



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

OFFICE OF THE COMMISSIONER
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November 1, 2021

The Honorable Peter Micciche
Senate President
Alaska State Capitol Room 111
Juneau AK 99801-1182
Senator.Peter.Micciche@akleg.gov

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

Subject: 2021 Report on Untested Sexual Assault Examination Kits

Dear President Micciche and Speaker Stutes:

Per 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 taken as evidence and stored by Alaska law enforcement agencies. The report also provides an update on the Sexual Assault Kit Initiative project and the \$2.75 million capital budget appropriation for sexual assault kit backlog analysis. Finally, the report discusses compliance efforts under AS 44.41.065 and AS 44.41.070 and the progress under the federal Sexual Assault Forensic Evidence - Inventory, Tracking, and Reporting grant. Each of these projects speak to our ongoing strategies to address the issue of previously unsubmitted sexual assault examination kits in the state.

The 2021 inventory identified 558 untested sexual assault examination kits in possession of either a law enforcement agency or the Alaska Scientific Crime Detection Laboratory; a 31 percent reduction from the 811 untested kits identified in the 2020 report. The implementation of AS 44.41.065 and AS 44.41.070 and the hard work and dedication of the many staff involved in this effort have resulted in significant progress toward eliminating the backlog of untested sexual assault examination kits in Alaska.

Sincerely,

A handwritten signature in blue ink that reads "James E. Cockrell".

James E. Cockrell
Commissioner

2021 Report on Untested Sexual Assault Examination Kits

2021 Inventory of Untested Sexual Assault Examination Kits

In 2021, 44 law enforcement agencies maintained case jurisdiction on sexual assault cases in Alaska. In August 2021, the Department of Public Safety (DPS) began contacting each of these 44 law enforcement agencies regarding the requirement to conduct an annual inventory of untested sexual assault examination kits (SAKs) in possession of the agency in accordance with AS 44.41.070.¹ **All 44 law enforcement agencies complied with the inventory requirement.**

The 2021 inventory, which included the existing inventory of untested sexual assault examination kits in possession of the DPS Alaska Scientific Crime Detection Laboratory (crime lab), resulted in a total inventory of **558 untested victim sexual assault examination kits.**

As of September 30, 2021, **only 1 of the 558 untested sexual assault examination kits was in possession of the associated law enforcement agency** pending submission to the crime lab for testing; the rest were located at the crime lab or the private contract lab. The one kit in possession of a law enforcement agency at the time the 2021 inventory was conducted was not part of the backlog of previously unsubmitted, untested sexual assault examination kits.

