

# Report on the Controller's Office Audit Recommendations

## Recommendation #1

**Reconcile the difference between the rape kit records from the physical inventory to the APIMS records to ensure that the entire rape kit backlog is accounted for.**

### Response:

This recommendation has been completed.

## Recommendation #2

**Verify the information of the physical inventory (such as tested or not tested) with SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.**

### Response:

This is an ongoing process. The minimum amount of DNA obtained from a kit that was considered unsuitable for profile has changed and the interpretation on what was considered "analysis complete" was inconsistent. The rape kit backlog does not include kit re-tests or kits that are currently deemed as non-evidentiary due to the report status as unfounded.

## Recommendation #3

**Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.**

### Response:

The 2009 Forensic DNA Unit Efficiency Improvement Program Grant for \$245,549 has been approved by the Mayor. This will allow for the secondary backlog of the technical data reviews to be completed from the Historical Backlog numbers in a timely manner. The funds have been tabulated to be sufficient to complete the secondary backlog of about 2400 technical reviews on an overtime basis.

\$1.8 million has been allocated from the general fund for FY 2010/2011. When combined with funds from the 2009 and 2010 NIJ Backlog Grants, as well as the UASI Grant, the total funding available to cover costs associated with the outsourcing of pending SAEK analysis is approximately \$3.5 million. This amount is anticipated to be sufficient to address the needs of the Department.

Five new Serology staff members have been hired as of May 3, 2010 (all hired from current crime lab support staff). Due to background check completions, the starting dates for the other five staff members are pending. Although the new personnel will initially be tasked with shipping SAEKs to outsourced laboratories, this will allow other personnel currently doing that process to begin training on screening evidence. As time and resources permit, they will be rotated into DNA analysis training, which will take up to one year.

**Recommendation #4**

**Submit written reports to the Public Safety Committee once a month and to City Council once a quarter which show pertinent sexual assault kit statistics as described in the audit report.**

Response:

This recommendation has been completed. A monthly DNA report has been developed with the corroboration of the Controller's Office, the City Attorney's Office, Councilmember Eric Garcetti's office, and a multitude of victim advocate groups. The monthly report documents efforts to reduce the Historical Backlog and provides the monthly progress. The report will be accessible to the public online via the Department website for accessibility and transparency.

**Recommendation #5**

**Place a high priority on developing a comprehensive master database to account for all untested rape kits and develop a formal timeline for implementing the master database.**

Response:

To date, funding for this project has not been established. Information Technology Division is attempting to develop a loosely-coupled database system to integrate information from different databases to accurately account for the tracking of all kits booked and provide comprehensive information pending funding of a master database.

Also, a Request for Proposal (RFP) will be completed upon continued research on the development of a master database that will provide accurate and comprehensive information. An actual dollar amount cannot be determined without an RFP.

## **Recommendation #6**

**Continue to place a high priority on sending out required victim notifications and seek additional resources if required. The Department should also send out notifications on pre-2004 cases that are not required by the Penal Code.**

### Response:

The Department places a high priority on the victim notification process. Department representatives have met with experts from various advocacy groups to discuss the most appropriate way to comply with California Penal Code section 680, the “Sexual Assault Victim’s DNA Bill of Rights.” The law requires that a victim be notified if their sexual assault evidence kit was not tested within two years of the assault after 2004. It was agreed that mailing a standardized letter from the Los Angeles Police Department, requesting the victim to contact the Department’s assigned representative to discuss their unsolved criminal investigation, was the preferred procedure in making the initial contact. From the original list of unidentified “Stranger” cases, 135 out of 137 letters have been sent to victims for contact per the 680PC notification criteria. The two pending cases have been sent out for analysis and contact letters are to follow.

Penal Code section 680 is not retroactive, therefore Victim Notification Letters were not initially sent on any cases that occurred between 1997 and 2004. However, if a victim expresses an interest in their SAEK case status, the Department provides notification updates and refers the concerned individuals for counseling.

Currently, the Department tracks the Victim Notification Letters and maintains an up to date list of those cases impacted by PC section 680. The Department’s protocol does not include a requirement that the Department send letters on those cases that occurred between January 1, 1997, and January 1, 2004, as suggested by the Controller’s office. As a result of investigating cold case sexual assaults, experienced investigators have determined that:

- Many victims have moved on with their lives and they are no longer willing to cooperate with law enforcement.
- The Department’s notification frequently disrupts the victim’s recovery process.
- In many cases, for varying reasons, victims have gone to great lengths to keep the details of their assault confidential from friends and/or family members.

With these issues in mind, we will continue to look at how we can address pre-2004 victims that meet 680PC criteria and seek innovative ways to notify victims without re-victimizing, and review the impact this notification process will have on the Department.

**Recommendation #7**

**Develop protocols which will increase the likelihood that victims receive the notifications.**

Response:

Currently, the Department obtains the victim's most recent address through various Department computer resources. Thorough work on the front-end will increase the likelihood of locating each victim. We will add certified mailing to anticipate better victim contact and response. We continue to follow-up with any information on returned notification letters.

**Recommendation #8**

**Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to the Department of Justice. If needed, request access to FMIS from the Controller's Office.**

Response:

Grants staff will enter Program expenditures into the Grants Tracking System (GTS) immediately after the expenditure is approved by the Grants Supervisor and forwarded to Fiscal Operations Division (FOD) for processing. After expenditures are paid, FOD enters the payment information into GTS. When the quarterly reports to the Department of Justice are prepared, the grants billing analyst will refer not only to GTS, but the SAR, paid invoices, and other supporting documentation to complete the financial report.

**Recommendation #9**

**Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.**

Response:

Currently, any information entered into the GTS is immediately available for review by a user. Grant staff is currently discussing system modifications of GTS with Information Technology Division staff to capture more data and create additional reports.

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