

## **Department of Justice:**

*The Missing Persons DNA Program Cannot Process All the Requests It Has Received Before the Fee That Is Funding It Expires, and It Also Needs to Improve Some Management Controls*



June 2005  
2004-114

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# CALIFORNIA STATE AUDITOR

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June 9, 2005

2004-114

The Governor of California  
President pro Tempore of the Senate  
Speaker of the Assembly  
State Capitol  
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Department of Justice's (Justice) Missing Persons DNA Program (missing persons program) and whether the program is meeting its statutory provisions and efficiently using its funds.

This report concludes that the missing persons program reached full operation in July 2004, which seems reasonable considering the issues it faced in establishing its operations, including a state hiring freeze and the high level of training its staff require. As of the end of February 2005, the program had received 799 requests and completed DNA analysis for 261 of them. However, unless conditions change, it is unlikely to complete testing all of the requests it has already received before the fee supporting the program expires. Several elements of the missing persons program are sound, but the program needs to improve some of its managerial controls. For example, its training process prepares staff to perform necessary DNA analyses, and meets accreditation and industry standards. The program also effectively communicates its mission and services to local law enforcement agencies. However, we found significant problems with the accuracy of some of the data the program's management information and timekeeping databases contain.

Respectfully submitted,

ELAINE M. HOWLE  
State Auditor

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# SUMMARY

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## Audit Highlights . . .

*Our review of the Department of Justice's Missing Persons DNA Program (missing persons program) revealed the following:*

- Created in January 2001, the missing persons program reached full operation in July 2004, which appears reasonable considering the issues it faced in establishing operations.*
- As of February 2005, the missing persons program had received 799 requests and completed DNA analysis for 261 of them, but is unlikely to complete testing for all requests before the fee supporting it expires.*
- It may be too soon to decide whether the existing fee supporting the missing persons program should be made permanent.*
- Several elements of the missing persons program are sound, but its management information and timekeeping databases, which could otherwise serve as valuable management tools, include inaccurate data.*
- The missing persons program is receiving the funding to which it is entitled and its costs are appropriate for a laboratory to incur.*

## RESULTS IN BRIEF

Created in January 2001, the Missing Persons DNA Program (missing persons program), administered by the Department of Justice (Justice), helps local law enforcement agencies identify human remains and missing persons. To accomplish this, the program develops DNA profiles of unidentified human remains and of missing persons, comparing the two for possible matches. Since its inception, the missing persons program has assisted local law enforcement agencies in identifying 38 human remains or missing persons. Section 14251 of the California Penal Code established a \$2 fee increase on death certificates to fund the program's activities. However, this section also includes a provision that eliminates the fee effective January 1, 2006, placing in jeopardy the program's future operation.

According to the missing persons program, it reached full operation in July 2004; this seems reasonable considering the issues it faced in establishing its operations, including a state hiring freeze from October 2001 through June 2004 and the comprehensive training regimen its staff require. Certain issues the program faced initially may be ongoing concerns, such as the length of time it takes to train staff and the low rates of pay.

As of the end of February 2005, the missing persons program had received 799 requests and had completed DNA analysis for 261 of them. However, unless conditions change, it is unlikely to complete its testing for the requests that are currently awaiting analysis before the fee supporting the program expires. Although both Justice and the missing persons program have attempted to secure federal funding, they have not been successful, given the limited funding available for this type of work.

Assembly Bill 940 proposes making the \$2 fee increase on death certificates permanent, to fund the missing persons program indefinitely. However, it may be more prudent for the Legislature to extend the fee increase for a specific period of time and then reexamine the program's accomplishments and needs. Specifically, the missing persons program has amassed a fund balance of \$3.9 million, and it needs to update its workload estimate. For these reasons, coupled with

the fact that the program has only recently achieved full operation, it may be too soon to decide whether its funding should be made permanent.

Several elements of the missing persons program are sound, but the program needs to improve some of its managerial controls. Its training process prepares staff to perform necessary DNA analyses, and meets accreditation and industry standards. The program also effectively communicates its mission and services to local law enforcement agencies. However, we found significant problems with the accuracy of some of the data contained in the program's management information and timekeeping databases. With more accurate data, these databases could serve as valuable management tools.

The missing persons program is receiving the funding to which it is entitled. Since inception, it has received about \$3 million annually—an amount that is reasonable based on the number of death certificates issued and its share of the related fee. Its single largest expenditure category is for facilities. Although these expenditures are significant, they appear reasonable considering the program's space needs, tenant improvements made, and the methodology Justice follows to determine the program's share of facilities costs. Personal services expenditures include costs for the program's full-time and part-time staff and for other personnel within the Jan Bashinski DNA Laboratory that Justice apportions to the program. Based on our review, Justice's methodologies for apportioning these costs seem reasonable. The program's expenditures for other operating expenses and equipment include such items as chemicals, laboratory equipment rental, and supplies. All of these costs are appropriate for a laboratory to incur.

## **RECOMMENDATIONS**

The missing persons program should review its workload estimate periodically to ensure that it is based on the most current data and reflects future program demands.

As the Legislature considers Assembly Bill 940 regarding the continuation of the \$2 fee increase on death certificates, it may wish to extend the fee increase for a defined period of time and then reassess the missing persons program's accomplishments and needs.

To make certain that it has effective tools to help manage and measure the missing persons program, missing persons program management should take the necessary steps to ensure that its management information and timekeeping databases contain accurate and reliable data.

#### **AGENCY COMMENTS**

Justice and the missing persons program agree with our recommendations and are taking steps to implement them. ■

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# INTRODUCTION

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## BACKGROUND

In January 2001 the Department of Justice (Justice) established the Missing Persons DNA Program (missing persons program) as a result of legislation that added sections 14250 and 14251 to the California Penal Code.

Section 14250 requires Justice to develop a DNA database for all cases involving a report of an unidentified deceased person or a high-risk missing person. (See the text box for definitions of these terms.) The sole purpose of this database is to enable Justice to help identify missing persons, and Justice must keep this database separate from the one it maintains with DNA information from convicted offenders. Section 14251 imposed a \$2 fee increase on death certificates that local and state authorities issue. This section allowed Justice to use the first year's funding to develop the database and laboratory infrastructure, establish its protocols, and hire personnel. This section also required Justice to begin case analysis in 2002.

The missing persons program is part of Justice's Bureau of Forensic Services and operates out of the Jan Bashinski DNA Laboratory in Richmond, California. As of July 2004, the program was operating with 11 full-time criminalists<sup>1</sup> and one program supervisor. The \$2 fee increase assessed on death certificates that local and state authorities issue provides \$3 million annually for its operations. However, the section of the Penal Code that authorizes the fee increase expires on January 1, 2006, unless legislation deletes or extends that date.

### Glossary of Terms

**DNA**—The common term for deoxyribonucleic acid, the genetic material that each person possesses. There are two types of DNA in human cells: nuclear and mitochondrial.

**Nuclear DNA**—The form of DNA inherited from both parents, which is unique to an individual. Each cell contains two copies of nuclear DNA.

**Mitochondrial DNA**—The form of DNA maternally inherited, which is not unique to an individual. Each cell contains more than 1,000 copies of mitochondrial DNA.

**High-risk missing persons**—Persons who are missing under any of the following conditions:

- As a result of a stranger abduction.
- Under suspicious circumstances.
- Under unknown circumstances.
- Where there is reason to assume that the person is in danger or deceased.
- The person has been missing more than 30 days (less than 30 days at the discretion of the investigating agency).

The missing persons program has two major functions: to develop DNA profiles from unidentified human remains and to develop DNA profiles of high-risk missing persons, with the potential to match one to the other. When human remains

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<sup>1</sup> A criminalist is a person with special training in applying scientific techniques to analyze physical evidence in criminal cases.

are found, a coroner typically uses more convenient and less costly methods than DNA analysis to identify them, such as fingerprints, dental records, or X-rays. However, sometimes human remains may not yield this information because they are decayed, mummified, or not intact. The coroner may send to the program for DNA analysis samples of human remains found before the program went into effect or more recently found human remains for which it has exhausted all methods of identification it has available. Depending on the condition of the samples, the program may use nuclear DNA typing or mitochondrial DNA sequencing to develop the DNA profile from the human remains.

A case involving a missing person is slightly different in that the program may analyze samples from articles belonging to the missing person, such as a hairbrush or toothbrush. In addition, it may analyze samples provided by the missing person's parents or relatives, such as saliva. The program uses these materials to develop a DNA profile of the missing person, generally by nuclear DNA typing. In some instances, if the local law enforcement agency suspects that human remains are those of a certain missing person, the program will compare the DNA profiles to determine whether they match.

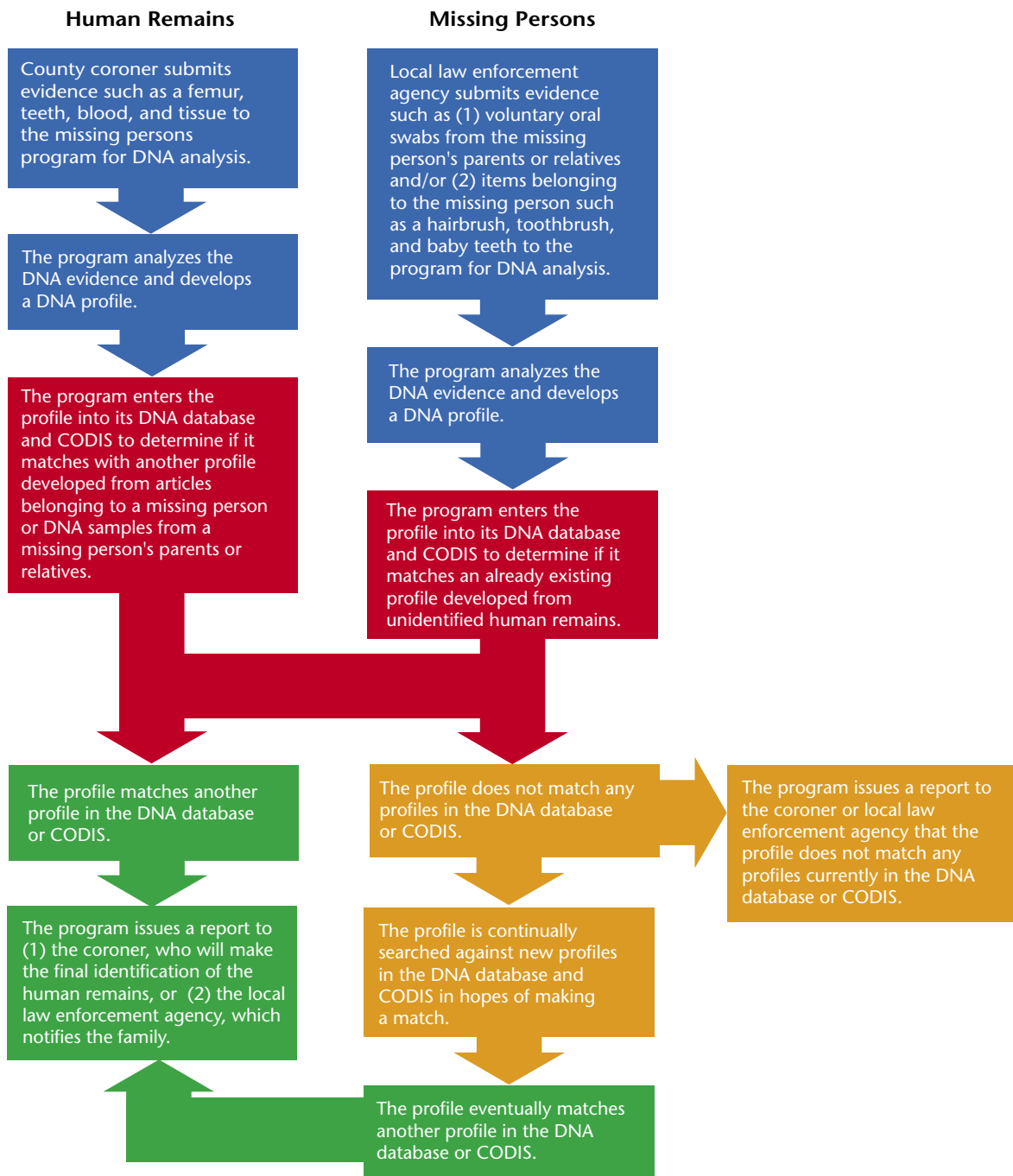
The missing persons program adds the developed DNA profiles of human remains and missing persons to its database. These DNA profiles are stored for future reference in hopes of linking a missing person with unidentified human remains. The Penal Code also requires the program to enter its DNA profiles into the Federal Bureau of Investigation's (FBI) Combined DNA Index System (CODIS) database. This allows for a comparison between DNA profiles the program has developed and profiles that other states and the FBI have developed. Figure 1 depicts the missing persons program's process for receiving requests, analyzing them, adding these profiles to the program's database and CODIS, and matching human remains to missing persons.

