

WENDY GREUEL
CONTROLLER

November 10, 2011

Honorable Antonio R. Villaraigosa, Mayor
Honorable Carmen Trutanich, City Attorney
Honorable Members of the Los Angeles City Council

Since I initiated my first follow-up audit, the Los Angeles Police Department (LAPD) has made great progress in addressing the City's rape kit backlog. Since 2009, my office has worked closely with the LAPD, the Mayor's office and the victims' rights advocate community towards eliminating the backlog so that rape victims will never again be in a position of wondering why their cases have not been brought to justice.

My office recently completed a second follow-up audit on the Forensic DNA Backlog Reduction Grant Program, which evaluated the LAPD's progress in implementing the recommendations of two previous audits. In April of this year, LAPD announced that it had eliminated the historical backlog consisting of those kits that had been untested prior to December, 2008. As of April 30, 2011, the backlog had been reduced from over 7,000 kits to 772, and the 6,132 untested kits as of 2008 have now been fully examined. LAPD has significantly improved its process and now works through new kits as they arrive.

However, my audit found a few areas where improvements are still needed. The Department spent \$3 million to re-test 2,453 previously analyzed kits to take advantage of new advances in technology. While it is laudable that the LAPD tested so many additional kits and eliminated the historic backlog so far ahead of schedule, work still needs to be done to create an effective, transparent, and easily managed process for handling these kits. In order to more accurately assess its overall resource needs and workload, the re-tested kits should have been included in LAPD's reporting process.

Also, the LAPD still lacks a comprehensive information system to facilitate tracking untested sexual assault/rape kits. The Department is developing an RFP for the system which may be released by the end of the year to allow for more accurate tracking.

Honorable Antonio R. Villaraigosa, Mayor
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To ensure that DNA testing requests are processed in a timely manner, LAPD needs to establish follow-up procedures and review cases where a request for testing is pending. I urge the Council and the Police Commission to establish clear interim guidelines and actively oversee this process so that our City can more easily and effectively track DNA rape kits and bring more rapid closure to victims of rape and sexual abuse.

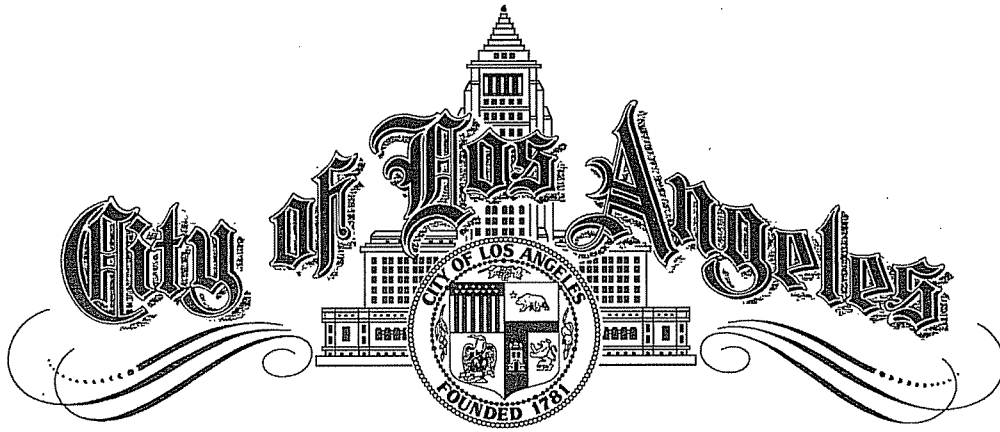
Overall, I am pleased with the progress that the Los Angeles Police Department has made in the past two years under the leadership of Chief Beck. The LAPD and City leaders should continue to act swiftly to address any outstanding challenges that stand in the way of completely solving this crisis.

We must continue to be diligent and remain committed to this issue. Our work is not done – I will continue performing follow-up audits until fully transparent processes are in place to expeditiously process DNA rape kits in Los Angeles. I am proud of the progress that we have made together to give survivors across Los Angeles a voice.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Greuel". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

WENDY GREUEL
City Controller



WENDY GREUEL
CONTROLLER

November 10, 2011

Charlie Beck, Chief of Police
Los Angeles Police Department
100 W. First Street, Suite 1072
Los Angeles, CA 90012

Dear Chief Beck:

Enclosed is a report entitled "2nd Follow-up Audit of the Forensic DNA Backlog Reduction Program." A draft report of this report was provided to your Department on August 16, 2011. Comments provided by your Department at the exit conference were evaluated and considered prior to finalizing this report.

Please review the final report and advise the Controller's Office by December 16, 2011 on planned actions you will take to implement the recommendations.

If you have any questions or comments, please contact me at (213) 978-7392.

Sincerely,

FARID SAFFAR, CPA
Director of Auditing

Enclosure

cc: Gaye Williams, Chief of Staff, Office of the Mayor
Eileen M. Decker, Deputy Mayor, Office of the Mayor
Miguel A. Santana, City Administrative Officer
Gerry F. Miller, Chief Legislative Analyst
Richard E. Drooyan, President, Police Commission
Gerald Chaleff, Executive Officer, Office of the Chief of Police
Independent City Auditors



City of Los Angeles Office of the Controller

2nd Follow-up Audit of the Forensic DNA Backlog Reduction Program

November 10, 2011

Wendy Greuel
City Controller

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2ND FOLLOW-UP AUDIT OF THE FORENSIC DNA BACKLOG REDUCTION PROGRAM

EXECUTIVE SUMMARY

The Audit Division has completed a 2nd follow-up audit of the Forensic DNA Backlog Reduction Program. The original report on the Forensic DNA Backlog Reduction Grant Program Awards was issued on October 20, 2008, and our first Follow-Up Audit was issued on November 5, 2009. The primary objective of this 2nd follow-up was to assess the Los Angeles Police Department's (LAPD or Department) processes to address the untested rape kit backlog and the secondary workload, which are kits pending technical review by the Department.