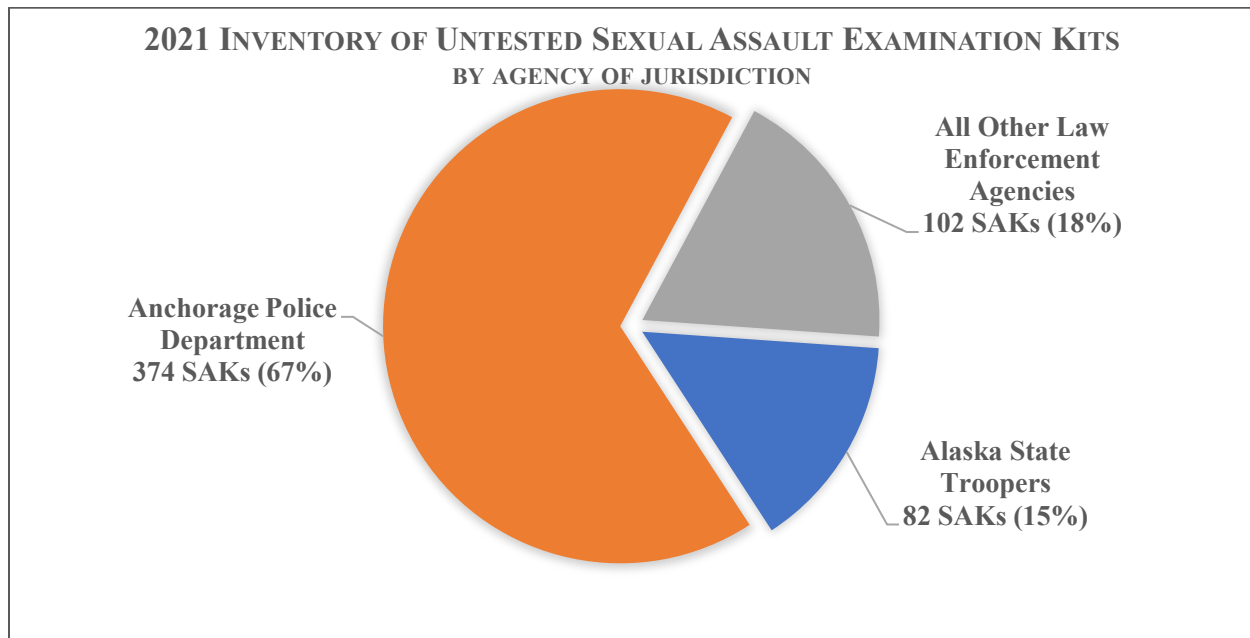


Figure 1. 558 sexual assault examination kits were inventoried by 44 law enforcement agencies and the crime lab.

Of the 558 untested sexual assault examination kits, 315 (56%) represent the last of the kits from the Capital Appropriation Project (see page 3). The agency order of sexual assault examination kits sent to the contract lab for testing in the Capital Appropriation Project resulted in the Anchorage Police Department making up a larger percentage of remaining kits. A breakdown of the number of untested sexual assault examination kits by agency is included in Appendix A (see pages 6-7).

¹ AS 44.41.070(a) By September 1 of each year, each law enforcement agency and state department charged with the maintenance, storage, and preservation of sexual assault examination kits shall conduct an inventory of untested sexual assault examination kits...

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Since the inaugural inventory in 2017, there has been an 84% reduction in the number of untested sexual assault examination kits, and a 31% reduction in the number of untested kits from 2020.

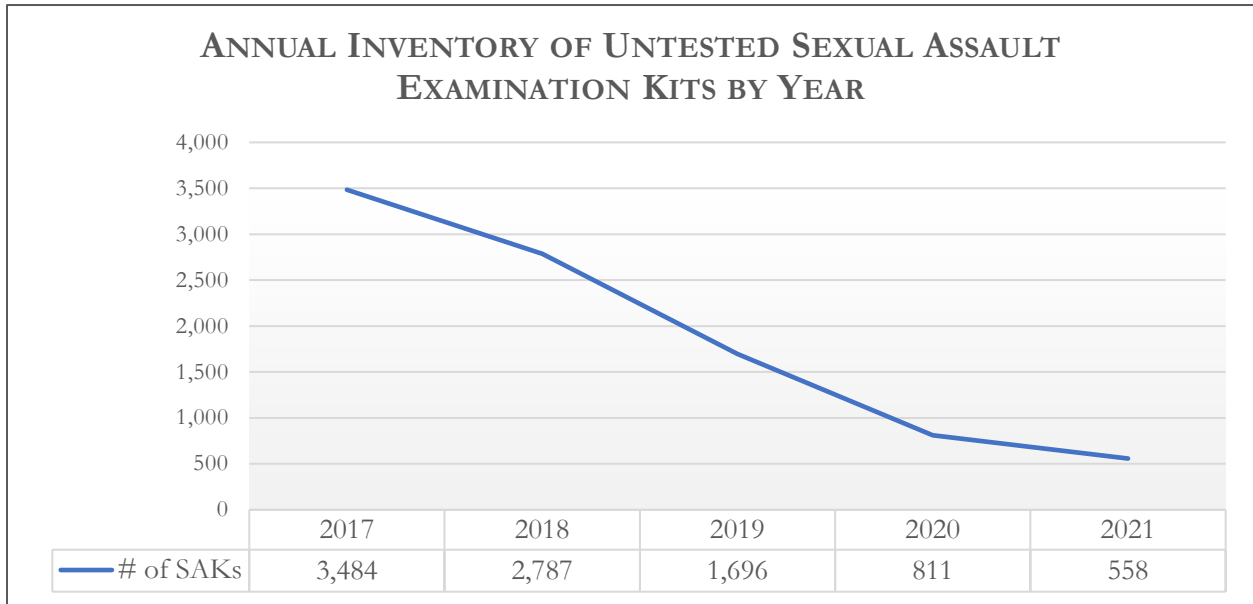


Figure 2. Inventory of untested sexual assault examination kits in possession of law enforcement agencies and state or private crime lab by year.

