,696). 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, significant strides have been made to address at what one point seemed like an insurmountable issue.

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 18, 2020, DPS contacted each Alaska law enforcement agency via email 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 to solicit additional participation. **33 of 44 law enforcement agencies** complied with the inventory requirement.¹ Alaska Railroad Corporation, Ketchikan Airport Police, and Alaska State Parks are no longer included in the annual 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).

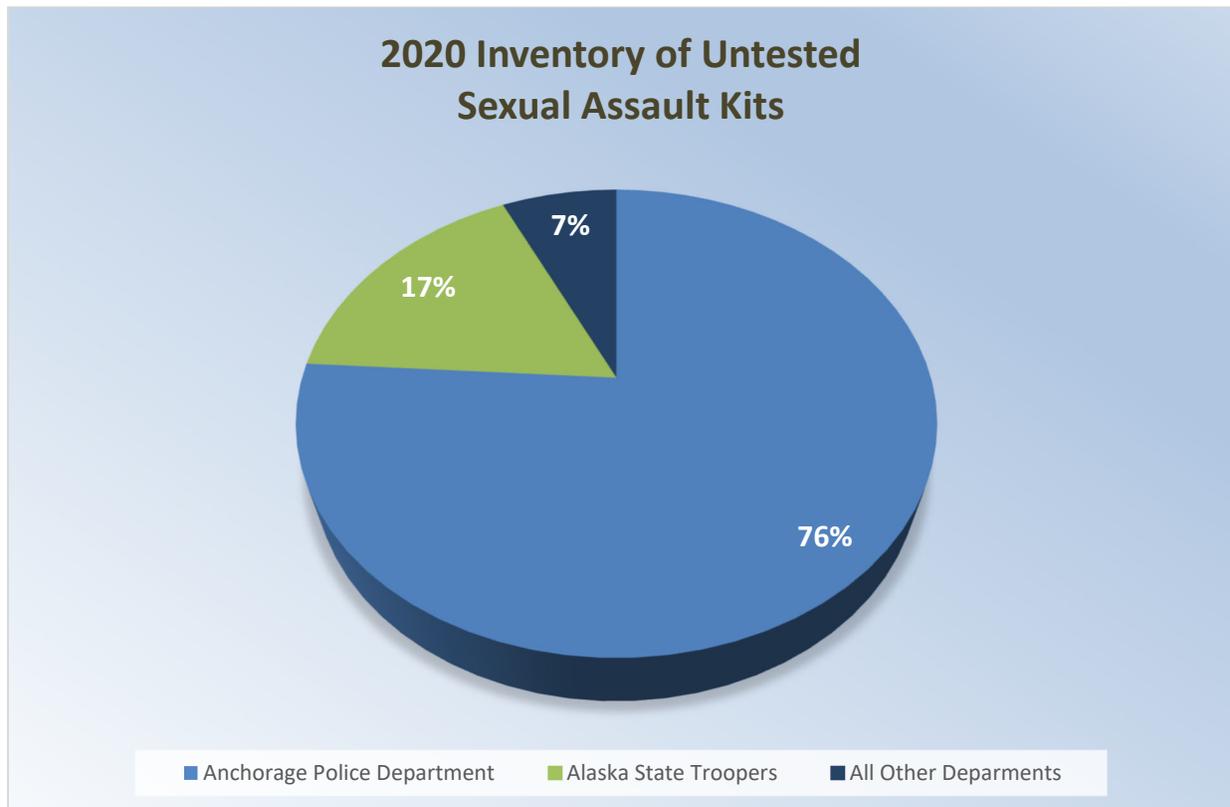


Figure 1. 811 sexual assault examination kits were inventoried by 33 law enforcement agencies and the crime lab.

This inventory, combined with the SAKs already in possession of the Alaska Scientific Crime Detection Laboratory (crime lab), resulted in a total of **811 untested victim SAKs** being accounted for. **375 of the 811 SAKs** are part of the crime lab's backlog and the remaining are the last of the outstanding SAKs part of the Capital Project.

¹ There were 44 law enforcement agencies that were both active and maintained case jurisdiction on sexual assault cases in 2020. Departments that did not respond to the annual inventory included: Bristol Bay, Chickaloon, Craig, Fairbanks, Fort Yukon, Galena, Klawock, Sand Point, Whitter, Wrangel, and Yakutat police departments. The inventory broken down by department will be made available at <https://dps.alaska.gov/Comm/SAK/Statewide-Inventory>.

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There are an additional **344 SAKs** not eligible for testing per Alaska Statute 44.41.070 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 811 in the total inventory as they are not being considered for testing.

