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Follow-Up—Sexual Assault Evidence Kits

California Has Not Obtained the Case Outcome Information That Would More Fully Demonstrate the Benefits of Its Rapid DNA Service Program

Background

If a victim of a reported sexual assault agrees to participate in a sexual assault examination, local law enforcement arrange for a health care provider to collect various types of evidence, including biological evidence collected from a victim's body. To more quickly analyze the evidence contained in the sexual assault evidence kits, the California Department of Justice (Justice) created the Rapid DNA Service (RADS) program to obtain DNA profiles from kits that could confirm the identity of suspects. If Justice identifies a profile, it uploads it to a federal database of profiles for individuals who were arrested or convicted of specified crimes. If profiles match each other within that database and aid an investigation, it is a hit. Justice currently provides the RADS program—which tests all kits—to 39 counties. In 2014 we recommended that Justice require RADS counties to report case outcomes for sexual assault evidence kits to the Legislature to demonstrate the extent of the benefits of testing all kits.

Key Findings

- Although it established a database where local law enforcement agencies and district attorneys can report case outcomes, Justice cannot fully demonstrate the benefits of the RADS program because it does not obtain key information on the outcomes of sexual assault cases.
 - » It did not have case outcome information for 278—67 percent—of 417 hits generated from profiles uploaded to the federal database during the three years we reviewed.
 - » Of those cases for which it had partial case outcome information, Justice did not collect critical facts about whether the hits furthered the investigation or prosecution and thus could not determine if testing the evidence kits was beneficial.
- Justice cannot rely on the limited outcome information it has collected because the data is inconsistent, outdated, and insufficient—one of the three local law enforcement agencies we visited did not report any data because Justice had not notified the agency that it should, and the other two agencies had 11 and 63 percent of the data missing.
 - » It did not adequately notify the agencies in counties participating in the RADS program that they need to report case outcome information, nor did it sufficiently train them or provide guidance on reporting the information.
 - » Justice does not review case outcome information to ensure agencies are reporting or updating the data in the system which resulted in inaccuracies and outdated data.
- The Legislature does not receive sufficient information about the extent of the benefits of testing all sexual assault evidence kits due to the shortcomings in Justice's approach to obtaining case outcome information.

Our Key Recommendations

- The Legislature should require law enforcement agencies and district attorneys to report key case outcome data to Justice if it amends state law to require testing of sexual assault evidence kits. It should also require Justice to train agencies on how to report, follow up with those that don't, and annually publish information about case outcomes.
- If the Legislature does not require testing of all sexual assault evidence kits, it should require Justice to obtain case outcome information from RADS participants, properly train and guide them on how to report and update information, review information within the system to ensure accuracy and consistency, and annually report on the information it obtains.