The 2021 inventory identified **136 additional sexual assault examination kits that were determined to be ineligible for testing** as defined under AS 44.41.070. These kits will be retained at the crime lab under the same evidence retention timeframes as all other sexual assault examination kits and are not included in the inventory of 558 as they are not being considered for testing.

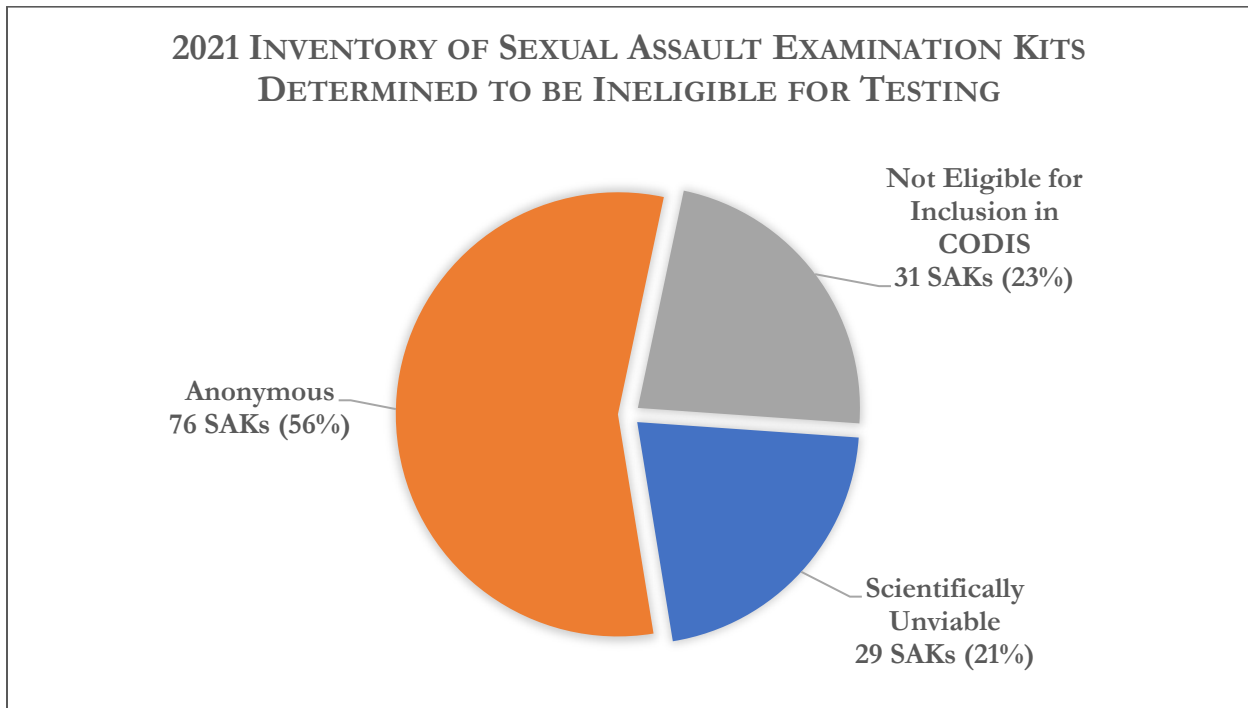


Figure 3. 136 sexual assault examination kits determined to be ineligible for testing, by reason.

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Projects Addressing Previously Unsubmitted Sexual Assault Examination Kits

DPS is continuing to coordinate two large scale efforts to address previously unsubmitted sexual assault examination kits:

1. Sexual Assault Kit Initiative (SAKI) Project

The DPS SAKI project began in 2016 and is funded through two federal grants from the USDOJ. The project has been extended to September 30, 2022, due to delays caused by the COVID-19 pandemic. Testing under the SAKI project covered eligible sexual assault examination kits belonging to cases solely from the Alaska State Troopers (AST). The testing portion of this project was completed in early 2019, with testing of all 568 eligible AST sexual assault examination kits. As a result, 199 DNA profiles have been uploaded into CODIS.