## **SCOPE AND METHODOLOGY**

The Joint Legislative Audit Committee (audit committee) requested the Bureau of State Audits to assess the missing persons program, with a focus on determining whether it is meeting its statutory provisions and efficiently using its funds. Specifically, we were asked to review and evaluate the program's policies and procedures for administering program funds and to evaluate the program's caseload and identify the number of unidentified human remains cases it has received, tested,

**FIGURE 1**

**How the Missing Persons Program Matches DNA Profiles**



Source: Bureau of State Audits' analysis of the missing persons program's process for matching DNA profiles.

and closed. Finally, we were asked, to the extent possible, to determine whether any barriers exist that may prevent the program from completing testing of requests awaiting analysis by January 2006.

To understand how the program is administered, we reviewed relevant laws and program policies and procedures, and interviewed key staff. In addition, we reviewed laboratory accreditation materials from the American Society of Crime Laboratory Directors and the FBI's quality assurance guidelines.

To determine the total funds the program has received since January 1, 2001, we obtained the relevant accounting reports and reviewed them. In addition we compared the program's revenue data to reports the Department of Health Services provided us that summarize the number of death certificates issued to determine if the program had received the revenue it was reasonably due.

As a means of determining how the missing persons program uses its funds and whether it has used them efficiently, we identified and reviewed the steps it took to establish its operations. We obtained and reviewed its facilities agreement and reviewed its hiring and training practices. In addition, we analyzed the program's significant expenditures as reflected in its accounting reports.

We obtained electronic data from Justice's management information database, called Justice Trax, and the missing persons program's timekeeping database. We intended to use these data to draw conclusions regarding the number of cases the program received and how long it took to process them, and to understand the proportion of time staff spend on case analysis. The United States Government Accountability Office, whose standards we follow, requires us to assess the reliability of computer-processed data. Based on our tests, we found that some of the data contained in the management information and timekeeping databases are not reliable for the purposes of this audit. Therefore, we did not use these data to draw conclusions in these areas.

To determine whether any barriers exist that may prevent the program from completing its testing of unidentified human remains, we interviewed key management staff regarding their plans to perform the necessary DNA analysis on requests the program has received to date. In addition, we identified and

reviewed pending legislation to determine its effect on the program's funding. We also considered how early programmatic decisions may have affected the missing persons program's ability to process requests at the same pace as they were received. Finally, we identified four laboratories in other states whose work is similar to that of the missing persons program. We surveyed these laboratories and have used their responses for comparisons where appropriate. ■

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# CHAPTER 1

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## ***The Missing Persons DNA Program Has Achieved Full Operation, but It Needs to Develop Some Better Managerial Controls***

### CHAPTER SUMMARY

With the passage of legislation in 2000 adding sections 14250 and 14251 to the California Penal Code, the Department of Justice (Justice) created the Missing Persons DNA Program (missing persons program). The missing persons program was established to aid law enforcement and victims' families with unsolved missing persons cases and in identifying human remains through the use of DNA analysis. According to the program, it reached full operation in July 2004, which seems reasonable considering the issues it faced in establishing its operations, including the state hiring freeze from October 2001 through June 2004 and the comprehensive training regimen that staff require. Moreover, certain issues the program faced initially may be ongoing concerns, such as the length of time it takes to train staff and the low rates of pay.

Since its inception in January 2001 through the end of February 2005, the missing persons program completed 261 requests for DNA analysis, which have assisted in identifying 38 human remains or missing persons. However, as of February 2005, the program had received far more requests for DNA analysis than it could process through that time, and program management acknowledges that it will not complete all of its requests within the time remaining before the fee supporting the program is discontinued in January 2006.

Justice has put several sound elements into place in establishing the missing persons program. For example, the training process that it employs prepares staff to perform necessary DNA analyses, and the training meets accreditation and industry standards. Further, the program actively communicates with local law enforcement agencies, making its mission and services known. Despite its achievements, the program could improve some of its management controls. It has priorities for its work

but could not provide sufficient documentation to demonstrate how it adheres to these priorities. Also, we found significant problems with the accuracy of some of the data contained in the management information and timekeeping databases. Reliable data are an invaluable management tool.

### **THE MISSING PERSONS PROGRAM HAS RECENTLY REACHED FULL OPERATION BUT WILL NOT COMPLETE EXISTING WORK BEFORE THE FEE SUPPORTING THE PROGRAM EXPIRES**

After the missing persons program was created in January 2001, it faced several challenges in reaching full operation. These challenges included a hiring freeze for state agencies, the extensive training necessary for its staff, and low pay rates compared to other jobs requiring the same skills. Given these challenges, it seems reasonable that it took until July 2004 for the missing persons program to reach full operation. However, the program has now received so many requests that management has acknowledged that it will not be able to complete them all before the fee that funds the missing persons program expires in January 2006. The missing persons program also has the largest accumulation of work of any of the DNA laboratories we surveyed. In positioning itself for the long term, the program must ensure that its workload estimate is accurate.

#### **The Length of Time to Reach Full Operation Was Reasonable, but Some Issues May Be Continuing Challenges**

The \$2 fee increase on death certificates that the California Penal Code, Section 14251, imposed began accruing to the Missing Persons DNA Data Base Fund (DNA fund) in January 2001. The law allowed Justice to use the first year's funding to develop the DNA database and laboratory infrastructure, establish protocols, and hire personnel. This section also required Justice to begin DNA analysis in 2002. The missing persons program's initial focus was on designing its new laboratory space. After receiving its first appropriation in July 2001, it primarily dedicated the next 12 months to developing the necessary local law enforcement training materials, continuing to develop its laboratory facilities, and validating its processes—in this case, the steps required to substantiate a scientific process.



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*The missing persons program did not reach full operation until July 2004, which seems reasonable based on the barriers the program faced.*

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By September 2002, the missing persons program was ready to accept for analysis unidentified human remains, articles belonging to a missing person, and DNA from relatives of reported missing persons. Thus, 14 months after its first appropriation, it was operational; however, according to Justice, the program did not reach full operation until July 2004. Based on the barriers the program faced, this seems reasonable. Program management told us the most significant barriers were the hiring freeze placed on state agencies in October 2001, getting staff trained to perform DNA analysis, the comparatively low salaries that Justice pays, educating local law enforcement agencies, and conducting necessary scientific validation processes. Although some of these issues affected the program at its inception by delaying operations, other issues such as staff training and pay rates may always be challenges for the missing persons program.

#### ***Staffing the Missing Persons Program***

According to program management, the State's hiring freeze was an impediment to fully staffing the program. In October 2001, the governor issued an executive order prohibiting state agencies from filling vacancies that would constitute a new hire to the State, regardless of the funding source. Because of the freeze, the number of staff assigned to the missing persons program had to be balanced with the needs of other programs within Justice's Jan Bashinski DNA Laboratory (DNA lab). The hiring freeze remained in effect until June 30, 2004. Although the hiring freeze affected the missing persons program's start-up, it is difficult to determine the direct impact it had, partly because of the manner in which the program obtains staff and several other factors that influenced its timing for adding staff. Staff assigned to the missing persons program typically come from other programs within the DNA lab after receiving the necessary casework training, thus resulting in vacancies in other programs.

The DNA lab was also operating the Cold Hit program—a state grant-funded program to screen, analyze, and profile DNA samples from evidence obtained from sexual assault cases. Cold Hit program staff also required casework training. Therefore, in addition to balancing the overall vacancies in light of the hiring freeze, the DNA lab had to balance the missing persons program's needs with those of the Cold Hit program. The Cold Hit program was scheduled to end in 2004; thus, it seems reasonable that Justice would give this program priority when assigning staff. However, the end result was that staff

assignments to the missing persons program may have been delayed, thereby affecting this program's ability to more quickly reach full operation.

### ***Missing Persons Program Training and Salary Levels***

***Staff need nearly two years of training to perform DNA analysis at the level the program requires.***

The missing persons program and the DNA lab also faced other staffing issues, including a lengthy training period and comparatively low pay rates. To perform DNA analysis at the level the program requires, staff need 21 months, or nearly two years, of training. We discuss the appropriateness of the program's extensive training in a later section. Because of the length of training staff must undergo to be able to perform DNA analysis, the DNA lab and the missing persons program must plan their staffing needs nearly two years in advance to ensure that they will have staff trained and ready to fill vacancies. According to Justice, the DNA lab plans for its staffing needs 18 months in advance and updates these plans throughout the year. In addition, Justice stated that it is constantly assessing the need for training so that trained staff have positions to fill and programs have access to trained staff. Justice's plans reasonably meet its training requirement, as they take into account the long lead time needed to appropriately train staff for DNA analysis.