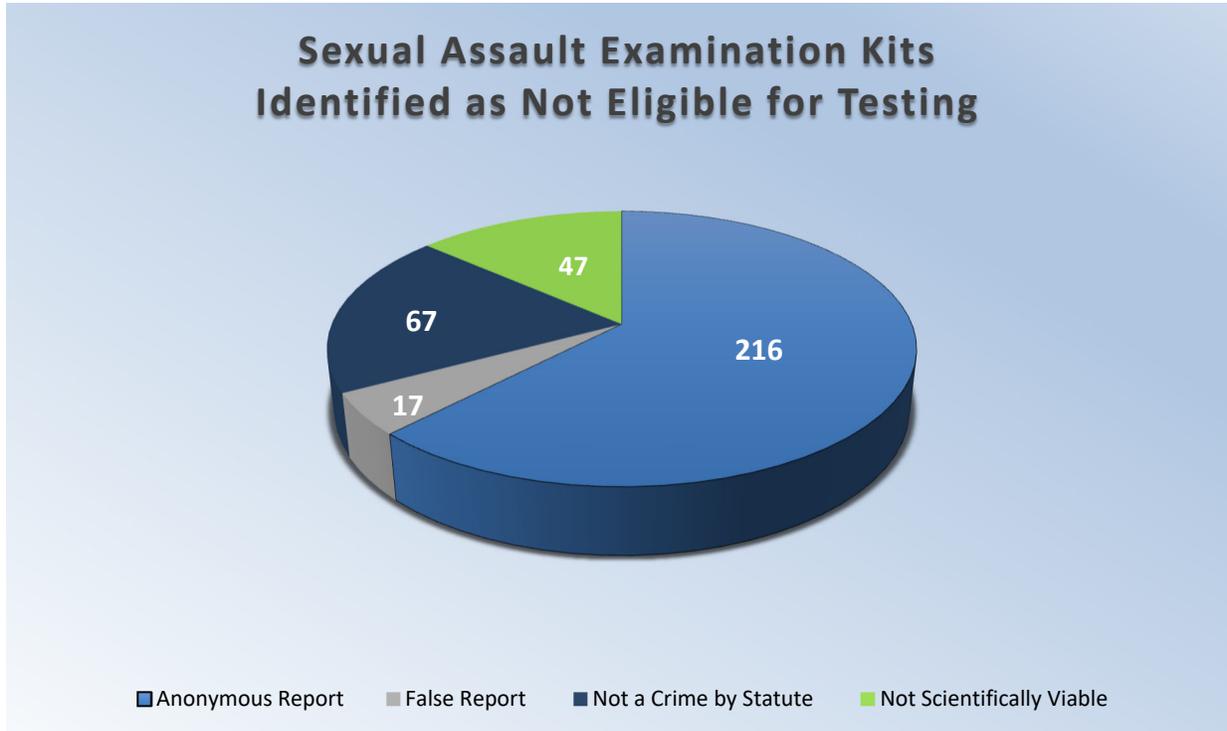


Figure 2. 344 SAKs not eligible for testing, broken down by reason.

Current Projects Addressing Untested SAKs

DPS is continuing to coordinate two large scale efforts to address the current inventory of untested SAKs in Alaska. Additionally, the DPS is embarking on a third statewide project.

1. Sexual Assault Kit Initiative (SAKI) Project

The DPS SAKI project is funded through a federal grant from the USDOJ and is in year four of a four-year timeline. This project was extended to a fifth year by the Bureau of Justice Assistance until September 30, 2021 due to delays caused by the COVID-19 pandemic. SAKI covers eligible SAKs belonging to cases from the Alaska State Troopers (AST). The testing portion of this project is complete, testing all 568 eligible AST SAKs. All eligible DNA profiles have been uploaded into CODIS.

SAKI funds continue to pay for a cold case investigator and a specialized SAKI prosecutor. While a few cases are still being investigated, trial has just begun for a 2001 SAKI case of a previously unnamed suspect. Identifying this suspect was a direct result of analyzing the kit for DNA and uploading his profile into CODIS.

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The interim report and recommendations have been published and is available to the public.² The report will be updated at the conclusion of the project.

2. Capital Appropriation Project

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 2020, 2,132 SAKs have been submitted to a private lab for analysis with 436 remaining to be shipped in batches. 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.³

3. Sexual Assault Forensic Evidence – Inventory, Tracking, and Reporting (SAFE-ITR) Program

The DPS was recently notified of the SAFE-ITR award in October 2020. This is the DPS' latest effort to implement comprehensive reform policies around the collection and testing of SAKs. With just under \$1 million awarded, the DPS will use the grant to procure SAK tracking software licensing and create and fill two positions to plan and implement the statewide program. The software will track SAKs from the point of distribution all the way through disposition. It will enable the department to track the SAK inventory in real time alleviating the administrative burden from police departments to fulfill requirements of the annual inventory as well as ensure compliance with requirements of HB 49, including victim notification.

Ongoing Plan to Address Untested SAKs

The passage of HB 49 in May 2019 addressed several 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 The full report can be reviewed here:

[https://dps.alaska.gov/getmedia/84c61970-d279-41e0-b889-e921212bca7a/SAKI-Interim-Report-Recommendations-Final-\(002\)_1.pdf](https://dps.alaska.gov/getmedia/84c61970-d279-41e0-b889-e921212bca7a/SAKI-Interim-Report-Recommendations-Final-(002)_1.pdf)

³ Updates on the status of untested SAKs in Alaska can be found at <https://dps.alaska.gov/Comm/SAK/Home>

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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, which was provided above.

The crime lab was provided funding for two additional DNA analysts through HB 49 to meet the one-year turnaround time on testing – both positions were successfully recruited, and training is complete. With the effective date being January 1, 2020, the crime lab is in compliance with the law and is implementing internal measures to ensure continued compliance as we hit the one-year mark in January 2021. Further, the current average turnaround time is 266 days for sexual assault cases.

Though the COVID-19 pandemic slowed case analysis down, the crime lab anticipates continuing to improve efficiency and shorten turnaround times even further. The crime lab was additionally funded for two DNA analysts in FY 21 due to the sharp increase in the number of requests for forensic biology analysis. These two positions are being recruited at this time.

To further ensure compliance, all SAKs that are submitted to the crime lab by a law enforcement agency for storage are 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 under the law. Additionally, the investigator follows up with law enforcement agencies to provide technical assistance and training on the requirements of the law for SAKs.

Summary

The 2020 inventory identified 811 untested SAKs in the possession of either a law enforcement agency or the crime lab. This is 52% percent less than the number of untested SAKs identified in the 2019 report (1,696) and is on target to meet the goal of having tested all previously unsubmitted SAKs by September 2021. With the onset of the most recent grant award, SAFE-ITR, the state of Alaska state continues its dedicated efforts using the Joyful Heart Foundation's six pillars as a guide for sexual assault kit reform.