Background

The October 2008 audit identified an inventory backlog of over 7,000 untested sexual assault evidence kits. At that time, the Department did not have a detailed or comprehensive plan to eliminate the backlog, had lost \$498,570 in available grant funding due to poor planning and lack of oversight, and may not have been providing the required notifications to victims. Our first follow-up report disclosed that the Department's reported backlog of untested rape kits may not be accurate, and noted that LAPD lacked a comprehensive information system to facilitate their tracking of untested rape kits. Department records had shown that the rape kit backlog was reduced to 2,527 kits in September 2009; however, the audit noted the Department had a secondary workload of 1,102 sexual assault kits, which represented kits tested by outside contractors, but needed a technical review by the Scientific Investigative Division (SID) to confirm the test results.

Scope

This 2nd follow-up audit was performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) and covered the period from November 2009 through April 2011.

Summary of Audit Results

The Department has continued efforts to address the issues noted in the previous audit reports. Of primary importance, the Department has eliminated the historical backlog of rape kits and reduced the number of untested rape kits received since December 2008, as well as the secondary workload of rape kits awaiting technical review. The Department

implemented various systems in the Robbery-Homicide Division (RHD) and SID to monitor rape kit backlogs. Specifically, the Department established a DNA Tracking Unit to centralize DNA requests for testing and reporting the status of Sexual Assault Evidence Kits (SAEK). The Department also publishes a monthly SAEK Progress Report and has implemented quarterly DNA Task Force Meetings to discuss the progress toward eliminating the historical rape kit backlog. Since the last audit, the rape kit backlog has been reduced to 772 as of April 30, 2011. This includes 140 rape kits pending technical review (technical reviews have been completed for all of the historical rape kit backlog), 462 rape kits pending return by contractors, and 170 untested rape kits or kits with testing/analysis in process (113 of these kits were received during April 2011).

The Department's original backlog elimination plan in September 2008 indicated that \$10.2 million would clear the rape kit backlog by 2013. Approximately \$10.6 million has been paid to outside labs for testing, and the backlog was almost cleared by December 2010, with only 476 historical rape kits pending technical review. In addition, we noted that the Department spent approximately \$3 million to re-test 2,453 previously analyzed kits, because of recent advances in DNA testing technology. This re-testing used the same resources intended to address the historical backlog of untested rape kits and thereby increased the number of kits that required a technical review, consequently increasing the secondary workload. While LAPD's progress is laudable, the additional workload and related funding used for those additional efforts were not included in the routine SAEK Reports or DNA Task Force Meetings. The following are key findings from the audit.

Key Findings

- **The Department has taken on additional re-testing work that is not accounted for in its status reports and utilized funding that was not specifically allocated for this purpose. This added workload has increased the number of required technical reviews.**

From January 2009 through June 2011, the Scientific Investigation Division (SID) has spent over \$10.6 million on the contracted services of outside labs to analyze the backlogged kits and on-going receipt of kits. Using the outside labs for testing and internal staff to conduct technical reviews, the Department was able to reduce the unanalyzed rape kit backlog from 6,132 to 772 as of April 2011.

However, we noted that not all the funding was spent to reduce the rape kit backlog and to keep the new rape kit testing current. Because of recent advances in DNA testing technology, approximately \$3 million was also spent on re-testing 2,453 previously analyzed rape kits. The "analyzed" kits had been previously screened sometime between 1997 and 2008. Screening involves looking for a body fluid that would enable further analysis, or "profiling." If the identity of the suspect was not at issue, or if the screening step did not indicate that sufficient DNA was present, profiling was not performed. Testing by contract labs requires SID to complete a technical review. According to SID's records, more technical reviews were completed than shown on the SAEK reports. This is due to SID's workload including technical

reviews completed on the previously analyzed kits. We noted the number of new rape kits that have not been completely analyzed (untested or testing/analysis in progress) remained above 1,200 kits from March 2010 to December 2010 and was at 772 as of April 30, 2011. However, this reported statistic did not include 87 kits that were re-tested and were pending a technical review as of April 30, 2011. The Department also intends to evaluate an additional 1,475 kits for possible re-testing after identifying any kits that are out of statute or unfounded. The secondary workload may increase for any additional kits identified for re-testing. Without tracking the status of all kits that will be analyzed or require a technical review, the Department cannot accurately assess its overall resource needs or determine whether the workload is processed timely.

- **The Department spent less than its originally estimated resource needs to eliminate the historical rape kit backlog.**

In September 2008, the Department's Backlog Elimination Program explained the need for 33 positions by FY 2009-10 to fully staff the lab and enable LAPD to handle the current rape kit case load internally and discontinue adding to the backlog. The Department estimated that the historical backlog would be eliminated by 2013 primarily through the use of contract labs and in-house staff would be capable of addressing the new workload completely. The Department also estimated it would need \$10.2 million in General Fund and grant funds to meet its goal of eliminating the backlog.

SID expended approximately \$10.6 million for outside lab testing from January 2009 through June 2011. The Department was able to eliminate the historical backlog two years earlier than initially estimated, as well as re-test 2,453 previously analyzed rape kits which was not part of the original backlog elimination plan. The Department was able to accomplish more than it planned within its funding capacity.

- **The Department does not have a formalized plan or timeline to develop a comprehensive master database.**

Since the Controller's last follow-up audit, the LAPD has taken some steps toward developing an integrated system to track and manage rape kits. However, as of April 2011, the Department was still in the process of selecting a vendor to document its systems needs. The Department has indicated that the consultant was hired effective June 20, 2011. It is anticipated that this work will take a minimum of six months in order to develop a Request for Proposal (RFP) for the actual development of the information system to track and manage rape kits.

The Department does not have a timeline for completing the entire information system project and intends to wait until bids are received in response to the system development RFP to determine the overall timeframe for this project.

There is a risk that full implementation could still take several years. It has taken the Department almost a year and half to select a vendor to identify the system requirements and business needs. While it may not be possible to set a firm deadline for developing and implementing the system, interim milestones should be established to ensure this project progresses in a timely manner.

Review of Report

We met with LAPD representatives on August 25, 2011 to discuss the contents of the audit report. Department management generally agreed with the findings and recommendations. The Department's comments during the exit conference were evaluated and considered, as we finalized the report. We would like to thank LAPD management and staff for their cooperation and assistance during the audit.

