



Grant Management Summit
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NIJ

NIJ's Efforts to Reduce Sexual Assault Kit Backlogs

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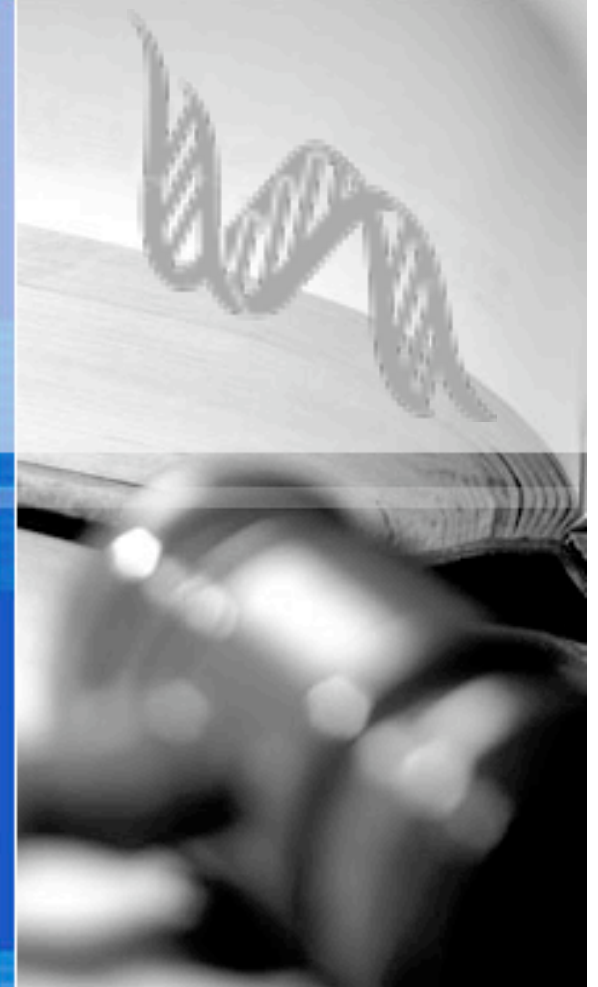
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Introduction

Idaho DNA backlog tops 6,000 at state lab
Kan. AG Worries DNA Backlog Hurting Crime Efforts
DNA backlog piles up for FBI



Lead to **Delays!!** Lead to **Delays!!** Lead to **Delays!!**

Evidence Submission → Analysis → Justice

- Delays in Justice can lead to:
 - Additional victimization by serial offenders
 - Incarceration of the innocent

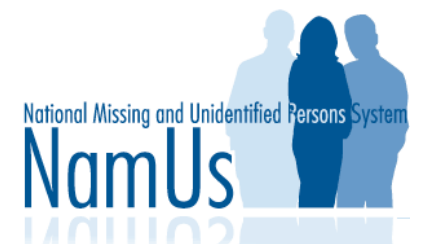
Introduction

- CODIS is a proven investigative tool
- To reap the full benefits and effectively utilize it, communication is needed
- Cooperation among:
 - Law Enforcement
 - Forensic Laboratories
 - Prosecutors
 - Sexual Assault Service Providers
 - Victim Advocates



Backlogs

- Backlogs are not static
- Demand for DNA services more than tripled from 2005 to 2008
- Capacity did not keep up
- Reasons for increased demand include:
 - Increased awareness
 - Use of DNA in non-violent crimes (property crimes)
 - Use of DNA to solve Cold Cases, Missing Persons cases and Postconviction cases
 - Increased testing sensitivity



Definition of a Backlog

- No industry-wide definition
 - Not analyzed in 60 days
 - Not analyzed in 90 days
 - As soon as it is submitted, it is backlogged
- NIJ's definition: not analyzed 30 days after it was submitted
- NIJ's definition appears to be the one most used



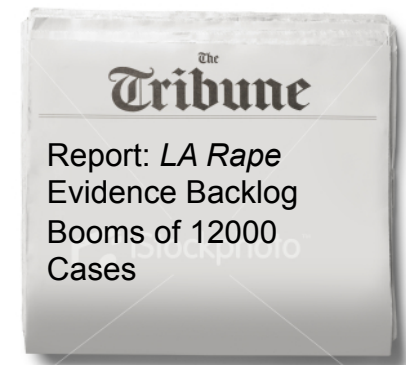
Backlog Confusion

- Many headlines refer to un-submitted rape kits stored in law enforcement evidence rooms
 - Evidence is waiting for submission to a laboratory
 - Or, not being considered for admission
- But...these kits are not really in a crime laboratory backlog



Backlog Confusion

- Untested evidence awaiting submission to laboratories is a separate and different problem
- Only when submitted does this evidence become part of a crime laboratory's backlog
- Of course...once submitted, this evidence immediately increases the laboratory's backlog



Untested Evidence is a Problem

- Untested evidence in LE custody published in 2009
- Survey of 2,000 agencies in 2007 determined
- 18% of unsolved rape cases contained forensic evidence not submitted for analysis



Untested Evidence: Not Just a Crime Lab Issue
A new study examines forensic evidence caseloads in law enforcement agencies

[NIJ Journal No. 266](#)

<http://www.ojp.usdoj.gov/nij/journals/266/untested.htm>

Untested Evidence is a Problem

- Reasons given by LE agencies for not submitting evidence
 - Investigation shows evidence is not probative
 - Charges dropped
 - Guilty plea
 - Case determined to be unfounded
- Many beliefs on the subject of evidence submission:
 - All un-submitted cases must be submitted
 - Triage before submission
 - Only submitted with victim consent



Thinking About the Problem

- How LE agencies decide to submit or not submit
- What proportion of un-submitted cases could benefit from testing
- How cases should be prioritized for testing
- Understand that a “rape” or “sexual assault” kit is only *part* of the evidence that may need to be examined
 - Clothing, objects, trace evidence
 - Latent prints, fibers, hair, etc.



<http://www.fauotforensics.com/images/fauotimages/L-4200-print.jpg>

<http://www.image.cbsnews.com/images/2009/11/09/image5592635g.jpg>



Victim Consideration

- Imperative that the victim is given consideration throughout these processes
- When and how communication with the victim occurs is paramount
- Timing of victim's notification needs to be discussed
 - When case is reopened
 - When foreign DNA profiles is found and uploaded
 - When no foreign DNA profile is found
 - When John Doe DNA warrant is issued
 - When a CODIS hit occurs



Pilot Project

As the research and evaluation arm of the U.S. Department of Justice, NIJ has been at the forefront of the development and support of criminal justice research and has played a pioneering role in the advancement of this problem-solving approach within the criminal justice system.