Federal SAKI funds continue to pay for a cold case investigator who investigates SAKI cases and follows up on CODIS hits. Through these efforts, a previously unnamed suspect from a 2001 sexual assault was identified after the sexual assault examination kit was tested as part of the SAKI project, ultimately resulting in the conviction of the suspect, Carmen Perzechino Jr. On March 22, 2021, Perzechino was sentenced to 37 years in prison.² Identifying this suspect was a direct result of analyzing the kit for DNA and uploading his profile into CODIS.

The interim grant report on the SAKI project and recommendations have been published and are available to the public.³ The grant report will be updated at the conclusion of the project.

2. Capital Appropriation Project

While the SAKI project focused on sexual assault examination kits belonging to AST, the \$2.75 million appropriated by the legislature in the FY2019 capital budget focuses on analyzing the remaining untested victim sexual assault examination kits belonging to municipal law enforcement agencies across the state that were identified in the 2017 inventory. In December 2020, all remaining untested sexual assault examination kits under this project were submitted to a private lab for analysis, which comprised a total of 2,493 kits. The testing portion of this project is ongoing, with testing of 93% of all eligible sexual assault examination kits as of September 30, 2021. As a result, 558 DNA profiles have been uploaded into CODIS to date.

It is estimated testing of the sexual assault examination kits identified for this project will be completed December 31, 2021, with project completion of all eligible profiles entered in the CODIS database by June 2022.

Additional information on DPS' sexual assault examination kit projects can be found on the crime lab's website at <https://dps.alaska.gov/Comm/SAK/Home>.

² View the press release here: <http://www.law.state.ak.us/press/releases/2021/032321-Perzechino.html>

³ 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)

Plan for Addressing the Backlog and Prevention of a Backlog of Untested Sexual Assault Examination Kits

The implementation of AS 44.41.065 and the hard work and dedication of the many staff involved in this effort have resulted in significant progress toward eliminating the backlog of untested sexual assault examination kits in Alaska.

The provisions under AS 44.41.065 will help to prevent future backlogs of untested sexual assault examination kits by requiring that law enforcement agencies:

1. Submit sexual assault examination kits 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 unless the kit has been determined to be ineligible for testing; and
3. Make reasonable efforts to notify victims that their kit has been tested within two weeks of receiving results.

In August 2021, Governor Dunleavy announced his plan to combat the high rates of sexual assault across Alaska, furthering a top priority of his Administration. Plans to address untested kits and prevent future backlogs include:

1. Additional Staff to Reduce SAK Turnaround Time

In 2020, the crime lab was provided funding for two additional DNA analysts to meet the statutorily required one-year turnaround time on testing. These positions are currently making a significant impact on processing sexual assault kits. The average turnaround time for testing sexual assault examination kits has gone from an average of 246 days in 2020 to an average of 108 days in 2021.

As part of his plan to clear and prevent future backlogs, Governor Dunleavy directed funding be immediately put towards increasing staff and resources to reduce sexual assault examination kit testing and processing times to 90 days. Consequently, the crime lab is adding six new permanent full-time staff and associated supplies to achieve this goal while continuing to maintain the level of service for other DNA services (property crimes, homicides, etc.).

2. SAK Tracking Software System

The governor's plan also includes the use of software and a tracking database to allow survivors and agencies involved in sexual assault response the ability to track the status and location of sexual assault examination kits. A statewide tracking system for sexual assault examination kits is currently being developed, which will track kits from the point of distribution all the way through storage at the crime lab. The system will also include a portal for survivors to track their kit. With the onset of this tracking project, the state of Alaska will have successfully addressed all six pillars of reform regarding SAKs recommended by the Joyful Heart Foundation.⁴ The tracking system

⁴ Information about the Pillars of Reform can be found here: <http://www.endthebacklog.org/ending-backlog/state-responses>

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will also enable DPS 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 AS 44.41.070.