CONTROLLER'S ACCOUNTABILITY PLAN

	RECOMMENDATIONS	PAGE REFERENCE	DEPARTMENT ACTION REQUIRED
SECTION I: RAPE KIT BACKLOG			
1	The LAPD should: Ensure that any sexual assault evidence kits that will be analyzed or that require a technical review are included in the SAEK Progress Reports.	18	LAPD
SECTION II: ADJUSTMENTS TO SAEK PROGRESS REPORTS			
2	Identify revisions that are necessary to various departmental records (e.g., APIMS or SAEK Master list, etc.) to ensure the reported number and status of SAEKs is accurate.	20	LAPD
3	Ensure reconciling differences between departmental records are properly accounted for and explained in the SAEK Progress Report in order to accurately reflect the number and processing status of SAEKs.	20	LAPD
4	Review those DNA cases where a request for testing is pending and determine the proper disposition.	22	LAPD
5	Formalize follow-up procedures to ensure DNA testing requests are made within 30 days of the date of the offense.	22	LAPD
6	Ensure the protocol for requesting DNA testing is followed in order to accurately track the status of rape kits.	22	LAPD
7	Implement protocols to review the unfounded cases received subsequent to December 8, 2008 to ensure that any cases where DNA analysis should be performed are identified.	23	LAPD

	RECOMMENDATIONS	PAGE REFERENCE	DEPARTMENT ACTION REQUIRED
8	The LAPD should: Verify the data queries used to compile the SAEK Progress Reports to minimize any reporting differences.	24	LAPD
SECTION III: RESOURCE NEEDS			
9	Continue to re-assess its resource needs (staffing and funding) to ensure the appropriate level of resources is available to prevent any future rape kit backlogs from occurring.	26	LAPD
10	Communicate to Policymakers any change to originally estimated funding levels that were designated for a specific purpose.	26	LAPD
SECTION IV: MANAGEMENT INFORMATION SYSTEM			
11	Establish a formalized plan or timeline with interim milestones to track its progress in developing a comprehensive master database for sexual assault evidence kits, once the system RFP is developed.	28	LAPD

INTRODUCTION AND BACKGROUND

On October 20, 2008 the Controller's Office issued the Audit of the Forensic DNA Backlog Reduction Grant Programs Awards, which assessed whether the Los Angeles Police Department (LAPD or Department) utilized the available grant monies in a timely manner to effectively reduce the sexual assault/rape kit backlogs. The audit identified that the backlog continued to increase to over 7,000 untested kits and the Department did not have a comprehensive plan to eliminate the backlog.

The Controller's Office subsequently conducted a follow-up audit and that report was issued on November 5, 2009. The first Follow-up Audit concluded that the LAPD had taken a number of positive actions in response to the original audit recommendations and had reduced the backlog of sexual assault/rape kits to 2,527. Key findings and observations from the first Follow-up audit included:

- The number of backlogged kits reported to the Council's Public Safety Committee did not reconcile with the physical inventory count of untested kits.
- A secondary workload of kits (kits tested by outside contract labs that were awaiting a technical review by the Department's Scientific Investigation Division) was not included in the reports to the Public Safety Committee.
- The Department did not submit written reports to the Public Safety Committee.
- The Department lacked a comprehensive information system to facilitate tracking untested sexual assault/rape kits.

Department Progress

The Department has continued its efforts to address the issues noted in the first Follow-up Audit. Specifically, since March 2010, the Department has submitted a monthly Sexual Assault Evidence Kit (SAEK) Progress Report to the Public Safety Committee, which identifies the status of kits that were identified as an untested backlog pre December 8, 2008, as well as kits subsequently booked, and the testing activities related to these two workload volumes.

In addition, the physical inventory and SAEK records were reconciled. Both the Department and our follow-up audit identified a few differences. While these differences were not corrected by the Department in its reported statistics, they do not materially affect the reported rape kit status. However, the Department should make every effort to report accurate, reliable and supported statistics, as discussed further in Finding #2 of this report.

We also noted that the Department has implemented two new information systems that help track sexual assault/rape kits. SID began using the Laboratory Information System (LIMS) in September 2009 to track testing of all DNA evidence, including sexual assault, firearms, toxicology and drug evidence. The Robbery-Homicide Division (RHD) implemented the RHD Incident Tracking system in August 2010 to track requests by investigating officers for DNA rape kit analysis. However, the Department still lacks a comprehensive master database and must use numerous databases and information systems to retrieve information for tracking and reporting on untested rape kits, as discussed further in Finding #3. Two of the primary systems used to prepare the SAEK Progress Reports (Automatic Property Information Management System and LIMS) were not intended to track SAEKs, but all evidence related to a variety of crimes.

Of primary importance, the Department has eliminated the historical backlog of rape kits and reduced the number of untested rape kits received since December 2008, as well as the secondary workload of rape kits awaiting technical review as discussed below.

Reduction in the Rape Kit Backlog, Untested Kits and Kits In Process of Testing & Analysis

Based on the Department's records, the total number of historical backlogged rape kits, untested rape kits and kits with testing or analysis in process was reduced from 3,629¹ in September 2009, to 772 as of April 2011. Since the historical backlog has been eliminated, this total is comprised of rape kits received since December 2008 with 140 rape kits pending technical review, 462 rape kits pending return by the contract laboratories, and 170 untested rape kits or kits with testing/analysis in process (113 of these kits were received during April 2011).

¹ The 3,629 consisted of a backlog of 2,162, 365 kits received since September 2008 and 1,102 kits pending technical review in September 2009.

Table 1 summarizes the disposition and status of the rape kit backlog and new kits received since March 31, 2010 through April 30, 2011.