According to the missing persons program, it has also had problems attracting fully trained and qualified candidates because of the comparatively low wages it pays. Based on a comparison we made between Justice's salaries for laboratory staff and the California Association of Criminalists Salary Survey for fiscal year 2004-05, Justice's salaries are considerably lower than those paid to staff working in the same or similar classifications in laboratories in surrounding areas. The California Association of Criminalists is an industry organization consisting of forensic scientists from local, state, and federal government agencies as well as private companies and teaching institutions; it conducts a salary survey each year. Table 1 contains the reported salary for the job classification Criminalist I for Justice, for five laboratories in surrounding areas, and for Sacramento County. This classification requires no experience and is the entry-level classification for each laboratory. Our calculations indicate that Justice pays between 39 percent and 72 percent less than five laboratories in areas surrounding the DNA lab. At this level, Justice's salaries are comparable only to those paid by Sacramento County. For classifications requiring more experience, the gap between Justice's salaries and those of other labs narrows. However, Justice generally continues to pay less than the laboratories in surrounding areas.

**TABLE 1**

**Comparison of Salaries Among Justice, Laboratories in Surrounding Areas and Sacramento County**

Job Title	Justice*	Alameda County Sheriff's Office	Contra Costa County Sheriff-Coroner Crime Lab	Oakland Police Department Crime Laboratory	San Mateo County Sheriff's Department Crime Laboratory	Santa Clara County Criminalistics Laboratory	Sacramento County District Attorney—Laboratory of Forensic Services
Criminalist I	\$3,108–3,589	\$4,305 –5,186	\$5,360–5,909	\$4,710–5,783	\$4,671–5,841	\$4,809–5,821	\$3,121–3,794

Source: California Association of Criminalists Salary Survey, Fiscal Year 2004–05.

\* Justice's salary includes a \$300 differential paid only to criminalists performing DNA work.

Although Justice's pay for the Criminalist I position is significantly lower than the pay offered by laboratories in surrounding areas, Justice offers its criminalists a retirement package that is higher than that provided by some of the other laboratories. Specifically, Justice offers the state safety retirement plan, which allows criminalists to retire at age 55 with 2.5 percent of their pay for each year of service. Based on the survey, the Contra Costa County Sheriff—Coroner Crime Lab and the Sacramento County District Attorney—Laboratory of Forensic Services also offer their criminalists this type of retirement. The Santa Clara County Criminalistics Laboratory offers its criminalists a general employee retirement package of 2 percent of pay per year of service at age 55.

To illustrate this difference, under the safety retirement plan, a criminalist who served the laboratory for 20 years as a safety employee would receive 50 percent (2.5 percent times 20) of his or her final compensation upon retiring at age 55. However, under the general employee retirement package, a criminalist who served the laboratory for 20 years as a general employee would receive 40 percent (2 percent times 20) of his or her final compensation upon retiring at age 55.

Justice told us that it has taken steps to increase compensation for its forensics staff, which includes the criminalists who perform DNA analysis. Justice believes that the matter must be resolved through the collective bargaining process and stated that it has consistently provided the Department of Personnel Administration with information about the salary differences between state

forensics staff and local agencies. Additionally, Justice asserted that the attorney general and management at Justice have consistently advocated for pay equity increases for all classifications, which includes the criminalists who perform DNA analysis for the program. However, according to Justice, other than a \$300 per month pay differential for DNA work, it has been largely unsuccessful in increasing its staffs' compensation.

### ***Missing Persons Program DNA Collection Protocols***

Another issue the missing persons program identified as a barrier to its operations was the need to educate local law enforcement agencies about the proper collection and storage of DNA samples. As we discuss in a later section of this chapter, the program actively communicated with local law enforcement agencies about its services. This included several information bulletins and a training video. After September 2002, when the program had fully advertised its services, the requests it received increased. These data suggest that the program's message reached the local law enforcement agencies. However, the program expressed a concern about whether, initially and on an ongoing basis, program information reached the proper ranks within local law enforcement agencies—specifically, those officers who would be contacting the relatives of missing persons for voluntary DNA samples and taking the samples. The missing persons program did not express concerns about educating the county coroners, because of the limited number of coroners and the program's continuing interaction with them as the program evolved. In addition, program management stated that responsibilities within a local law enforcement agency frequently change, which makes it difficult to ensure that officers know about the program and are trained to obtain, properly store, and submit missing person DNA samples for analysis.

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***Training local law enforcement agencies is an ongoing effort for the missing persons program.***

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To address these concerns, the missing persons program stated that it has participated in a number of different events and given training. For example, the program's staff have given presentations at the California Homicide Investigators Association conference as well as provided numerous on-site training events for local law enforcement agencies. From March through November 2002, the program stated that it had trained or provided information to approximately 830 officers from 201 local law enforcement agencies. More recently, the program provided training to 52 local law enforcement agencies between January and May 2005. Our review of the missing persons program's training schedule shows that law enforcement

education is an ongoing effort and, considering the concerns that the program expressed regarding the proper training of local law enforcement agencies, its actions to reach out to these agencies appear reasonable.

### ***Necessary Scientific Validation***

The final issue the missing persons program identified as a barrier was its scientific validation, the processes it must go through to prove scientifically that its laboratory procedures are sound and produce consistent, expected results. Program management told us that it began the scientific validation of its mitochondrial DNA sequencing<sup>2</sup> in November 2001 and completed it in July 2004. However, this lengthy process does not appear to have affected the program's ability to reach full operation. According to the program supervisor, the mitochondrial DNA sequencing validation took longer than anticipated because of necessary staffing changes and because during the process the program learned of a new chemical to use in its analysis that it believes represents a major improvement. This made it necessary to start the validation process over again, but because the program primarily uses nuclear DNA analysis on its requests, and the DNA lab had already performed the necessary validation on this process by November 18, 2002, it seems that the program's start-up operations were not affected. The only validation required for its nuclear DNA process was on the equipment used by the program.

The missing persons program currently uses its mitochondrial DNA sequencing process when its nuclear DNA analysis is unsuccessful or inconclusive. Although the program may have had unsuccessful or inconclusive results from its nuclear DNA analysis before the mitochondrial DNA sequencing was validated, this would have been the exception rather than the rule. Program data show that it had completed only three mitochondrial DNA sequencing analyses as of December 2004, and these all occurred since July 2004.

### **Missing Persons Program Services Are in Demand**

As of February 2005, the missing persons program had been in existence for nearly four years. According to Justice, the program has been instrumental in identifying 38 previously unidentified

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<sup>2</sup> Mitochondrial DNA sequencing is a process for analyzing mitochondrial DNA, the form of DNA that is maternally inherited, which is not unique to an individual. Each cell contains more than 1,000 copies of mitochondrial DNA.

The missing persons program uses the term “request” to represent a laboratory procedure requiring DNA analysis; a criminalist must generate a written report to complete a request. Requests originate from coroners and local law enforcement agencies that need DNA analysis of unidentified human remains, items that belonged to missing persons, or samples from a missing person’s parents or relatives.

human remains or missing persons. In total, from its inception through February 2005, the program received 799 requests for DNA analysis and completed 261 of these requests, from which the 38 identifications stemmed.

When the missing persons program performs its DNA analysis, the end result is not technically a positive identification. The program supplies the requesting agency with a report that conveys the statistical probability of the DNA profile being that of a particular person. From these

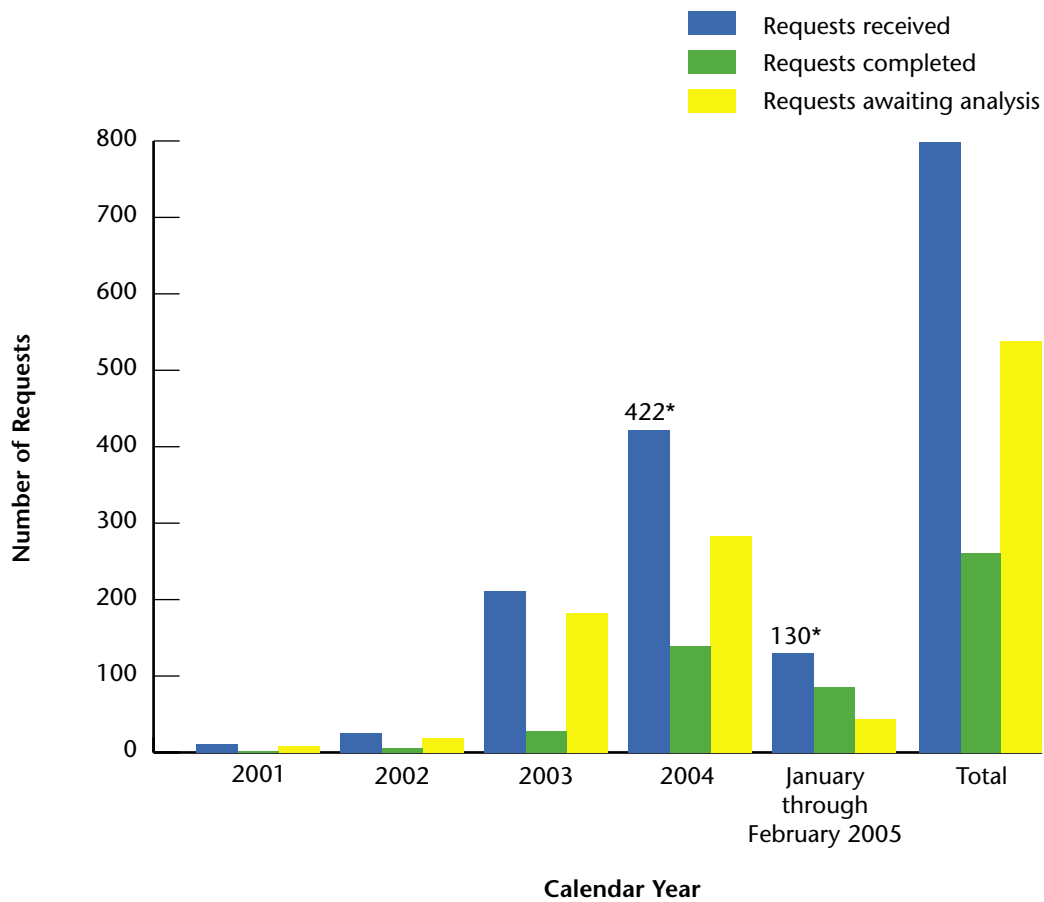
data, it is up to the local coroner or medical examiner to make the positive identification. For example, the missing persons program assisted the Contra Costa County Sheriff’s Office with the identification of a woman and her unborn child. These identifications were used in a recent high-profile murder trial and highlight how the program assists local law enforcement agencies to identify the human remains that they find.

