

Report on the Controller's Office, 2nd FOLLOW-UP
AUDIT Recommendations
January 31, 2012

BACKGROUND

On November 10, 2011, the Office of the Controller issued the 2nd Follow-Up Audit of the Forensic DNA Backlog Reduction Grant Program. The Audit identified several findings and recommendations. The Los Angeles Police Department (Department) was asked to prepare a response and include information regarding the steps the Department has taken or intends to take to address the recommendations and to clarify information.

The following numbered items have been completed from the Controller's Office 2nd Follow-Up Audit recommendations.

Recommendation No. 1

Ensure that any sexual assault evidence kits that will be analyzed or that require a technical review are included in the SAEK Progress Reports.

Response:

This recommendation is completed. All SAEK analysis activity completed will be included in the new DNA matrix reports presented in this January DNA Progress report. The SAEK Monthly Progress Report currently reflects additional stages of the SAEK analysis request process, as well as any SAEK that is added from previous years.

Recommendation No. 3

Ensure reconciling differences between Departmental records are properly accounted for and explained in the SAEK Progress Report in order to accurately reflect the number and processing status of SAEKs.

Response:

This recommendation has been completed. The new DNA monthly matrix report has been developed to reflect additional stages of the SAEK analysis request process, as well as any SAEK that is added from previous years. This would include any of the previously deemed as complete per 2008. Current analysis standards ensure the accuracy and validity of findings based on the most recent DNA protocols. The analysis activity and progress of all SAEKs will be observed in the new DNA monthly matrix report.

Recommendation No. 4

Review those DNA cases where a request for testing is pending and determine the proper disposition.

Response:

This recommendation has been completed. We have addressed the procedures to follow-up on anyRSDA reports that has not been submitted. With the assistance of Information

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Technology Division (ITD), Robbery-Homicide Division Incident Tracking System (RHD ITS) was developed to import the DR number of each SAEK entered into APIMS and electronically create a file that generates an electronic useable RSDA LAPD Form 12.56.

Geographic Bureau detective coordinators and Divisional sexual assault crimes unit Officers in Charge (OICs), or representatives, were provided access to RHD ITS training at each of the Bureau locations. The RHD ITS allows for audits of "PENDING" RSDA cases to be done electronically and instantaneously. Information saved on the RSDA file could be viewed by any personnel with access to the system.

The RSDA is tracked from the initial booking of the SAEK into Property Division all the way through the completion of the analysis report. There are five milestones that are tracked. The RSDA begins in a request status identified as "PENDING." The "PENDING" milestone designates that a SAEK has been booked into Property Division and it requires a RSDA to be submitted. Based on the report DR number, RHD ITS generates an email to the responsible division handling the case. The assigned Investigating Officer reviews the case circumstances and provides the best probative information on the RSDA to provide insight to the criminalist doing the analysis to obtain any possible DNA evidence. Upon completion and submittal of the form, the RSDA is updated in RHD ITS as "INITIAL." It is then reviewed for completion and provided a categorization for priority. Upon categorization, RHD ITS updates to "OPEN" and generates an email to SID regarding the analysis request. The RSDA is tracked as "OPEN" until the RSDA is assigned to a criminalist. Once assigned to a criminalist, the RSDA is updated to "ASSIGNED" in RHD ITS. The SAEK is then processed for testing and profile development. Additionally, continued work may still be needed such as subcontractor reviews (SCRs), CODIS uploads, and suspect hit confirmation sample analysis.

Upon completion of analysis and any additional work such as subcontractor reviews, CODIS uploads, and suspect hit confirmation sample analysis, RHD ITS will import the analysis completion date information from SID, Laboratory Information Management System (LIMS). RHD ITS will provide an email alert for SID personnel to review and determine that the submitted RSDA is Completed. At that point, RHD ITS reaches the final milestone deemed as "CLOSED."

Recommendation No. 5

Formalize follow-up procedures to ensure DNA testing requests are made within 30 days of the date of the offense.