**Table 1
Summary of Rape Kit Backlog & New Kits as of April 30, 2011**

	Historical backlog as of 12/8/08	New rape kits after 12/8/08	Total
Backlog as of 3/31/10	6,132	1,577	7,709
Total New Kits from 3/31/10 through 4/30/11	0	1,610	1,610
Totals	6,132	3,187	9,319
Status/Disposition of Total Kits:			
Unsuitable for testing ²	1,225	526	1,751
Kits tested with no profiles	2,391	956	3,347
Kits tested in-house with profiles	47	171	218
Kits outsourced with profiles (tech. rev. completed)	2,469	762	3,231
No. of Kits with Testing Completed or Unable to Test	6,132	2,415	8,547
Kits pending technical review	0	140	140
Kits with outside labs	0	462	462
Untested Kits/Kits with Testing or Analysis in Process	0	170	170
No. of Kits with Testing/Analysis in Progress	0	772	772

Source: LAPD SAEK Progress Reports

Historical Rape Kit Backlog as of December 8, 2008

Based on the Department's SAEK Progress Reports, progress has been made to steadily reduce and eliminate the historical rape kit backlog from 2,339 as of March 31, 2010 to 0 as of April 30, 2011. This was achieved primarily by outsourcing the rape kits to contract laboratories for testing.

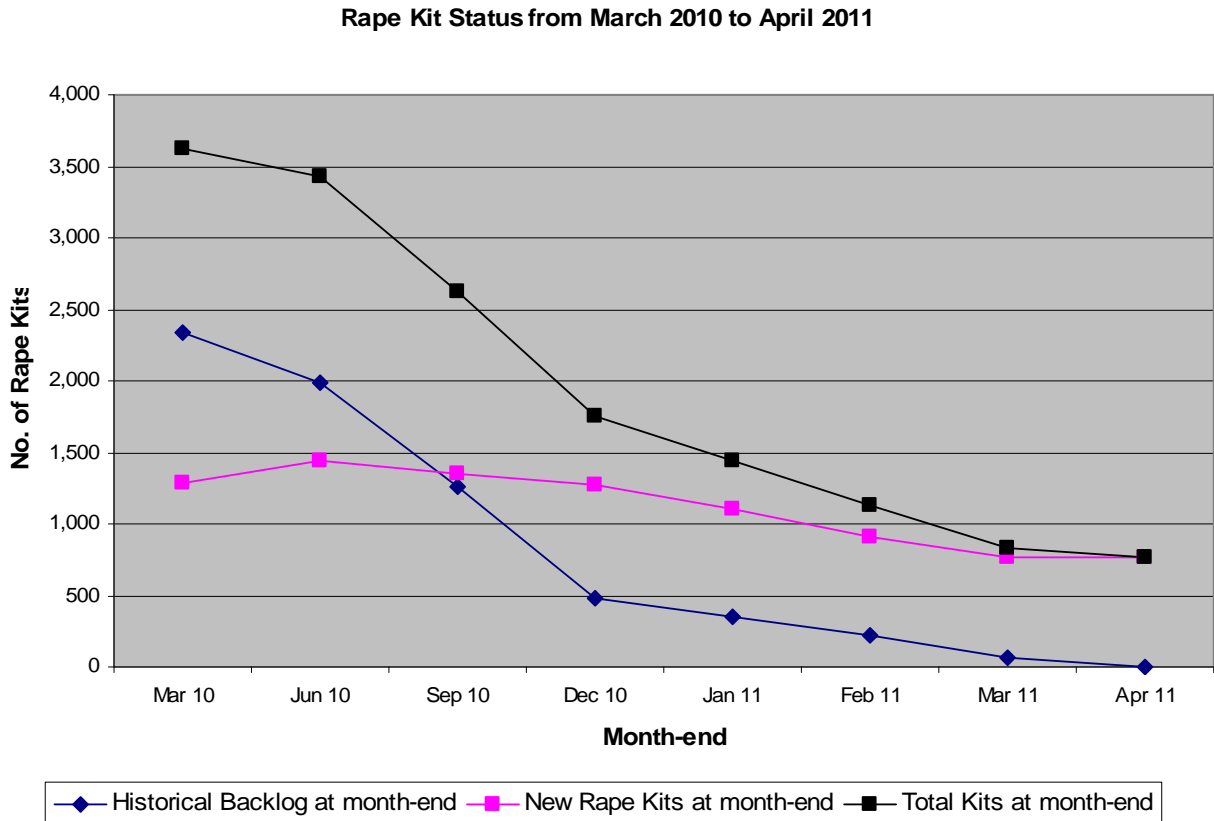
New Rape Kits Received since December 8, 2008

772 rape kits have accumulated since December 8, 2008 that have not been completely analyzed. From March 2010 to April 2011, the Department has significantly reduced the number of untested kits and kits with testing/analysis in progress from 1,157 to 170. During this time, the Department received an average of 115 new rape kits each month. Based on the reduced number of untested and in process kits, the Department has demonstrated its effort to ensure kits are not left untested.

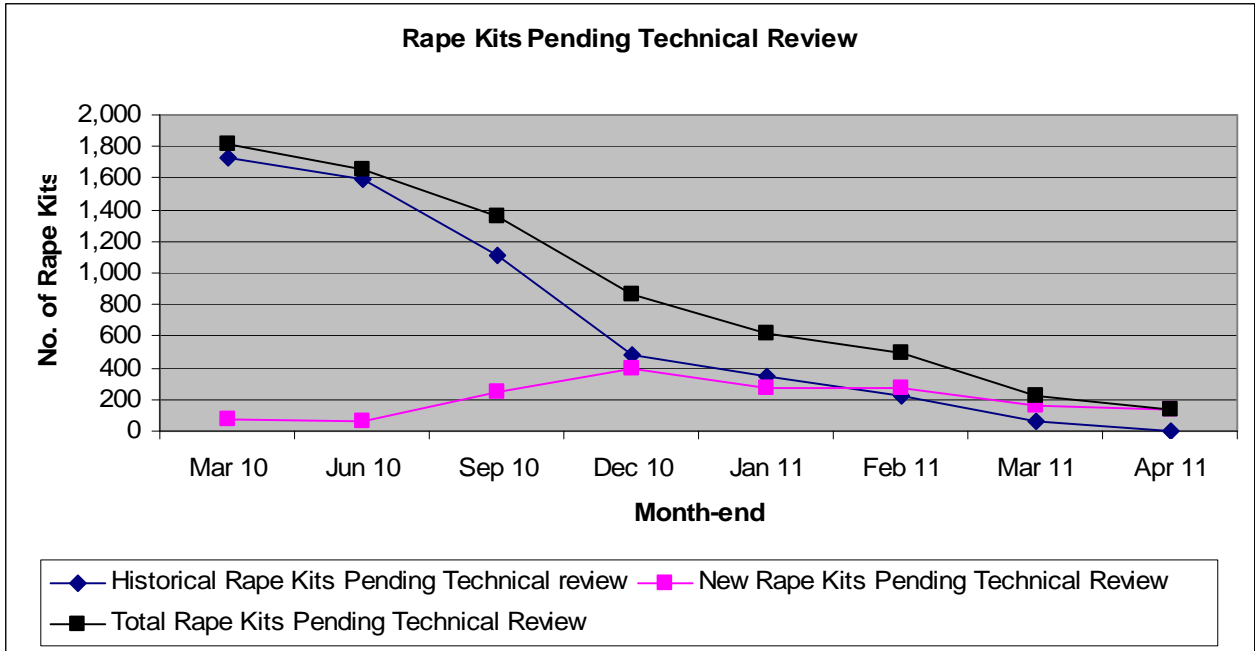
² Unsuitable for Testing is defined as kits where the evidence is not available, only a medical report exists, the SAEK is from the suspect for comparison only, the SAEK was released to another jurisdictional agency, a reference sample only, duplicate item number or Divisional Report number, excessive time delay between the crime and collection of evidence, unfounded reports or non-DNA evidence.