The missing persons program also assists in identifying human remains that for some time, perhaps years, could not be identified. For example, it helped identify the remains of a man whose family knew had died in January 1983 after being swept out to sea in Monterey. However, at the time of the accident, the man’s remains were not recovered; they later washed ashore in Marin County. In 1983 the Marin County Coroner’s Office buried the man’s remains because it could not identify him. No missing persons report had been filed for the deceased man, information that would have helped the coroner’s office link the man’s remains to his identity. After nearly 22 years, and in part because of the missing persons program, the man’s remains were exhumed, identified, and returned to his family.

Figure 2 shows the number of requests received for DNA analysis and the number of requests the missing persons program has completed. The program attributes the relatively low total number of completed requests (261 of 799, or 33 percent) to it not having reached its full operating level until July 2004. At that time, it had 11 full-time criminalists trained to perform DNA analysis. The significant increase in the number of completed requests for 2004 supports management’s assertion. The program completed 191 of the 261 requests between July 2004 and February 2005.

**FIGURE 2**

**Summary of Requests Received and Completed  
2001 Through February 2005**



Source: Missing Persons DNA Program; Department of Justice, Justice Trax.

\* Requests received for 2004 and the first two months of 2005 reflect the missing persons program's decision to incorporate certain missing persons requests into its standard request numbering system. The program changed its numbering convention for missing persons in December 2004, resulting in the need to update its management information database. Because this database limits the receipt date to the day the information is entered, the requests received for 2004 and 2005 may include requests actually received but not recorded in 2001, 2002, and 2003.

The number of requests that the missing persons program has completed has steadily increased. We could not compare the program's productivity with that of other similar laboratories because the laboratories do not measure their work using a consistent workload measure. However, our analysis indicates that the program is completing requests at a rate slightly lower than management's expectation. Program management told us that it expects to complete about 290 requests for DNA analysis per year based on a staffing level of 11.5 analysts. Our

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*The program could complete about 284 DNA requests annually with the staffing level it had between July 1, 2004, and February 28, 2005.*

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review suggests that with the level of staff the program had between July 1, 2004, and February 28, 2005, it could complete 284 requests per year. We based our calculations on the number of requests the program completed between July 1, 2004, and February 28, 2005, as derived from the management information database. We focused on this period of time because it reflects management's assertion that the program reached full operation as of July 2004.

Although in a later section of this chapter we conclude that the program's management information database contains inaccurate data and is unreliable for the specific purposes we discuss later, for the purpose discussed here, we concluded that the necessary data are accurate. Specifically, in calculating that the program can complete 284 requests per year, we relied on data from the management information database reflecting the date the missing persons program completed its administrative review. Administrative review is the last step in processing a request for DNA analysis and indicates that the program is ready to release its report to the requesting local law enforcement agency. We verified the accuracy of this date for a sample of items by comparing the date listed in the management information database with the date on the checklist in the file and determined that the data were reliable.

Considering the complexity of the work the missing persons program performs, completing DNA requests annually in the range of 284 to 290 seems reasonable. Program management asserted that several factors influence the complexity of the DNA analysis, including the environmental damage the human remains have suffered and potential contamination with other DNA. In addition, after performing all the necessary steps in the DNA process—according to the program, a less complex nuclear DNA analysis contains nine separate steps—the result may not yield a DNA profile or may yield only a partial profile. Criminalists cannot anticipate the outcome, and both results dictate starting the analysis over from the beginning.

### **The Missing Persons Program Will Not Complete All the DNA Requests It Has Received Before the Fee Supporting It Expires**

The \$2 fee increase on death certificates is set to expire on January 1, 2006. Within the time remaining before the fee is discontinued, the program will not be able to complete all the requests for DNA analysis it has received. As of February 28, 2005, it had 538 requests awaiting analysis,



and it will continue to receive and process requests through December 2005. Partly because of limitations with the program's data, which we discuss further in a later section of this chapter, we cannot estimate the number of requests it may receive through December 2005. Therefore, neither we nor the program can estimate how many total requests may be awaiting analysis when the fee that supports its work expires on January 1, 2006.

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*Justice has acknowledged the program will not complete DNA analysis for all the requests it has received before the fee supporting the program expires on January 1, 2006.*

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Justice has acknowledged that the missing persons program will not complete DNA analysis for all the requests it has received before the fee supporting the program expires. According to Justice, staff will continue to process requests and the program will continue to apply for federal grants, although to date it has not been successful in receiving federal money. In the meantime, Justice has sought legislation to make the \$2 fee increase on death certificates permanent; the Legislature is currently considering Assembly Bill 940 for this purpose. Justice states that should the change in legislation not pass, the program will use the fund balance in the DNA fund to support operations until such time as state general funds or federal funds are secured, or the fund balance is depleted. According to Justice, if it depletes the fund balance in the DNA fund, program staff will archive any DNA requests the program had received and these staff will be redirected to other programs within Justice until additional funding is secured.

As of January 1, 2005, the missing persons program reported that it had 473 requests awaiting DNA analysis, which equates to 20 months of work. We surveyed four other DNA laboratories outside of California and all reported that as of that date they too had accumulated work beyond what they could immediately process. However, when compared to the other DNA laboratories, the length of time it would take for the missing persons program to complete its accumulated requests is much longer—at least six months longer than the other surveyed laboratories. Specifically, we converted each laboratory's reported amount of work awaiting analysis as of January 1, 2005, using that laboratory's estimated annual workload, and determined that the range was two months to 14 months. We excluded one laboratory because the necessary information was not available.

Moreover, as of February 28, 2005, just two months later, the missing persons program's accumulation of requests awaiting DNA analysis had increased from 473 requests to 538 requests, which equates to 23 months of work. Thus, if the missing persons program did not receive any more requests after

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*As of February 28, 2005, the program had 538 requests awaiting analysis, which equates to 23 months of work.*

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February 2005, which is unlikely, it would take the program almost two years to process all the requests it has received. This calculation assumes that the missing persons program maintains its current staff levels and that it completes 284 requests per year.

Although some accumulation of work beyond what can immediately be processed is reasonable, the amount of work the missing persons program has accumulated suggests that in the short term, the program does not have the capacity to process all of the requests it receives. In positioning itself for the long term, the program must ensure that its workload estimate is accurate. Thus far, the program's estimate has been close to the number of requests it has received. We show the number of requests the program has received in Figure 2 on page 19. Local law enforcement agencies must report unidentified human remains to Justice, but this is not the same as submitting DNA requests to the missing persons program. The program's workload estimate is based on a 2000 report from Justice's Missing and Unidentified Persons System showing that coroners and local law enforcement agencies submitted 150 reports of unidentified human remains in that year. However, more recent information shows that the average number of deceased unidentified persons reported from 2001 through 2004 is 190 per year, 40 more than the program's estimate. In addition, the program's current estimate does not include the number of requests it will receive related to missing persons, including personal articles and DNA supplied by parents and relatives.

As required by law, the missing persons program is adding the profiles it develops to the Combined DNA Index System (CODIS) of the Federal Bureau of Investigation (FBI). However, for the missing persons program to make full use of CODIS, it must also perform mitochondrial DNA sequencing on the requests it receives and add these profiles to the system. According to the program, it attempts nuclear DNA analysis first because that type of analysis is more discriminating; if a match results, the program will not test the DNA any further. Because other states and the FBI use mitochondrial DNA sequencing, when the program's nuclear DNA analysis does not result in a match, it must also perform mitochondrial DNA sequencing to ensure compatibility and produce matches with profiles generated from outside California. Performing this additional analysis on most of its future requests and on many of its previously analyzed requests will affect the program's workload. The missing persons

program will need to include this additional level of testing in its workload estimates to ensure that program resources can support it.

According to program management, they prepared an initial workload estimate in 2001 to support the program's first budget request. The program is currently revising its workload estimate for its fiscal year 2006–07 budget request. The program plans to incorporate estimates for necessary mitochondrial DNA sequencing as well as for the number of requests it expects to receive related to missing persons. Program management told us that they had not revised the workload estimate until now because their focus was on getting the program to full operation. However, program management intends to update the estimate annually to ensure that the program's staffing level is commensurate with workload.

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*In developing an estimate of workload, the program may be hampered by the fact there is no sound estimate of the number of human remains that were found before the program started that still require DNA analysis.*

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In developing an estimate of workload, the missing persons program may be hampered by one issue. As we discuss further in the Appendix, there is no sound estimate of the number of human remains that were found before the program began that still require identification through DNA analysis. We expect that the requests the program has already received are a combination of newly found human remains and human remains found in past years that the coroners have been unable to identify. Although it is likely that the number of requests the missing persons program receives will level off over time, it is difficult to pinpoint when. As a result, the program may not be able to fully anticipate when the requests it receives will reflect only newly found human remains, which is the level at which it asserts it is currently staffed.

### **The Missing Persons Program Plans to Use Its Fund Balance to Continue Operations if the Fee Supporting It Is Not Continued**

Beginning January 1, 2001, the \$2 fee increase on death certificates began accruing to the missing persons program. As Table 2 on the following page shows, this fee and the interest earned on the fund's surplus money amounted to \$11 million from January 2001 through June 2004. As the table also shows, the program had a fund balance in excess of \$3.9 million as of June 30, 2004. Although Justice has stated that it plans to use this fund balance to continue operations should the \$2 fee expire on January 1, 2006, certain changes would have to occur to allow such use.

**TABLE 2**

**Revenue From the \$2 Fee Increase on Death Certificates and Interest Earned  
January 1, 2001, Through Fiscal Year 2003–04**

	January 1, 2001 to June 30, 2001	Fiscal Year 2001–02	Fiscal Year 2002–03	Fiscal Year 2003–04	Totals
Revenues*	\$1,737,988	\$3,242,217	\$3,071,526	\$3,148,057	\$11,199,788
Expenditures	0	2,136,818	2,386,587	2,682,794	7,206,199
Excess of revenues over expenditures	1,737,988	1,105,399	684,939	465,263	3,993,589
Fund balance	\$1,737,988	\$2,843,387	\$3,528,326	\$3,993,589	

Source: Department of Justice accounting records.

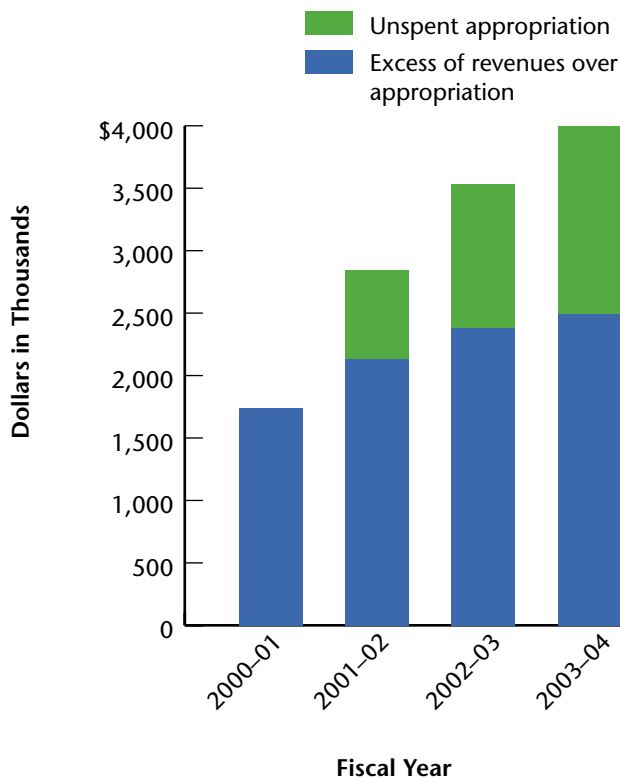
\* Revenues include interest earned on money deposited in the Surplus Money Investment Fund.