Response:

This recommendation has been completed. The Department has written procedures listed in the Chief of Detectives Notice, "REVISED PROCEDURES FOR REQUESTING SEROLOGY/DNA ANALYSIS," dated July 19, 2009. Also, RHD ITS has an automated email alert systems that has assisted with the timely submitted of a RSDA as required.

Each divisional sexual assault crimes unit OIC is responsible to ensure that a RSDA is submitted in a timely manner for each SAEK related case. Also, geographical bureau coordinators

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are responsible for ensuring that their concerned divisions have a RSDA submitted for each SAEK within the required timeframe. Beginning in late 2011, each SAEK Coordinator submits a quarterly report to Detective Bureau as well as their respective geographical bureau coordinator of any pending RSDAs that are overdue. Additionally, the Department has updated the COMPSTAT Report Information Sheet (CRIS) to include information on all RSDAs submitted in the concerned extraction period. The compliance of each booked SAEK having a request for analysis report within the appropriate timeframe is also a COMPSTAT inspection parameter.

Recommendation No. 6

Ensure the protocol for requesting DNA testing is followed in order to accurately track the status of rape kits.

Response:

This recommendation has been completed. The Department has implemented protocols to ensure the necessary testing of SAEKs is completed as required. Compliance with the established protocols is a subject of weekly COMPSTAT inspections of divisional commanding officers and sexual assault unit supervisors by the Chief of Detectives.

Additionally, the development of the RHD ITS has significantly improved the tracking of the status of each specific SAEK. Detective Bureau Notice dated, December 29, 2010, "REVISED PROCEDURES FOR REQUESTING SEROLOGY ANALYSIS/DNA ANALYSIS-UPDATED," changed the process of submitting the RSDA to RHD from an email address "SAEK" to the website database submittal system RHD ITS. The RHD SAEK coordinator is responsible for the categorization and tracking of all SAEKs and utilizes the RHD ITS to confirm each RSDA milestone and form submittal.

After the divisional sexual assault units and bureau coordinators received training on the audit capabilities of the RHD ITS, the Department has seen a marked improvement in the number of "pending" SAEK cases (less than 50). This while having an average of 109 SAEKs booked monthly. The Department has noted that some of the delays causing the overdue RSDA submittal can be attributed to delayed bookings of Coroner's Office SEXKITS, divisional or specialized unit investigative responsibility changes, and alternate DR number issues. The implementation of RHD ITS, coupled with the Command emphasis provided by including this topic at weekly COMPSTAT inspections, will ensure each SAEK is properly submitted for testing within the required timeframe.

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Recommendation No. 7

The LAPD should implement protocols to review the unfounded cases received subsequent to December 8, 2008, to ensure that any cases where DNA analysis should be performed are identified.

Response:

This recommendation has been completed. The reviewing of the "Unfounded" sexual assault cases is conducted at the geographical bureau level upon the initial review by the concerned division detective commanding officers. Regardless of case disposition, all sexual assault cases involving a SAEK have a RSDA submitted to account for any SAEKs booked. It is the responsibility of the investigating officer to submit an updated RSDA with any change of information that would alter the categorization of the RSDA. Additionally, RHD continues to audit "Unfounded" sexual assault related crime reports citywide by quarterly examining one geographic bureau's "Unfounded" sexual assault related crime reports. When errors are discovered, RHD notifies the concerned geographic bureau as well as the involved divisional sexual assault crimes unit to ensure the crime report is reclassified to the appropriate code.

Recommendation No. 8

The LAPD should verify the data queries used to compile the SAEK Progress Reports to minimize any reporting differences.

Response:

This recommendation is completed and can be more emphasized with the development of the comprehensive master database. The Department agrees with this recommendation and will continue to strive to minimize reporting errors. The reporting differences in the database are based on typographical errors for which the formulas made exclusions. Some spaces before or after characters in the database will yield different results that were not observed until the audit process.

While this is a systemic error that was corrected, other random errors can and have occurred in this database. Currently, the SAEK Master List is managed by one person manually entering information from multiple legacy systems to one Excel spreadsheet. Although results are double checked against data provided by multiple sources, human error can occur in this highly complicated manual effort.