Total Historical Backlog and New Rape Kits

The following chart shows the trend of the historical rape kit backlog since our last follow-up audit, as well as the number of new kits that have not been completely analyzed at month end (i.e., unopened, testing in progress or awaiting technical review) with a separate breakdown of the historical and new rape kits backlog:



Some of the kits at month-end are awaiting SID's technical review before the analysis can be considered complete. The following chart shows the number of rape kits pending technical review that have been reduced since March 2010:



The Department's improvement was possible primarily due to the use of contract laboratories for the kit testing and the use of additional grant funding, general fund support and donations, as shown below.

Staff Resources

According to the City's Budget documents, in FY 2008-09, the City Council authorized 16 additional positions for DNA analysis to address the backlog of untested sexual assault evidence kits. In the following year, Council approved an additional 26 DNA analysis positions, again to address the backlog. Another 10 positions were authorized in FY 2010-11 to provide the necessary oversight and support for the positions that had been added in the prior fiscal years. Overall, 52 new positions were authorized from FY 2008-09 to FY 2010-11 to the Department in order to address the rape kit backlog. According to the Department, the intent of the added positions was to eventually conduct rape kit testing in-house and minimize the need for contracted lab services.

Table 2 shows a comparison of the staff resources including both authorized and filled positions in the Serology/DNA Unit since July 1, 2008:

**Table 2
Summary of Staff Resources**

Civil Service Class	July 1, 2008			April 1, 2009 (FY 08-09)			October 31, 2009 (FY 09-10)			October 31, 2010 (FY 10-11)		
	Authorized	Filled	Vacant	Authorized	Filled	Vacant	Authorized	Filled	Vacant	Authorized	Filled	Vacant
Supervising Criminalist	3	3	0	4	4	0	4	4	0	8	4	4
Criminalist III	5	5	0	6	5	1	6	5	1	6	5	1
Criminalist I and II	30	29	1	40	38	2	61	40	21	64	47	17
Laboratory Technician I and II	6	4	2	8	6	2	11	7	4	12	8	4
Management Analyst II	1	1	0	1	1	0	1	1	0	1	1	0
Systems Analyst II	0	0	0	1	1	0	1	1	0	3	1	2
Clerk Typist	1	1	0	1	1	0	2	1	1	2	1	1
Totals	46	43	3	61	56	5	86	59 ³	27	96	67 ⁴	29

Source: LAPD

SID Funding for Rape Kit Testing

SID has received significant funding from various sources for rape kit testing, as well as other DNA analysis. These include Federal grants, donations from the Los Angeles Police Foundation (Foundation) and an increased General Fund allocation. From January 2009 through June 2011, SID spent approximately \$10.6 million from these various sources on contract lab costs for the outsourced rape kit testing. Table 3 provides a breakdown of the outsourced rape kit testing costs by source of funds.

³ On 10/31/09, the 59 filled positions included 16 authorized positions in FY 2008-09.

⁴ On 10/31/10, the 67 filled positions included 15 of the authorized positions in FY 2009-10. Of the 15 positions, four were filled by current staff's promotions. From 10/31/09 to 10/31/10, three people left SID. As of March 2011, nine more criminalists were hired.

Table 3
Summary of SID Expenditures for Outsourced Rape Kit Testing
from January 2009 to June 2011

General Fund⁶		
FY 2007/08		\$1,697,362
FY 2008-09		1,484,660
FY 2009-10		2,530,802
FY 2010-11		507,833
	Sub-total	\$6,220,657,
Federal Grants		
2007 Forensic DNA Backlog Reduction Grant ⁶		\$250,462
2008 Forensic DNA Backlog Reduction Grant ⁶		112,732
2009 Forensic DNA Backlog Reduction Grant ⁶		342,182
2009 CFSI Grant		219,907
2010 Bryne Rape Kit Backlog Elimination Program		500,000
2010 UASI Grant		1,800,000
	Sub-total	\$3,225,283.
Los Angeles Police Foundation		
FY 2008-09		\$254,610
FY 2009-10		649,150
FY 2010-11		285,875
	Sub-total	\$1,189,635
	Total	\$10,635,575 ⁶

Source: SID

OBJECTIVES, SCOPE AND METHODOLOGY

The primary objective of this 2nd follow-up audit was to assess LAPD's processes to address the status of the untested rape kit backlog and the secondary backlog, which is pending technical review.

Specific objectives of the audit included our assessment of whether the Department:

- Has an effective process to ensure that the entire rape kit inventory, including the pending technical review workload, is accounted for, and reported accurately;

⁶ Based on an estimated portion of expenditures for SAEK testing using outside contracted labs. The total expended from all funding sources was \$10,635,597. The difference from the total actual expended and the total shown in Table 3 is due to rounding errors and is immaterial.

