



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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January 31, 2023

Via Email (rahulrameshaz@gmail.com) and Regular Mail

Rahul Ramesh
8190 Strawberry Lane, Apt 207
Falls Church, Virginia 22042

Re: Your Request for Records under the Freedom of Information Act (Virginia Code §§ 2.2-3700 et seq.)

Dear Mr./Ms. Ramesh:

On January 24, 2023, the Department of Forensic Science received your request for records under the Virginia Freedom of Information Act (Virginia Code §§ 2.2-3700 et seq.). In response to your request, the Department responds as follows:

Request (a)(1): "The Virginia rape kit backlog in 2022, broken down by: (1) rape kits that had, by the end of 2022, remained untested within 30 or more days of being submitted to Virginia Department of Forensic Science (sic), in addition to any accredited forensic or crime lab in Virginia."

Response: Attached please find five (5) pages of records responsive to this request, with the forensic biology statistics reflected on page 2 of 5. Please note that the Workload Summary by Section and Lab reflect all forensic biology cases received for DNA analysis in all criminal matters, including sexual assaults. The Workload Summary by Section and Lab does not provide data specific to submitted sexual assault evidence. There is no requirement under Virginia law that sexual assault evidence be tested within a certain time frame. The Department prioritizes cases based on public safety concerns, the serious nature of the offense, and any requirements for prosecution (e.g., speedy trial).

Additional data is provided in the form of an 11-page spreadsheet entitled "2021-2022 Turnaround Times (TATs)." This table reflects turnaround times for Physical Evidence Recovery Kits (PERKs) that can be calculated using data captured by the PERK Tracking System. This data was generated on September 30, 2022 to prepare the 2022 Forensic Science Board report to the General

Assembly and is a snapshot from that System on the date generated, including some data for 2021 PERKs. The Department does not have this data generated for calendar year 2022 only.

The Department would have no records related to any other "accredited forensic or crime lab in Virginia."

Request (a)(2): "[R]ape kits that were not submitted to the aforementioned crime labs and held by entities that collect rape kits, including but not limited to, police stations and hospitals."

Response: Attached please find one (1) page of responsive records. Again, this data was generated for the preparation of the respective Forensic Science Board report for that year and is a snapshot from the PERK Tracking System on the date that the report was generated. Under current Virginia law, law enforcement entities that receive PERKs must submit them to the Department of Forensic Science within 60 days, unless the case falls within one of five limited exceptions. Anonymous PERKs are sent by hospitals to the Division of Consolidated Laboratory Services (DCLS) for storage.

Request (b): "The month/date that the 2022 rape kit backlog numbers from (a) were collected."

Response: This request is unclear. The record provided in response to (a)(1) reflect the workload summary statistics for January 1, 2022 through December 31, 2022. This data is routinely generated by the Department. This data entitled "2021-2022 Turnaround Times (TATs)" was generated on September 30, 2022 to prepare the 2022 Forensic Science Board report to the General Assembly and is a snapshot from that System on the date generated, including some data for 2021 PERKs.

Request (c): "Whether the numbers from (a) are reflective of the rape kit backlog for the entire state. If not, please list the municipalities, police stations, or crime labs that have been excluded from the counts provided in (a)."

Response: DFS is not aware of any municipalities or police stations that would be excluded from the counts provided in (a). DFS would not have any records regarding PERKs transferred to another crime laboratory for analysis.

Request (d): "The information from (a), (b), and (c) for 2018, 2019, 2020 and 2021."

Response: Attached please find twenty-two (22) pages of responsive records. As was indicated in the response to (a)(1), the Workload Summary by Section and Lab does not include data specific to submitted sexual assault evidence.

PERK Tracking System data regarding kits held by other entities is provided for 2020 and 2021. Please note that the use of the PERK Tracking System was not mandated until July 1, 2020, so this data cannot be provided for 2018 or 2019, and the data provided for 2020 is incomplete. Again, the PERK

Tracking data is generated in September to prepare the Forensic Science Board's report to the General Assembly and is a snapshot from that System on the date generated, not for the respective calendar year.

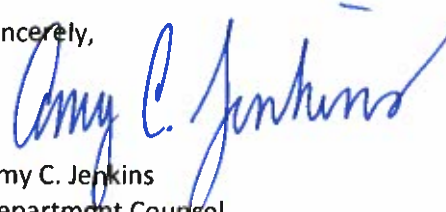
No turnaround time data was generated from the PERK Tracking System for the 2020 or 2021 Forensic Science Board reports.

Request (e): "Of the rape kits that were tested in 2022, the count tested within 30 days of being submitted to a lab."

Response: Please see the response to (a)(1). Again, please note that there is no requirement under Virginia law that sexual assault evidence be tested within a certain time frame.

Thank you for your inquiry.

Sincerely,



Amy C. Jenkins
Department Counsel

/acj

Attachments