



SEXUAL ASSAULT KIT PROCESSING

Annual Report

HB200

2017 GENERAL SESSION

Law Enforcement and Criminal Justice Interim Committee
Executive Offices and Criminal Justice Appropriations Subcommittee

Utah Bureau of Forensic Services Forensic Biology July 31, 2019

REPORTING REQUIREMENTS

1. *The timelines set for testing all sexual assault kits submitted to the Utah Bureau of Forensic Services*
2. *The goals established in Section 76-5-603*
3. *The status of meeting those goals*
4. *The number of sexual assault kits that are sent to the Utah Bureau of Forensic Services for testing*
5. *The number of restricted kits held by law enforcement*
6. *The number of sexual assault kits that are not processed in accordance with the timelines established in this part*
7. *Future appropriations requests that will ensure that all DNA cases can be processed according to the timelines established by this part*

This report contains information for reporting period July 2018 – June 2019.

1. & 2. TIMELINES / GOALS

The Utah Bureau of Forensic Services classifies sexual assault kits as follows:

- First Priority – if an immediate threat to public safety exists
- Second Priority – if a court date is scheduled and imminent
- Third Priority – all other cases

The goals* for completion of analysis of sexual assault kit submissions is as follows:

- First Priority – within 30 days from the date of submission
- Second Priority – within 60 days from the date of submission
- Third Priority – within 180 days from the date of submission

* The timelines/goals for completion of testing for sexual assault kits were established by administrative rule and were based on previous laboratory resources and the new funding from HB200.

* The Utah Bureau of Forensic Services has an ambitious target of completing at least 90% of cases within 30 days of submission. This goal has a target date of being attainable by July 2020.

3. STATUS

The Utah Bureau of Forensic Services analyzed 1,072 sexual assault cases from July 2018-June 2019. These cases fall within the different classifications specified in the table below. The number of cases completed, the overall biology section turnaround time, and the median time the analyst spent working the case for each classification is as follows:

| CLASSIFICATION | NUMBER OF CASES COMPLETED | MEDIAN TOTAL TURNAROUND TIME (Total in the Lab) | MEDIAN ANALYST WORKING TURNAROUND TIME (Time working DNA) |
|-----------------------|----------------------------------|--|--|
| | | | |
| First Priority | 33 | 105 | 13 |
| Second Priority | 593 | 344 | 55 |
| Third Priority | 446 | 767 | 96 |

*Note – A communication to the laboratory in regards to the prioritization of a case may not have occurred until **after** the case had already been submitted. This situation results in a “waiting period gap” that could be significant and cause the “total turnaround time” to be higher than the desired goal.*

The “median total turnaround time” per case was greater than the goals established by the Utah Bureau of Forensic Services. However, the “median analyst working turnaround time” is encouraging because this metric does meet the goals established, indicating that our DNA processes are becoming more efficient and streamlined. The “analyst working turnaround time” is the time it takes once a case is assigned for a DNA analyst to complete the DNA testing and issue a report to the submitting agency.

One final point of discussion is the 767 day “median total turnaround time” for third priority cases. This is mainly a result of sexual assault kit submission volume and those cases having to wait in queue to be tested.

4. SEXUAL ASSAULT KIT SUBMISSIONS

The Utah Bureau of Forensic Services continues to track the number of sexual assault kits submitted to the laboratory. The table below shows the number of sexual assault kits submitted to the Crime Lab for this reporting period:

| TIME PERIOD | NUMBER OF SEXUAL ASSAULT KITS |
|----------------------|--------------------------------------|
| July – December 2018 | 692 |
| January – June 2019 | 637 |

5. RESTRICTED KITS

A Restricted Kit was defined in HB119 in the 2018 General Legislative Session as: “A sexual assault kit that is collected by a collecting facility, and for which the victim who is 18 years of age or older at the time of the sexual assault kit evidence collection declines to have his or her

sexual assault kit processed; and to have the sexual assault examination form shared with any entity outside of the collection facility.”

From July 2017 to April 2018, the Utah Bureau of Forensic Services coordinated the development and implementation of the Sexual Assault Tracking System. The crime lab is pleased to report that the beta version was completed in December 2017 and tested for several months. The system went live April 2018 and as of July 1, 2018, all agencies have access to the tracking system for **all** sexual assault kits.

The crime lab is able to use the Sexual Assault Tracking System to determine how many RESTRICTED kits are held by law enforcement agencies. There are 46 restricted kits entered into the tracking system as of June 30, 2019.

6. SEXUAL ASSAULT KITS NOT PROCESSED WITHIN THE TIMELINE

The Utah Bureau of Forensic Services is working diligently on casework flow throughout the laboratory. By identifying and reducing constraints, the laboratory is able to implement improvements and make adjustments to maximize the efficiency of the biology section. However, there is currently a backlog of sexual assault cases and many will not be processed within the timelines established.

The following represents the case prioritization and the number of cases within each designation that met and did not meet the goal.

Priority 1 cases:

- 8 cases were completed within 30 days
- 25 cases were NOT completed within 30 days

Priority 2 cases:

- 0 cases were completed within 60 days
- 522 cases were NOT completed within 60 days

Priority 3 cases:

- 0 cases were completed within 180 days
- 446 cases were NOT completed within 180 days

7. FUTURE APPROPRIATIONS REQUESTS

The fiscal note associated with HB200 included **\$2,206,693** for the Utah Bureau of Forensic Services to fund 17 forensic scientist positions within the biology section of the laboratory. When HB200 passed, UBFS was appropriated **\$989,090** which was used to hire 9 of the 17 requested positions. All 9 of the positions were trained and contributing to casework. Unfortunately, 3 analysts left the State Crime Lab (March 2019) and moved on to other laboratories out of state. These 3 positions are currently being filled.

In the 2019 legislative session the Utah Bureau of Forensic Services requested funding for 5 additional analysts. Funding was provided as a one-time allocation to hire 5 new analysts. The 5 positions are currently being filled. Ongoing funding is needed to maintain these 5 new analysts.

When all positions are filled, 14 new analysts will have been added to the biology section due to HB200. There is a remaining gap of 3 positions. Funding for 3 new positions is needed.