- Has an effective process to assess the resources needed to clear the historical rape kit backlog and technical review workload and to ensure that the Department's plan to eliminate the backlog is feasible and reasonable;
- Has placed a high priority on developing a comprehensive master database to account for all untested rape kits, and to develop a formal timeline for implementing the master database.

As part of our audit, we evaluated whether the number of backlogged rape kits reported by the Department was accurate and supported by the inventory records; assessed the current status of the rape kit backlog; evaluated whether the SAEK Progress Report developed by the Department contains accurate, complete and reliable data related to the sexual assault kits; and determined whether the Department adopted a detailed, feasible, and comprehensive plan to eliminate the backlog and to keep current on testing incoming cases to prevent future backlogs.

The audit was performed in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit covered the period from November 2009 through April 2011. Fieldwork was conducted between December 2010 and May 2011. During the audit, we conducted interviews and walk-through tests with management, staff and other key personnel in the Robbery-Homicide Division (RHD) and Scientific Investigation Division (SID) to obtain an understanding of the related processes, which the Department has enhanced since our last follow-up audit. We also reviewed policies and procedures, including pertinent reports and documents prepared by LAPD for this program.

AUDIT FINDINGS AND RECOMMENDATIONS

SECTION I: RAPE KIT BACKLOG

The Department's September 22, 2008 Backlog Elimination Plan estimated that the City would require approximately \$10.2 million additional funding to eliminate the rape kit backlog by 2013, assuming crime rates, DNA analysis requests, and vendor capacity and costs remained consistent. At that time, the Department estimated they would receive \$5.6 million through the General Fund and grant funds. SID requested an additional \$4.6 million and an increase of 33 employees to accomplish a "two-pronged" approach by outsourcing the testing to contract laboratories, and to enhance its ability to handle the current case load internally which would stop adding to the backlog.

As of September 2009, the LAPD had reduced the rape kit backlog from over 7,000 kits to 2,527 kits. The reduction resulted from a more concerted effort on the part of LAPD to ensure kits were tested. Using contract labs for rape kit analysis requires a technical review⁵ by the SID to confirm the test results. Therefore, due to the increased reliance on contract laboratories to perform the testing, a secondary workload of kits awaiting a technical review (1,102) was created, while SID hired and trained more DNA analyst staff.

Finding #1: The Department has taken on additional re-testing work that is not accounted for in its status reports and utilized funding that was not specifically allocated for this purpose. This added workload increased the technical review workload.

In January 2010, Council approved the use of unspent LAPD salary funds to continue paying for outsourced rape kit analysis, in order to eliminate the backlog of untested kits by the end of FY 2009-10. In December 2010, SID projected that the pending technical reviews would be current by April 2011. However, these planned outcomes were impacted by advances in technology which led to the Department's decision to re-test over 2,400 previously analyzed kits. Further, this additional workload was not accounted for in the Department's formal public reporting process – the SAEK Progress Report (or DNA Task Force meetings), because the Department intended the Progress Reports to report solely on the identified rape kit backlog and efforts to stay current.

In December 2008, the Department completed a physical inventory of all the evidentiary items secured in its freezers and identified almost 10,000 kits, of which 4,945 were analyzed kits, and the remainder were untested kits. The "analyzed" kits had been previously screened sometime between 1997 and 2008. Screening involves looking for a body fluid that would enable further analysis, or "profiling." If the identity of the suspect

⁵ The Federal Bureau of Investigation precludes the LAPD from uploading cases to the Combined DNA Index System (CODIS) without a technical review by a qualified public agency laboratory DNA analyst.

was not at issue, or if the screening step did not indicate that sufficient DNA was present, profiling was not performed.

SID's DNA testing methods were changed due to scientific advancements in 1994, 2001 and again in 2008, with each new method being more sensitive. That is, what evidence could not be used for profiling in the past may now be suitable, due to the advancements in DNA testing technology. With this in mind, the Department reviewed the majority of the previously analyzed cases (screened but not profiled) and sent 2,453 kits to the contract labs for profiling (retesting). The Department also intends to evaluate an additional 1,475 kits for possible re-testing after identifying any kits that are out of statute or unfounded.

Since the 2,453 re-tested kits had been considered "analyzed" as of December 2008, they were not included in the reported number of booked kits as of December 8, 2008. As a result, the testing activities and results associated with these kits were not accounted for in the initial numbers reported in the first and subsequent SAEK Progress Reports. LAPD's financial resources, however, were used to test (or provide a technical review) for these additional kits, which were more than what was reported. Based on the re-testing results as of April 30, 2011, there were 87 kits pending technical review. Therefore, the Department's reported number of kits pending technical review was understated at 140 because the additional workload of 87 re-tested kits that required a technical review was not included. As a result, the number of kits pending technical review as of April 30, 2011 was 227 (140 + 87).

The following is a summary of the pre-screened 2,453 kits sent out for DNA testing as of April 30, 2011:

- 2,445 kits were analyzed
- 1,470 kits had profiles, of which:
 - 1,383 kits had completed technical reviews
 - **87 kits were pending technical reviews**
 - 1,006 kits have been uploaded to CODIS
 - 492 CODIS hits

The Department spent almost \$3 million to re-test the 2,453 kits, comprised of \$2 million General Fund monies, \$435,000 from the Los Angeles Police Foundation, and \$273,000 from the DNA Backlog Reduction Grants.