Based on our review, the program’s fund balance is partly explained by differences between its appropriation and the fee revenues accumulating in the DNA fund. An appropriation is set by law and is authorization for a specific agency to make expenditures from a specific fund for a specific purpose. As Figure 3 shows, of the cumulative fund balance for fiscal year 2003–04 nearly \$2.5 million of the fund balance is attributable to the fact that the revenues from the \$2 fee increase have exceeded the program’s appropriation; the remaining \$1.5 million is a result of the missing persons program not spending its entire appropriation each fiscal year.

The DNA fund is a special revenue fund, meaning that its revenues are restricted by law for a particular purpose—in this case, operating the missing persons program. Justice plans to use the fund balance in the DNA fund to continue operating the program should the \$2 fee end on January 1, 2006, as the California Penal Code, Section 14251, currently requires. Using expenditure data from the first six months of fiscal year 2004–05 to estimate the program’s expenditures for the full fiscal year, we estimate that the fund balance is sufficient for the program to operate for more than one year at current staffing and expenditure levels after the fee expires. However, Justice’s plans assume that the program will receive an appropriation for fiscal year 2005–06 and that its appropriation will not expire on January 1, 2006. Based on our review of pending budget legislation, there are no provisions requiring the program’s appropriation to end in January 2006.

**FIGURE 3**

**Components of the Missing Persons  
DNA Data Base Fund Balance  
Fiscal Years 2000–01 Through 2003–04**



Sources: Bureau of State Audits' analysis of fiscal years 2000–01 through 2003–04 budget acts. Department of Justice, fiscal year 2001–02 accounting records and expenditure summary worksheets for fiscal years 2002–03 and 2003–04.

Moreover, Justice is assuming that certain changes will occur that would enable the missing persons program to continue operating using its fund balance, even though the authorization for the DNA fund and the \$2 fee increase on death certificates both end on January 1, 2006. In addition to the missing persons program receiving a fiscal year 2005–06 appropriation, the Department of Finance (Finance) would have to move the program's appropriation and fund balance to the General Fund. Alternatively, the State Controller's Office and Finance could, by law, administratively establish a successor fund for the DNA fund. However, in each case, the missing persons program's operations would be halted by June 30, 2006, when its fiscal year 2005–06 appropriation expires, unless legislation

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*Considering that the missing persons program recently reached full operation, has a large fund balance, and needs to improve its workload estimate, it may be too soon to decide if its funding should be made permanent.*

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passes that continues the necessary fee or the Legislature appropriates any remaining fund balance in a successor fund for fiscal year 2006–07.

Considering that the missing persons program recently achieved full operation, has amassed a large fund balance, and needs to improve its estimate of its workload, it may be too soon to decide whether its funding should be made permanent, as is currently proposed in Assembly Bill 940. It may be more prudent to extend the \$2 fee increase on death certificates for a specific period of time and then to reexamine the program’s accomplishments and needs.

### **ALTHOUGH JUSTICE IS ON THE RIGHT TRACK, IT NEEDS TO IMPROVE SOME MANAGERIAL CONTROLS**

The addition of the California Penal Code, Section 14250, afforded Justice the opportunity to create the missing persons program. Several of the elements it put into place are sound. The program’s training process prepares staff to perform the necessary DNA analyses, and it meets accreditation and industry standards. Further, it is comparable to that of other laboratories doing similar work. The program has also actively made its mission and services known to local law enforcement agencies, including sheriffs, coroners, and police departments. Finally, the program has made reasonable, though so far unsuccessful, efforts to obtain federal funding. Despite these achievements, it could improve in two areas. Specifically, the program has established priorities for its work, but could not provide sufficient documentation to support that it adheres to these priorities. In addition, we found significant problems with some of the data contained in the program’s management information and timekeeping databases. With more accurate data, these databases could serve as valuable management tools.

#### **The Program’s Staffing Approach and Training Levels Appear Appropriate**

Missing persons program staff train for nearly two years before they are qualified to work with minimal direct supervision. Although the timeline is lengthy, the training process ensures that staff meet accreditation requirements and industry standards. The program performs two types of DNA analysis: nuclear DNA typing and mitochondrial DNA sequencing. To be proficient in conducting these analyses, staff require extensive scientific training and hands-on practice. In addition, because the program treats the human remains and other articles it

receives as evidence—as though they will be used in a court of law—staff must also be trained in evidence handling, report writing, and court testimony. Staff require nearly two years of training to reach certification in nuclear DNA typing and to gain the additional knowledge to work with evidence. Training for mitochondrial DNA sequencing takes an additional year.

### ***Training Is Generally a Two-Tiered Process***

The missing persons program is one of several that analyze DNA and operate out of Justice’s DNA lab; others are the Cal DNA Data Bank, the Casework with Suspects, and the Casework without Suspects programs. However, the missing persons program generally does not hire staff directly; rather, the DNA lab management’s policy is to hire staff into the Cal DNA Data Bank and then promote them to the missing persons program. New staff are trained to perform nuclear DNA typing for the Cal DNA Data Bank from saliva swabs, which the DNA lab considers a relatively straightforward DNA process. Nevertheless, this training provides staff with experience in performing DNA analysis, with their resulting profiles being added to a database. According to Justice, while participating in Cal DNA Data Bank training, staff are typically working in that program. When they demonstrate proficiency in a certain area, they can perform daily duties in that area.

The Cal DNA Data Bank program processes and analyzes DNA samples from convicted felons and enters the resulting profiles into the CAL DNA Data Bank. The CAL DNA Data Bank is a computerized identification database used to help solve crimes by comparing stored DNA profiles of known offenders to DNA profiles developed from crime scene evidence. In the Cal DNA Data Bank program training, staff learn to process DNA collection kits, use robots to prepare samples for analysis, and conduct nuclear DNA analysis according to the DNA lab’s adopted methodology.

After staff become fully certified in the Cal DNA Data Bank, DNA lab management told us that they may select some to participate in casework training, which the missing persons program requires. Essentially, casework training prepares the staff to properly handle evidence and perform DNA analysis on a variety of specimens, including blood, hair, personal articles, and human remains that may be fragile because of environmental damage. In addition, it prepares staff to write reports, understand legal issues, and provide court testimony regarding their DNA analysis. The training culminates with a qualifying competency test. At such time, the staff person is considered fully trained for the missing persons program and may work with minimal direct supervision. According to missing persons program management, unlike Cal DNA Data Bank training, casework training requires staff members’ full-time focus, and they do not perform duties in the missing persons program during the training process. On occasion, when nuclear

DNA typing is unsuccessful or impractical, the missing persons program performs mitochondrial DNA sequencing. Two members of the missing persons program staff trained for about one more year to enable them to perform mitochondrial DNA sequencing.

***Though Lengthy, Training for the Missing Persons Program Meets Accreditation Requirements and Federal Guidelines***

***Based on our review of its training plans, professional standards, and a comparison with other laboratories, the program's 21 months of training time for nuclear DNA typing and casework appears reasonable.***

Based on our review, missing persons program staff spent on average slightly more than 11 months completing their casework training; this is in addition to the average 9.3 months they spent on Cal DNA Data Bank training. The Cal DNA Data Bank training is equivalent to similar training provided by three of the laboratories we surveyed. Although the total training time the missing persons program requires is longer, based on our review of its training plans, professional standards, and a comparison with the other laboratories' timelines for nuclear DNA training, the program's training timeline appears reasonable. Moreover, the time the DNA lab invests in training its staff is necessary to meet accreditation requirements.

We calculated the average time missing persons program staff spent in Cal DNA Data Bank training by determining the elapsed time between the first and last procedures certain staff were certified to perform. Our calculation may include time that staff spent on duties in addition to training because the Cal DNA Data Bank training is structured to allow staff to perform daily duties in areas in which they are certified. Three of the four laboratories we surveyed reported that their staff train for up to six months in nuclear DNA typing. Given that in the Cal DNA Data Bank staff work and train simultaneously, the length of the training, which we calculated as 9.3 months, appears reasonable.

The California Penal Code, Section 297(a), requires the DNA lab to be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB). ASCLD is a nonprofit professional society of crime laboratory directors dedicated to the principles of quality forensic science. Its accreditation is a voluntary program in which any crime laboratory may participate to demonstrate that its management, operations, personnel, procedures, equipment, physical plant, security, and personnel safety procedures meet established standards. In October 2003, the DNA lab received its most recent ASCLD/LAB accreditation.



For accreditation purposes, ASCLD/LAB's training and development standards include requirements such as instruction in the skills and knowledge for competence and good laboratory practice and a demonstration of competence to perform what is expected. ASCLD/LAB also sets standards for personnel. For example, staff must possess a baccalaureate degree in certain fields; have the necessary education, training, and experience; complete a competency test; and successfully complete two annual proficiency tests.

In addition, because the missing persons program must, by law, enter the DNA profiles it develops into the FBI's CODIS database, the program must demonstrate compliance with the FBI's quality assurance standards. The Scientific Working Group on DNA Analysis Methods (scientific working group)—a group of federal, state, and local forensic scientists convened by the FBI—has developed recognized guidelines for the practical application of the FBI's quality assurance standards. These guidelines define the specific course requirements, in-house laboratory training and assessment, and minimum experience staff need before assuming responsibility for casework samples. The missing persons program used the scientific working group's guidelines as the basis for its casework training plan. Our comparison showed that the program incorporated each of the required training elements. For example, the second module in the scientific working group guidelines covers evidence handling and requires the planned training to address such things as sample collection, packaging, and storage; chain of custody; the receiving and handling of evidence; and contamination of evidence. The missing persons program's casework training plan clearly delineated each element of this requirement.

Although the missing persons program's training content is extensive, the basis for the training is consistent with three of the four laboratories we surveyed. These laboratories also followed the ASCLD/LAB's and scientific working group's criteria in developing their own training plans; the only laboratory that did not use these criteria is not accredited by the ASCLD/LAB. In addition, the director of one of the laboratories we surveyed testified before a congressional committee that it could take a forensic laboratory from one to two years to train staff in-house.