3. Internal Efficiency Savings Plan

The crime lab is working to increase internal efficiencies by evaluating the sexual assault kit workflow using a process improvement method called Lean Six Sigma, and will evaluate any recommendations to improve processes and increase efficiency, ideally shortening the crime lab's turnaround time for testing SAKs. Additionally, the crime lab is implementing a DNA-specific module for the laboratory information management system to streamline the digital documentation of forensic DNA analysis notes and reporting.

4. Collection of DNA Samples

According to state law, anyone who is arrested and convicted for crimes against a person or a felony must provide DNA. Over the last 25 years, thousands of lawfully owed DNA samples were not collected in Alaska for various reasons. Governor Dunleavy has directed DPS and the Department of Corrections (DOC) to immediately collect DNA owed in all authorized cases going forward and to collect DNA from those offenders who owe the state a sample of their DNA under state law. To expedite the process, the governor has directed that funding immediately be focused to increase staffing and resources.

In September 2021, the legislature approved Governor Dunleavy's request to appropriate \$1.1 million to DOC from the Coronavirus State and Local Fiscal Recovery Fund under HB 3003 to implement a DNA collection program.⁵ Under this program, DOC will establish ten new permanent full-time positions to oversee and coordinate the collection and tracking of DNA samples of persons incarcerated in a state prison or within a contract jail facility.

Once DNA samples are collected, they are submitted to the crime lab and the profiles are uploaded into the national DNA database. As sexual assault examination kits are processed, populating the DNA database with lawfully owed DNA profiles can provide investigative leads and increase the probability that unknown perpetrators will be identified.

⁵ Ch 1 TSSLA 21, page 2, lines 20-23 and page 4, lines 7-9.

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APPENDIX A

Law Enforcement Agency	Untested SAKs				Agency Total
	At the Crime Lab	At Private Lab	At LE Agency	*Capital Appropriation Project	
Alaska State Troopers	41	31	0	10	82
Anchorage Airport and Fire	0	0	0	0	0
Anchorage Police Department	39	37	0	298	374
Bethel Police Department	13	8	0	1	22
Bristol Bay Police Department	0	0	0	0	0
Cordova Police Department	0	0	0	0	0
Craig Police Department	0	0	0	0	0
Dillingham Department of Public Safety	3	1	0	0	4
Fairbanks Airport Police and Fire	0	0	0	0	0
Fairbanks Police Department	15	8	0	1	24
Fort Yukon Police Department	0	0	0	0	0
Galena Police Department	0	0	0	0	0
Haines Police Department	1	0	0	0	1
Homer Police Department	4	0	0	0	4
Hoonah Police Department	0	0	0	0	0
Juneau Police Department	4	5	0	1	10
Kenai Police Department	0	0	0	0	0
Ketchikan Police Department	2	1	0	0	3
King Cove Police Department	1	0	1	0	2
Klawock Police Department	0	0	0	0	0
Kodiak Police Department	0	0	0	0	0
Kotzebue Police Department	1	2	0	3	6
Metlakatla Police Department	0	0	0	0	0
Nome Police Department	1	0	0	0	1
North Pole Police Department	0	1	0	0	1
North Slope Borough Police Department	4	2	0	0	6
Palmer Police Department	1	0	0	0	1
Petersburg Police Department	0	0	0	0	0
Saint Paul Department of Public Safety	0	0	0	0	0
Sand Point Department of Public Safety	0	0	0	0	0
Seldovia Police Department	3	0	0	0	3
Seward Police Department	1	0	0	0	1
Sitka Police Department	1	1	0	0	2
Skagway Police Department	0	0	0	0	0

*All untested sexual assault examination kits under the Capital Appropriation Project are at the private contract lab

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APPENDIX A (cont.)

Soldotna Police Department	1	0	0	0	1
Unalakleet Dept of Public Safety	0	0	0	0	0
Unalaska Department of Public Safety	1	0	0	1	2
University Police Department, Anchorage	1	0	0	0	1
University Police Department, Fairbanks	0	0	0	0	0
Valdez Police Department	0	1	0	0	1
Wasilla Police Department	4	1	0	0	5
Whittier Police Department	1	0	0	0	1
Wrangell Police Department	0	0	0	0	0
Yakutat Police Department	0	0	0	0	0
Sub Totals	143	99	1	315	558
Grand Total	558				