**Table 4
Funding Used to Re-test 2,453 Kits**

Source of Funding	Amount Paid for DNA Testing	Amount Encumbered for DNA Testing	Total
General Fund	\$1,904,551	\$0	\$1,904,551
2006 DNA Backlog Reduction Grant	37,770	0	37,770
2007 DNA Backlog Reduction Grant	138,463	0	138,463
2008 DNA Backlog Reduction Grant	8,825	0	8,825
2009 DNA Backlog Reduction Grant	88,325	0	88,325
CFSI Grant ⁶	31,075	0	31,075
Los Angeles Police Foundation	435,420	0	435,420
Solving Cold Cases with DNA Grant	21,200	0	21,200
UASI Grant ⁷	146,338	0	146,338
Not Recorded or Yet Determined	30,607	110,055	140,662
Total	\$2,842,574	\$110,055	\$2,952,629

Source: SID

Based on the \$10.6 million expended by SID from January 2009 through June 2011, and existing trained staff, the Department was able to eliminate the historical backlog of 6,132 rape kits by April 2011. It is understandable that the Department would want to confirm whether new technology could help with DNA analysis of previously inconclusive kits. However, doing so meant using funds that had been intended to address the backlog of untested rape kits, as well as staffing resources for the technical reviews. This added work increased the number of kits that required a technical review, thereby increasing this secondary workload. This secondary workload may increase again, as the Department evaluates the additional 1,475 kits for possible re-testing.

The new rape backlog remained above 1,200 kits from March 2010 to December 2010, with a balance of 772 rape kits as of April 30, 2011. Without tracking the status of all kits that will be analyzed or require a technical review, the Department cannot accurately assess its overall resource needs or determine whether the workload is processed timely.

⁶ California Forensic Science Institute and Urban Area Security Initiative.

Recommendation

- 1. The LAPD should ensure that any sexual assault evidence kits that will be analyzed or that require a technical review are included in the SAEK Progress Reports.**

SECTION II: ADJUSTMENTS TO SAEK PROGRESS REPORTS

In our prior Follow-up Audit of the Forensic DNA Backlog Reduction Program, we noted that the historical rape kit backlog of 6,132 might not have reflected an accurate number of kits that required testing. We identified several previously tested kits that were included in the Department's physical inventory count, and some untested rape kits which were not included in the physical count. We recommended the Department reconcile the difference between the number of inventoried rape kits and the Department's information systems/records to accurately account for the entire rape kit backlog.

The Department reconciled the physical inventory and records and identified some differences. However, the adjustments were not reflected in the first and subsequent SAEK Progress Reports.

We also attempted to verify the accuracy of the reported activities shown on the October 30, 2010 SAEK Progress Report and noted some differences between the reported numbers and source documents as described below.

Finding #2: The SAEK Progress Reports do not reflect the reconciled differences identified by the Department between the physical inventory of the rape kits and the rape kit records.

Reported historical rape kit backlog

The LAPD's reconciliation between the physical inventory of sexual assault evidence kits, Automatic Property Information Management System (APIMS) and the SID's database as of December 8, 2008, identified the following differences:

- 83 kits with a duplicate or incorrect Divisional Report Number (DR#) were included in the reported historical rape kit backlog, which would cause the number of historical rape kits to be overstated.
- 99 rape kits that were incorrectly booked as coroner's kits in APIMS before December 2008, and were not included in the historical rape kit backlog. The Property Division uses different codes to book rape kits (live victim) and coroner's kits (dead victim) in APIMS. The kits were subsequently reclassified as rape kits in APIMS, and although not included in the reported historical rape kit backlog, were processed with the following results as of October 2010: 17 were determined to be unfounded, 77 were outsourced for testing or tested in-house and 5 were untested.

However, the Department did not revise the reported historical rape kit backlog when these differences were identified. Department staff stated that since the untested physical inventory as of December 8, 2008 was published as 6,132, it was recognized as the historical rape kit backlog. The Department preferred to keep that figure static, and

has continued to report 6,132 as the beginning historical backlog, despite the reconciling discrepancies.

New rape kits

The Department reported 2,515 new rape kits booked subsequent to December 8, 2008 through October 30, 2010. We compared the reported rape kits with the APIMS and noted that APIMS showed nine fewer rape kits (2,506) for the same period.

Department staff explained that such differences may be caused when an alternate DR# is issued to replace the original DR# in APIMS due to a change in the Detective Division handling the case. In addition, rape kits may belong to other agencies and are released upon that identification. In both examples, the original DR# was deleted from APIMS. However, the changes were not reflected in the SAEK Master List, which is used to compile the SAEK Progress Report.

Until the Department has an integrated information system, the SAEK Progress Reports should be based on statistics verified through reconciliation between the APIMS and the SAEK Master List. Adjustments to previously reported SAEK statistics should be incorporated in the SAEK Progress Reports to ensure accurate information is reported and to keep management, City leaders and the public well informed. For example, the Department should determine what revisions are necessary to either APIMS or other departmental records for incorrect or duplicate DR numbers or Coroner kits previously held by the County.

Recommendations

The LAPD should:

- 2. Identify revisions that are necessary to various departmental records (e.g., APIMS or SAEK Master list, etc.) to ensure the reported number and status of SAEKs is accurate.**
- 3. Ensure reconciling differences between departmental records are properly accounted for and explained in the SAEK Progress Report in order to accurately reflect the number and processing status of SAEKs.**

Finding #3: There is inadequate follow-up of rape kits that have no request for DNA analysis; as a result, requests for testing exceed the Department's 30-day timeframe.

Based on the Department's Directive dated June 19, 2009, investigating officers are required to submit a request for rape kit DNA analysis to the RHD within the stipulated time depending on the type of offense. For example, for homicide cases, sexual assaults involving a stranger or a person in a position of trust and repeated offense cases, the

request must be submitted within five business days from the date of the offense. For all other cases, requests are to be made within 30 days of the date of offense.

In August 2010, the Department initiated the RHD Incident Tracking System (Tracking System) to track requests by the investigating officers for rape kit DNA analysis. Investigating officers submit the Request for Serology/DNA Analysis (Request) through the Tracking System. Upon receipt of the email notification of the Request, RHD reviews the request for completeness and verifies the priorities of the Request. The Request is then transmitted to SID for assignment to testing.

As of December 16, 2010, there were 242 kits from cases booked from December 8, 2008 to October 30, 2010 with a “pending status” in the RHD Incident Tracking System, which means a request for DNA analysis has not been made. The breakdown of booking dates for these cases is shown below.