## **Justice Has Successfully Educated Local Law Enforcement Agencies About Its Program**

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*Local law enforcement agencies in 50 of California's 58 counties have submitted requests to the missing persons program, which indicates the program has been effective in making its mission and services known.*

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At its inception in 2001, the missing persons program did not have an existing pool of requests on which to begin analysis, although it is likely that coroners statewide were storing numerous human remains they could not identify through traditional means. By February 28, 2005, it had received 799 requests from local law enforcement agencies in 50 of California's 58 counties, including the largest counties, such as Los Angeles, Orange, and San Diego. This suggests that the program has been effective in making its mission and services known to local law enforcement agencies. Between February 21, 2001, and July 19, 2002, the missing persons program distributed three information bulletins to entities involved with missing and unidentified persons, including local law enforcement agencies such as police departments, sheriff's offices, and coroners' offices. These bulletins explain a range of topics, including Justice's responsibility to develop a missing persons DNA database for comparing DNA profiles of missing persons to profiles from unidentified human remains. In addition, these bulletins outlined DNA sample handling and submission procedures and provided the local law enforcement agencies with a computer listing of high-risk missing persons they had reported to Justice. The bulletin directed the local law enforcement agencies to verify the status of the missing persons before contacting the families to obtain voluntary DNA samples.

The missing persons program told us that in addition to the information bulletins, it has made and continues to make presentations at conferences such as the California Homicide Investigators Association, the California State Coroners' Association, and the National Center for Missing and Exploited Children. Moreover, the Commission on Peace Officer Standards and Training and Justice have developed a video to train law enforcement personnel on the proper collection of samples relating to missing persons and contamination prevention. The Commission on Peace Officer Standards and Training showed this video through its network satellite system on September 5, 2002. In addition, the instruction sheet the missing persons program developed for sample collection instructs the user to view the training video and indicates that copies of it are available from the local law enforcement agency's training officer. Finally, the missing persons program prepared and distributed a brochure in Chinese, Spanish, and English explaining, in very general terms, how it works.

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*Although some federal grants relate to DNA analysis, these funding opportunities are not specifically earmarked for DNA analysis of missing persons or unidentified human remains.*

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### **Although Justice Has Made Reasonable Efforts to Obtain Federal Funding, It Has Not Yet Been Successful**

The California Penal Code, Section 14251(a), states that the \$2 fee increase on death certificates issued by local government agencies and the State is to remain in effect until January 1, 2006, or until federal funds become available, whichever is sooner. Thus, it appears that the Legislature contemplated a real possibility of federal funds to operate a missing persons DNA database.

Our review of the Catalog of Federal Domestic Assistance—a listing of federal programs with funds available to state and local governments—found some grants related to DNA analysis; however, these federal funding opportunities are not specifically earmarked for DNA analysis of missing persons or unidentified human remains. Moreover, our review revealed no grants awarded on a formula basis—noncompetitive grants based on a predetermined formula. Nevertheless, according to Justice, as part of its process to identify appropriate federal grants, it sends representatives to the National Institute of Justice’s annual meeting, where future grant opportunities are presented. Justice told us that its budget office also coordinates efforts to identify available federal funding for all of Justice’s programs. Furthermore, Justice stated that its budget office uses several Web sites when looking for grant opportunities, including the Catalog of Federal Domestic Assistance. According to the program, the task of grant writing is assigned to program management who generally have formal training or extensive experience in writing grants.

In July 2003, Justice submitted an application to the FBI to obtain funding to become a regional mitochondrial laboratory. According to the FBI, the selected regional mitochondrial laboratories would be required to accept work related to missing persons, unidentified human remains, and forensic casework from outside agencies, as well as meeting the regional laboratory’s internal needs. This funding opportunity was a competitive grant that 12 state and local forensic laboratories applied for. Justice’s application was not included in the four applications the FBI selected. To improve its chances of receiving future federal funding, Justice tried several approaches to find out why the FBI denied its application. Although Justice received a response, it was not helpful in formulating new strategies for pursuing future federal grants.

## The Missing Persons Program Could Not Provide Sufficient Documentation to Support That It Adheres to the Priorities Its Advisory Committee Established

The California Penal Code, Section 14251(c), requires Justice to create an advisory committee consisting of coroners, law enforcement officials, and other stakeholders to set up priorities

for the missing persons program for processing DNA requests; the advisory committee produced its guidelines in September 2002. The text box highlights the program's priorities. However, we could not determine whether the program is following the guidelines, because its list for documenting the priority it assigns to a request and the reasons it assigns that priority is incomplete.

### Priorities for Requests Concerning Missing Persons:

1. Stranger abduction, suspicious circumstances, or catastrophe.
2. Runaway, parental abduction, lost, unknown circumstances, dependent adult.
3. Voluntary missing adult.

### Priorities for Requests Concerning Unidentified Persons:

1. Living persons with unknown identity, homicide, catastrophe.
2. Unknown circumstances.
3. Accidental death, suicide, natural death.

For both missing persons and unidentified persons, requests concerning children under 18 take priority over adults.

According to program management, the program supervisor reviews each new request and determines if it should be given higher priority than other requests awaiting analysis. The program supervisor uses a request prioritization list to assist him in the assignment of cases. This list is designed to capture the following information: the request number; whether the request concerns a child; the cause of death, if known; whether the request concerns a specific missing person; and comments about the materials available for analysis, for example, a tooth, a femur, or hair. Despite containing these categories, the list does not

provide enough information to determine the request's priority, because it does not state the priority that was assigned and does not include all of the priority categories contained in the guidelines. For example, if the missing persons program received a request regarding a stranger abduction or a living person with an unknown identity, the prioritization list does not have a way to capture the information necessary to identify these types of requests. Finally, we learned that once a request is assigned and the analysis has begun, the program supervisor deletes it from the list. Therefore, the missing persons program cannot use the list to show how it prioritizes requests or to justify the appropriateness of the priority assigned.

Following a priority system is necessary to ensure that the program is completing the most critical requests first and that it focuses its limited resources on the highest-priority requests. Even though the program may be considering the priority that each request deserves, without properly documenting

the priority assigned a request, staff other than the supervisor cannot effectively make work assignments, if necessary. In addition, the program cannot demonstrate to interested parties, such as Justice's management or the Legislature, that its resources are being used to address the highest-priority requests.

### **Some of the Data the Program's Management Information and Timekeeping Databases Contain Are Not Reliable**

The missing persons program uses a variety of databases. Two of these databases contained data we believed would be relevant to the audit. One is a database the program uses to assist it in tracking and storing information related to requests for DNA analysis, and the other is one it uses for staff timekeeping. We intended to use these databases to develop certain measures of the program's performance, such as the following:

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*We determined that some of the data contained in the management information and timekeeping databases are inaccurate and not reliable to develop certain measures of the program's performance.*

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- Time elapsed between the receipt and completion of a request.
- Time dedicated to the laboratory analysis of a request.
- Time the program spends on its quality control processes.
- Time staff use to analyze requests versus performing other program duties.

However, through our testing we determined that the data contained in the databases are inaccurate and not reliable for these purposes.

For example, in our sample of 60 items that we randomly selected from the management information database, we found that the request receipt date did not match the written documentation for 19 of the sample items, primarily for requests related to DNA from the families of missing persons. The reason for this discrepancy is that in December 2004 the program changed its approach for tracking these types of requests, electing to track each request separately instead of combining all requests believed to be related to a single missing person or unidentified human remains. However, due to the design of the database, when the program established these as separate requests, the database automatically recorded the date each request was entered as the request's receipt date. Without an accurate date, the program cannot determine how long a request has been awaiting analysis or how long a request took to process.

We also found a total of 12 discrepancies between the technical review dates the database contained and those appearing on the checklist in the file. Technical review is part of the program's internal quality control process and is used to determine if the DNA analysis performed is technically correct. Eight of these discrepancies are the result of the technical reviewer not having proper access to the database and therefore relying on the program supervisor to enter the technical review date at a later point in time. However, as we noted earlier, the management information database records the date of entry only and will not accept an earlier date. Because the technical review date signifies the end of that element of the program's quality control process, without accurate data, the missing persons program lacks a key management tool to determine if the steps in its process are functioning efficiently.

The missing persons program's timekeeping database is also inadequate. We found that the program lacks controls to ensure that approved time records are not subsequently changed, that a staff member's time was missing in the database, and that another had not recorded time properly. Specifically, the program does not lock the timekeeping database once staff time has been approved, nor do staff have to use passwords to access the timekeeping database. Therefore, any staff member with access to the database can change his or her own time record or even another staff person's time record. Moreover, we determined that two months of one staff member's time were not reflected in the timekeeping database, and the program supervisor confirmed that in total more than one year's worth of time for this person was not in the timekeeping database. The program supervisor surmised that the staff member may have copied the timekeeping database to his office computer rather than using a link to the official timekeeping database on the program's network. As a result, the person's time was not entered into the timekeeping database, and was only on his personal computer. The explanation section of another staff's timekeeping records indicated that she was working on missing persons requests, but the way she coded her time in the database resulted in it being charged to another program.

According to the missing persons program, the program supervisor began using the management information database in October 2004 to generate monthly status reports. These reports list statistics such as the following:

- Number of requests received and completed for the month.

- Average turnaround time for requests completed for the month.
- Cumulative number of requests received, completed, and outstanding from January 2001 through the end of the reporting period.

According to Justice, these monthly reports inform management of the program's activities and provide a measure of productivity. Although the management information database will provide accurate data on the number of requests completed, our analysis indicates that data concerning requests received and average turnaround times for processing requests are not accurate. Thus, although the program is attempting to use its database for statistics, until the program can ensure that its database is accurate and reliable, the information produced may be misleading.

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***Although the program is attempting to use its database for statistics, until the program can ensure that its database is accurate and reliable, the information produced may be misleading.***

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According to program management, the timekeeping database the missing persons program uses was meant to provide easier access to staff time records. Additionally, they intend to use the timekeeping information for management statistics. However, program management acknowledged the database's limitations, including the lack of security and incorrect use of time codes. At this time, program management relies on daily time sheets that staff print out and management signs to review and analyze how staff spend their time. Program management asserted that they are currently reviewing options to enhance the missing persons program's timekeeping and reporting capabilities.

ASCLD/LAB's accreditation requirements state that a laboratory should have a management information system, which provides information that assists it in accomplishing its objectives. Moreover, these requirements state that a management information system should provide laboratory management with meaningful statistical data such as caseload distribution, case turnaround time, and other information needed to effectively administer the program. However, because the missing persons program's management information and timekeeping databases do not contain accurate and reliable data, management does not have effective tools to guide and measure the program.