In agreement with recommendation No.11, the Department is in need of a comprehensive master database to accomplish the necessary automation of this manual process and permanently eliminate the errors that have occurred.

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Recommendation No. 10

Communicate to Policymakers any change to originally estimated funding levels that were designated for a specific purpose.

Response:

This recommendation has been completed. The Department will continue to report any relevant change in estimated funding levels that are designated for a specific purpose.

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The following numbered items remain and are an ongoing effort to reconcile from the Controller's Office 2nd Follow up Audit recommendations.

Recommendation No. 2

Identify revisions that are necessary to various Departmental records (e.g., APIMS or SAEK Master List, etc.) to ensure the reported number and status of SAEKs is accurate.

Response:

The completion of this recommendation involves the efforts on the development of the master database and the ongoing development of the interim system (RHD ITS).

The current APIMS has limitations of importing specific data information to differentiate the victim SAEK (RAPEKT), suspect SAEK (RAPEKT), or Coroner's SAEK (SEXKIT). No electronic accounting of the victim SAEK is currently available. The victim SAEK accounting continues manually by extracting the suspect SAEK from DR numbers that have two or more SAEKs booked to a specific DR number. This information is also verified from information provided by the Investigating Officer (property report information) and Criminalists viewing the evidence requested for analysis.

The new APIMS should provide more specific fields to differentiate the Victim SAEK from the Suspect SAEK, and the Coroner's SEX KIT. Also, the new APIMS should have additional searchable entry field dates such as:

- Date of occurrence
- Date SAEK booked
- APIMS entry date
- Date investigating officer submitted the request
- Date RHD sent the reviewed request for analysis to SID
- Date SID entered the request in database (LIMS)
- Date assigned to a criminalist in database (LIMS)

The new comprehensive master database system will also need to accomplish the tracking of changing DR numbers, in addition to providing SID with data information on all booked evidence for analysis. These informational needs and technical requirements are currently being gathered to provide for the completion of the Request for Proposal (RFP) expected by the end of the first quarter of 2012.

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Recommendation No. 9

The LAPD should re-assess its resource needs (staffing and funding) to ensure the appropriate level of resources is available and maintained to prevent any future rape kit backlogs from occurring.

Response:

The Department agrees with this recommendation and is continually assessing its resource needs in this area. When the initial backlog elimination plan was conceived, the Department developed a robust two pronged plan to eliminate the backlog of SAEKs and develop sufficient in-house capacity to meet DNA testing needs. Through the use of outsourcing funds and newly acquired staff, the backlog of SAEKs was eliminated in April 2011. However, while all of the new SID personnel positions included in the backlog elimination plan were filled, there are currently 14 vacancies due to the Department's inability to backfill promotions within the Division. In addition, there are other laboratory personnel that are affected by the recent two-hour furlough rule. In May 2011, the Department requested that the Managed Hiring Committee unfreeze the 14 vacancies. To date, all 14 of these positions remain frozen and unfilled. Without the ability to unfreeze these positions and fill them, the need to substantially outsource SAEKs will continue and the goal to fully transition to in-house SAEK processing by mid-2013 will not be met.

Recommendation No. 11

The LAPD should establish a formalized plan or timeline with interim milestones to track its progress in developing a comprehensive master database for sexual assault evidence kits.

Response:

The Department agrees with this recommendation and is actively gathering the necessary information to establish a formalized plan and timeline. In response to the master database development, two consultants have been hired and have begun to gather and document the technical and business requirements that will track the collection of all property/evidence. It is anticipated that the RFP will be published by the end of the first quarter of 2012. Once proposals are received from various vendors, the Department will be better positioned to identify a timeline for acquisition and implementation of the comprehensive master database system. Early cost estimates for such a system easily exceed one million dollars for which there is not an identified source of funding.

The work progress will be monitored in monthly meetings coordinated by ITD. It is anticipated that their work process will take until March 2012 to complete, so we may then issue a RFP. Once the RFP is released and proposals are received, the timeline will be significantly impacted by the ability of the City to identify funding for this project.