To gain an understanding of how long the missing persons program takes to reach interim milestones during its processing of requests from local law enforcement agencies and coroners' offices, we used data we gathered manually from the missing

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*Our sample of 21 completed requests showed that, on average, 393 days elapsed between the program's receipt of a request and its completion.*

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persons program's files to calculate specific measures for 30 requests the program had completed through the technical review date. Of these 30 requests, 21 had also gone through the administrative review process, which signifies that a request is complete. On average, 393 days elapsed between the program's receipt of a request and its completion. In contrast, the program's management information database shows an average of 284 days for completion of these 21 requests. This discrepancy may be explained largely by the program's decision in December 2004 to change its approach for tracking requests related to missing persons. As we stated earlier in this section, although the program made its decision to track these requests separately, the database would not accept the original date of receipt. Instead, the receipt dates in the database reflect the dates the program entered the requests into the database in late 2004 and early 2005. Breaking our calculation down further, for the 30 requests we analyzed, an average of 227 days elapsed between a local law enforcement agency's submittal of a request and an assigned analyst's commencement of lab work. The necessary lab work took an average of 104 days, and technical review took an average of 38 days. For the 21 completed requests, the administrative review took an average of 47 days.

According to flowcharts that the missing persons program prepared to explain its process in a step-by-step manner, the technical review phase of the process should take between two and three days for complex DNA analyses. In contrast, we calculated an average of 38 days for the program to complete this step. Although we would expect some time to pass between when staff finish their lab work and the technical reviewer assesses it, more than a month of time elapsing between these steps does not seem reasonable. With accurate data, the program could perform this same analysis and use it to determine where its program is operating efficiently and where improvements are needed.

## **RECOMMENDATIONS**

The missing persons program should review its workload estimate periodically to ensure that it is based on the most current data and reflects future program demands.

As the Legislature considers Assembly Bill 940 regarding the continuation of the \$2 fee increase on death certificates, it may wish to extend the fee increase for a defined period of time and then reassess the missing persons program's accomplishments and needs.



To ensure that the missing persons program is completing the most critical requests first and that its limited resources are focused on the highest-priority requests, it should amend its priority list to include all of the information used to determine the priority assigned to each request.

To make certain that it has effective tools to help manage and measure the program, missing persons program management should take the necessary steps to ensure that its management information and timekeeping databases contain accurate and reliable data. ■

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# CHAPTER 2

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## ***The Missing Persons DNA Program Is Receiving Revenue It Is Due, and Its Expenditures Appear Reasonable***

### CHAPTER SUMMARY

**B**eginning January 1, 2001, the California Penal Code, Section 14251(a), imposed a \$2 fee increase on death certificates issued by local government agencies and the State to fund the Missing Persons DNA Program (missing persons program) under the Department of Justice (Justice). According to Justice's accounting records, revenues for the program are \$3 million per year. This amount substantially agrees with the fees due based on the number of death certificates issued for fiscal years 2001–02 through 2003–04.

We also reviewed the expenditures the missing persons program incurred for these same three fiscal years. Based on our review, the program's facilities costs are the most significant expenditures, totaling \$1.4 million for rent and \$2 million for tenant improvements. However, these expenditures appear reasonable considering the program's space needs, the tenant improvements made, and the methodology Justice follows to determine the program's share of facilities costs. Personal services expenditures include costs for the missing persons program's full-time and part-time staff and other personnel within the Jan Bashinski DNA Laboratory (DNA lab) that Justice apportions to the program. Justice's methodologies for apportioning these costs seem reasonable. The program's expenditures for other operating expense and equipment include such items as chemicals, laboratory equipment rental, and supplies. All of these costs seem appropriate for a laboratory to incur.

### **JUSTICE IS RECEIVING THE REVENUES EARMARKED FOR THE PROGRAM**

By law, local governments and the Department of Health Services (Health Services) are allowed to retain up to 5 percent, or 10 cents, of the \$2 death certificate fee increase to pay for administrative costs. The remaining revenues generated from the fee flow directly into the Missing Persons DNA Data Base

Fund, which is a special revenue fund. According to Justice's accounting records, revenues for the missing persons program are \$3 million per year. This amount substantially agrees with our calculation of the expected revenue based on the number of death certificates issued multiplied by the per certificate fee due to Justice. Health Services provided a report to us indicating that 1.6 million death certificates were issued per year in fiscal years 2001–02 through 2003–04.

### THE PROGRAM'S EXPENDITURES APPEAR REASONABLE

We reviewed the expenditures the missing persons program incurred for the last three fiscal years, 2001–02 through 2003–04; Table 3 summarizes this information. The expenditure data presented for fiscal year 2001–02 are from Justice's accounting records; the remaining fiscal years are from data Justice provided us that it had adjusted for costs it over- and undercharged the program. Justice plans to record these adjustments in its accounting records by May 31, 2005. We reviewed a sample of Justice's adjustments and determined that the methodology was appropriate. As Table 3 shows, the program's largest total expenditures are for its laboratory facilities and personal services costs.

**TABLE 3**

**The Missing Persons Program's Annual Expenditures  
Fiscal Years 2001–02 Through 2003–04**

	Fiscal Year 2001–02	Percentage of Expenditures	Fiscal Year 2002–03	Percentage of Expenditures	Fiscal Year 2003–04	Percentage of Expenditures
Facilities operation	\$1,279,730	60.0%	\$1,074,814	45.0%	\$1,081,499	40.3%
Personal services	179,293	8.3	857,997	36.0	1,173,843	43.7
Other operating expense and equipment	677,795	31.7	453,776	19.0	427,452	16.0
<b>Total expenditures</b>	<b>\$2,136,818</b>	<b>100.0%</b>	<b>\$2,386,587</b>	<b>100.0%</b>	<b>\$2,682,794</b>	<b>100.0%</b>

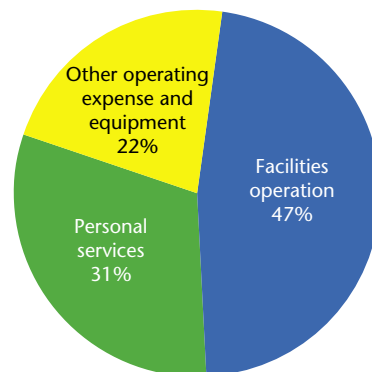
Source: Department of Justice, fiscal year 2001–02 accounting records and expenditure summary worksheets for fiscal years 2002–03 and 2003–04.

### Facilities Costs Are Significant, but They Appear Reasonable

As Table 3 reflects, the missing persons program’s facilities expenditures are \$1.1 million annually. Between fiscal years 2001–02 and 2003–04, these costs amounted to more than 47 percent of the program’s total expenditures and are its largest single expenditure category, as shown in Figure 4. According to the bureau chief for Justice’s Bureau of Forensic Services—of which the DNA lab is a part—before the legislation was passed creating the missing persons program, the DNA lab needed more space, as its laboratory at the time was inadequate for the number and size of DNA programs housed there. According to the chief, at one time the laboratory was operating a swing shift for one program in order to accomplish necessary work within the laboratory’s existing space. Moreover, Justice’s laboratory space at that time was insufficient to accommodate its plan to use mitochondrial DNA sequencing, a process that is particularly susceptible to contamination. In addition, the bureau chief told us that with the addition of the missing persons program the laboratory space was unsuitable due to its size and design. Therefore, Justice leased space in an office building and arranged for the necessary tenant improvements, such as installing specialized ventilation, plumbing systems, and large walk-in coolers for storing DNA evidence, to house what is now the DNA lab. Justice’s lease agreement indicates that the DNA lab’s tenant improvements will be paid off in December 2007.

**FIGURE 4**

**Proportion of Total Expenditures Represented by the Missing Persons Program’s Facilities Operation, Personal Services, and Other Operating Expense and Equipment Costs Fiscal Years 2001–02 Through 2003–04**



Source: Department of Justice, fiscal year 2001–02 accounting records and expenditure summary worksheets for fiscal years 2002–03 and 2003–04.

Because the missing persons program’s accounting records do not distinguish between expenditures for rent and for tenant improvements, we calculated these components based on the DNA lab’s lease. As Table 4 shows, the program paid more than \$1.4 million for rent and \$2 million for tenant improvements. Although the program’s facilities expenditures are significant, these expenditures appear reasonable, considering the program’s space needs, the tenant improvements made, and the methodology Justice follows to determine the program’s share of facilities costs.

**TABLE 4**

**Missing Persons Program’s Share of Rent and Tenant Improvements  
Fiscal Years 2001–02 Through 2003–04**

	Fiscal Year 2001–02	Fiscal Year 2002–03	Fiscal Year 2003–04	Totals
Rent	\$ 482,459	\$ 463,435	\$ 458,792	\$1,404,686
Tenant improvements	797,089	610,091	613,863	2,021,043
<b>Totals</b>	<b>\$1,279,548</b>	<b>\$1,073,526</b>	<b>\$1,072,655</b>	<b>\$3,425,729</b>

Source: Bureau of State Audits’ analysis of the Department of Justice’s lease agreement and expenditure data.

Justice’s methodology for apportioning rent and tenant improvement costs to the missing persons program is based on the percentage of the DNA lab’s total space the program occupies. This approach is an appropriate method of apportioning space costs among multiple programs. Justice makes one payment that covers both rent and tenant improvements and allocates a portion of the payment to the missing persons program. Both the rent and tenant improvement amounts fluctuated between fiscal years 2001–02 and 2002–03. In fiscal year 2001–02, Justice applied a larger allocation percentage to the missing persons program for rent and tenant improvements than in the subsequent years. The larger allocation percentage reflects the program’s use of dedicated and common spaces in the laboratory it was occupying in fiscal year 2001–02. Justice also made a one-time capital payment for the DNA lab’s tenant improvements and this is reflected in fiscal year 2001–02. In September 2002, Justice began amortizing the tenant improvements based on a schedule that it and the lessor agreed to. From fiscal year 2003–04 forward, the missing persons program’s annual rent will rise

each year, from \$458,792 to \$557,215 by fiscal year 2010–11, based on Justice’s current methodology for apportioning rent. However, the program’s tenant improvement costs will level off, and in December 2007, the tenant improvements will be fully amortized.

As we discussed previously, the DNA lab is required by law to be accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB). ASCLD/LAB sets certain standards for laboratory space and design. According to its Laboratory Accreditation Board 2001 Manual, adequate laboratory space is necessary to ensure that health and safety problems do not arise, that the efficiency of the laboratory is not compromised, and that physical evidence is safeguarded and contamination is minimized. In October 2003, the DNA lab received its ASCLD/LAB accreditation, which is further evidence that the facility improvements were necessary and appropriate.

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*Although at the high end of the range recommended in professional literature, the program’s allocated space per staff seems reasonable.*

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Although at the high end of the recommended range, the missing persons program’s allocated space per staff member seems reasonable. Professional literature indicates that the ratio for recently constructed forensic laboratories falls in the range of 700 to 1,000 gross square feet per staff member. Gross square footage includes all office space and common areas such as hallways and break rooms. Because Justice does not have a ratio for calculating the common areas attributable to the missing persons program, we focused on the program’s office and laboratory space, or net square footage. Using its combined office and laboratory space compared to the DNA lab’s total space, we calculated 839 net square feet of space per missing persons program staff member.

### **Justice’s Methods for Apportioning Personal Services Costs Are Appropriate, and Operating Expense and Equipment Costs Represent Typical Laboratory Expenses**

The missing persons program’s personal services costs constitute its second largest overall expenditure category, as seen in Figure 4 on page 41. In addition, Table 3 on page 40 shows the steady increase in this cost category between fiscal years 2001–02 and 2003–04, which reflects the growing number of staff assigned to the program. Personal services expenditures include salaries and benefits for the missing persons program’s full-time and part-time staff and costs for management and support functions performed within the DNA lab that Justice apportions to the program. Based on our review, Justice’s

methodologies for apportioning these costs are appropriate. For example, the missing persons program receives support from the DNA lab's training, quality control, and administration units. These units support the DNA lab as a whole, and Justice apportions these costs to the various DNA programs based on the ratio of each program's staff to the total number of staff in the DNA lab. Justice's methodology is a standard allocation method that distributes costs equitably among the users of the services.

The missing persons program's expenditures for other operating expense and equipment include charges for general expense, departmental services, and other items of expense. The primary elements of general expense are office supplies and laboratory equipment rental, maintenance, and repair. All of these costs seem appropriate for a laboratory to incur. The departmental services costs the missing persons program is charged represent costs for administrative services that Justice provides such as accounting and contract review. These costs are apportioned to the missing persons program based on the program's personal services costs and specified operating expense and equipment expenditures. The final category, other items of expense, includes mainly chemicals and laboratory supplies. Similar to the general expense category, these types of costs are appropriate for a laboratory to incur.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,



ELAINE M. HOWLE  
State Auditor

Date: June 9, 2005

Staff: Nancy C. Woodward, CPA, Audit Principal  
Sharon L. Smagala, CPA  
Sang Park  
Alissa Pleau



# APPENDIX

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## ***Uncertainty Surrounds the Number of Unidentified Human Remains That Were Found Before the Missing Persons DNA Program Began***

The Missing Persons DNA Program (missing persons program) originated as a means to help local law enforcement agencies identify human remains that coroners had been unable to identify, as well as to resolve reports of missing persons. The enacting legislation states that these unidentified human remains may be those of persons previously reported as missing and that DNA analysis could be used to link one to the other. A bill analysis for Senate Bill 1818 (Chapter 822, Statutes of 2000) states that the California State Coroner's Association estimated that there were 2,000 unidentified human remains or samples of human remains statewide. As of September 2000, the Department of Justice (Justice) reported that its Missing and Unidentified Persons System contained records of coroners' reports of 2,100 unidentified persons.

In fall 2001, Justice surveyed the county coroners and medical examiners to determine the number of unidentified human remains that each had available for DNA analysis to help implement the missing persons program. The survey includes responses from 48 of the 58 county coroners and medical examiners; six of the counties not reflected in the survey are Alpine, Amador, Del Norte, Glenn, Modoc, and Mono, because Justice did not ask them to participate. San Mateo and Tulare counties were sent a survey but did not respond. Table A on the following page tabulates the coroners' and medical examiners' responses. Although Imperial and San Diego counties responded to the survey that they had 16 and 315 reports, respectively, of unidentified human remains on file with the county coroner or medical examiner, the rest of these counties' data were incomplete and we have excluded them from the analysis.

**TABLE A**

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**Summary of County Coroners' and Medical Examiners'  
Survey Responses of Unidentified Human Remains  
September 2001**

Total number of reports of unidentified human remains on file with county coroners and medical examiners	1,283
<b>Condition of human remains:</b>	
Buried	350
Cremated	951
Frozen	12
Femur available for DNA analysis	297
Teeth available for DNA analysis	564
<b>Totals</b>	<b>2,174</b>
Coroner or medical examiner already tested DNA	20
Number of human remains local law enforcement agencies may exhume for DNA analysis	83

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Source: Department of Justice Missing Persons DNA Program Coroner/Medical Examiner Survey, September 13, 2001.

Based on our limited analysis of the data collected from the coroners and medical examiners, it is not possible to reliably determine the number of human remains that require identification with the aid of DNA analysis. According to their survey responses, local coroners and medical examiners had 1,283 reports of unidentified human remains. However, their responses also indicate that an unknown number of these human remains are either not suitable or not available for DNA testing. For instance, coroners and medical examiners reported that 951 of the unidentified human remains had been cremated, apparently eliminating them from testing because DNA cannot be extracted from professionally cremated remains. They reported that another 350 had been buried, though they may be willing to exhume 83 for DNA analysis.

Furthermore, it appears from the survey data that some human remains have been included in more than one category. The responses on the conditions of the human remains add up to a higher number than the reports of unidentified remains. Consequently, it is possible that the coroners and medical examiners saved teeth or a femur from a set of unidentified human remains that was then cremated or buried.

*Agency's comments provided as text only.*

Office of the Attorney General  
1300 I Street, Suite 1730  
Sacramento, CA 95814

May 26, 2005

Ms. Elaine M. Howle\*  
State Auditor  
Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

RE: Missing Persons DNA Program Audit

Dear Ms. Howle:

On behalf of Attorney General Bill Lockyer, I want to commend and compliment your staff for performing the challenging task of comprehending and evaluating a highly technical program with a high degree of professionalism. The Department of Justice (DOJ) has reviewed the Bureau of State Audits (BSA) draft report entitled "Department of Justice: The Missing Persons DNA Program Cannot Process All The Requests It Has Received Before The Fee That Is Funding It Expires, and It Also Needs To Improve Some Management Controls." In response to your draft report, listed below are the DOJ's Missing Persons DNA Program (MPDP) responses to the BSA audit requested by Senator Jackie Speier. Each recommendation in the audit report is addressed in this response.

***Recommendation:***

- ***"The Missing Persons Program should periodically review its workload estimates to ensure that the estimate is based on the most current data and reflects future program demands."***

***Response:***

In December 2004, Bureau of Forensic Services (BFS) implemented changes to JusticeTrax, the lab management information system, to create a more reliable system for tracking service requests. With consistent data and regular assessments through monthly reports, the MPDP is now in the position to produce reliable workload estimates on a yearly basis.

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\* California State Auditor's comments appear on page 51.

**Recommendation:**

- ***“As the Legislature considers Assembly Bill 940 regarding the continuation of the \$2 fee increase on death certificates, it may wish to extend the fee increase for a defined period of time period and then re-assess the missing persons program’s accomplishments and needs.”***

**Response:**

The Attorney General is a sponsor of AB 940 (Chu). The MPDP will be working with the Missing/Unidentified Persons (MUPS) Unit, also within the Department of Justice, to track reports of both missing and unidentified persons that occur each year. While the initially large number of requests for service may represent cases which had accumulated in coroner/medical examiner offices for years before the statute was enacted, an on-going estimate of workload is required to estimate costs to run the MPDP. It is appropriate to extend the fee increase for a sufficient period of time that a better estimate can be made of the on-going need for MPDP services with improved data collection and reliable workload projections from the department. The Legislature should be able to decide further funding needs for this program without the need for another audit.

**Recommendation:**

- ***“To ensure that the missing persons program is completing the most critical requests first and that its limited resources are focused on the highest priority requests, it should amend its priority list to include all necessary information to determine what priority has been assigned to each request.”***

**Response:**

The priority listing procedure for case assignments will be changed by July 1, 2005, so that each request will be given a priority code consistent with the guidelines developed by the MPDP Advisory Committee. This list is stored on the Department’s network so that other laboratory management personnel including supervisors and managers can access the list and make assignments accordingly. We will also add a column to the priority list to show the date assigned.

**Recommendation:**

- ***“To make certain that it has effective tools to help manage and measure the program, missing person’s program management should take the necessary steps to ensure its management information and timekeeping databases contain accurate and reliable data.”***

**Response:**

Two of the systems that were discussed during the audit were:

(1) Management Information Database (JusticeTrax):

The inaccuracies cited in the BSA report reflect one-time occurrences that will not recur. In the first instance, missing person/family samples were reclassified as evidence in December 2004 to more accurately measure Program activities. Prior to this date, these requests had not been tracked in JusticeTrax. Due to system restrictions, the database reflected the date of entry rather than the date of sample submission. Since December 2004, all evidence received has accurate dates reflected in JusticeTrax.

The second instance reflected inaccurate dates for technical review by a particular person, because that individual had a software conflict on his computer that did not allow him access to the JusticeTrax database. In the future, should conflicts occur, an alternate computer will be provided for data entry into JusticeTrax.

(2) Timekeeping Database:

The Department concurs with the evaluation of the timekeeping system and is currently evaluating options which may include the use of the timekeeping portion of the case management system currently being implemented in the DOJ's Legal Divisions. This software meets IT industry standards for security, provides edit reports for managers to show incomplete information, and provides audit trails for any changes to time records subsequent to supervisor approval. This is one option that will be considered to provide for an improved timekeeping systems that will address the concerns cited in the report, such as security of access, locking of data, and safeguards against incomplete data entry.

Thank you for this opportunity to comment on the BSA report. If you or your staff has any questions about this audit response, please contact Georgia Fong, Director, Office of Program Review and Audits, at (916) 324-8010 or Jerry Sharkey of her staff at (916) 322-6541.

Sincerely,

*(Signed by: Steve Coony)*

STEVE COONY  
Chief Deputy Attorney General  
Administration and Policy

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# COMMENTS

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## ***California State Auditor's Comments on the Response From the Department of Justice***

To provide clarity and perspective, we are commenting on the response to our audit report from the Department of Justice (Justice). The numbers below correspond to the numbers we have placed in the margin of Justice's response.

- In our recommendation to the Legislature, we have suggested that it may want to reassess the Missing Persons DNA Program (missing persons program). We have not suggested another audit, although it is the prerogative of the Legislature to request one.
- Justice states that the inaccuracies in its management information database are one-time occurrences that will not recur. The inaccuracies in the receipt date for the requests related to DNA from the families of missing persons will affect the reliability of management reports for a period of time. For example, the program's measurement of the time elapsed between receipt and completion of a request will be understated for as long as these specific requests are included in the calculation of this measurement. Moreover, as we state on page 22 of our report, because much of the data in the Combined DNA Index System of the Federal Bureau of Investigation are profiles developed from mitochondrial DNA sequencing, the missing persons program may also have to perform mitochondrial DNA sequencing on many of its previously analyzed requests. Unless these additional requests are already entered in the missing persons program's management information database, the type of discrepancies we describe on page 33 of our report have the potential of recurring.

cc: Members of the Legislature  
Office of the Lieutenant Governor  
Milton Marks Commission on California State  
Government Organization and Economy  
Department of Finance  
Attorney General  
State Controller  
State Treasurer  
Legislative Analyst  
Senate Office of Research  
California Research Bureau  
Capitol Press