Month/Yr Case was Booked	Number of Kits
August 2009	2
January 2010	12
February 2010	10
March 2010	28
April 2010	25
May 2010	16
June 2010	28
July 2010	24
August 2010	36
September 2010	27
October 2010	34
TOTAL	242

The Tracking System has an auto-email feature, which sends an email directly to the responsible Detective Division when a Request has not been submitted within 30 days from booking the case. Another email is sent 10 days thereafter. However, these follow-up emails are not monitored or tracked to ensure that Requests for Serology/DNA Analysis are actually made.

RHD indicated that some of kits shown as “pending” had already been tested. According to RHD, from July 2010 to September 2010, some SAEKs were sent out by SID for analysis without requests by RHD. We noted that 127 of the “pending” kits had been sent out by SID for analysis without a corresponding request coming from RHD. This is problematic because the kits were not being accurately tracked and the protocol for ensuring that testing is necessary (as deemed by the investigating officer) was not followed.

To determine the timeliness of testing requests, we reviewed the 529 new rape cases received from August 17, 2010 to January 20, 2011. We noted 446 cases (84%) had requests for testing. 134 (30%) of the requests were made within an average of 75 days

from the crime report date and 41 of these cases (31%) were requested for testing between 90 and 163 days from the crime report date. As of February 2011, there were 69 cases with a crime date before December 2010 that still did not have a request for testing. A significant number of testing requests exceed the Department's 30-day timeframe.

The Department indicated that as of March 2011, quarterly reports are disseminated to management for outstanding test requests. In addition, this topic is discussed at COMPSTAT meetings to ensure outstanding testing requests are followed up.

In order to maintain an effective system to track DNA testing requests and to prevent creating another unintended rape kit backlog, monitoring procedures should be implemented to ensure that the outstanding pending cases are reviewed and the Request for Serology/DNA Analysis is processed as soon as possible. The Department also needs to ensure that the established protocol for requesting DNA analysis is followed.

Recommendations

The LAPD should:

- 4. Review those DNA cases where a request for testing is pending and determine the proper disposition.**
- 5. Formalize follow-up procedures to ensure DNA testing requests are made within 30 days of the date of the offense.**
- 6. Ensure the protocol for requesting DNA testing is followed in order to accurately track the status of rape kits.**

Finding #4: Not all cases categorized as “unfounded” have been reviewed to determine whether DNA analysis should be requested.

In 2010, the Department reviewed all 433 kits from 356 cases identified as “unfounded”⁷ in the historical rape kit backlog. The Department used a checklist to review and assess whether these cases were truly unfounded or not. The review disclosed that only 151 cases were truly unfounded, and the remaining 205 cases (58%) were subsequently sent for DNA analysis.

However, the Department does not have established procedures to perform the same type of review and confirmation for unfounded cases that were booked after December 8, 2008. The Department indicated that the Police Bureaus are in the process of developing procedures to review unfounded cases. As of October 30, 2010, 405 kits were classified as unsuitable for testing. This reporting category includes unfounded cases. We also

⁷ Cases where LAPD had determined a crime did not occur or the same incident has been reported more than once.

noted 10 DR numbers identified as “Category 4” (typically an unfounded case) in the LIMS system had not been tested as of January 20, 2011, despite having requests for DNA testing (7 had requests older than 6 months). Only three of the DR numbers could be traced to RHD’s master listing of SAEKs. It is unclear if the remainder were determined to be truly unfounded or unsuitable for testing.

Since the Department’s previous efforts determined that over half of the cases should have DNA analysis performed, it is important that this same type of confirmation be done on cases that were not part of the historical backlog. If the results of the prior review of unfounded cases holds true for new kits, the Department may have a larger number of kits to be tested than the April 2011 reported balance of 772 kits.

Recommendation

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

Finding #5: Data query errors can result in reporting differences with the SAEK Progress Reports.

As recommended by our prior Follow-up audit, a comprehensive integrated database is necessary to keep track of all the important information related to a rape kit. This would reduce the need to maintain some of the same data in multiple systems, and minimize discrepancies caused by timing differences or human error. Since the Department has not developed a comprehensive database to facilitate tracking of untested rape kits, the monthly SAEK Progress Report is compiled manually from information pulled from various information systems into a SAEK Master List spreadsheet. Such information is assimilated from APIMS, LIMS, Serology Cases Access Database, Backlog Outsourcing Cases Access Database, and the Outsourced Spreadsheet. Despite the effort to maintain a comprehensive SAEK Master List spreadsheet, data queries can result in reporting errors.

Our comparison of the October 2010 SAEK Progress Report to the SAEK Master List disclosed some reporting differences:

- In the historical rape kit backlog, the cumulative kits uploaded to CODIS after technical review should have been 1,569 instead of 1,550.
- In the historical rape kit backlog, the unsuitable rape kits for testing should have been 1,162 instead of 1,225.
- In the new rape kits booked after December 2008, the cumulative kits pending technical review should have been 329 instead of 325.

Until the Department has an integrated information system, the data queries used to compile the SAEK Progress Reports should be confirmed to minimize any reporting differences.

Recommendation

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

SECTION III: RESOURCE NEEDS

From FY 2008-09 through 2010-11, the City Council authorized 52 new positions for SID to address the rape kit backlog, ten of which were for oversight and support. As of October 2010, the Department filled 31 of the 52 positions.⁸ From January 2009 through June 2011, SID expended over \$10.6 on contract lab costs for SAEK analysis.

Finding #6: The Department spent less than its originally estimated resource needs to eliminate the historical rape kit backlog.

In September 2008, the Department's Backlog Elimination Program explained the need for 33 positions by FY 2009-10 to fully staff the lab and enable LAPD to handle the current rape kit case load internally and discontinue adding to the backlog. The Department estimated that the backlog would be eliminated by 2013 primarily by using outside labs and in-house staff would be capable of addressing the new workload completely. The Department also estimated it would need \$10.2 million in General Fund and grant funds to meet its goal of eliminating the backlog.

As of FY 2010-11, the number of authorized positions for SID has surpassed what the Department estimated it needed in 2008, since City Council authorized 52 new positions. Though the Department's actual hires come close to what it planned for in 2008; 16 criminalists were hired in FY 2008-09 and 15 more in FY 2009-10. SID expended \$10.6 million on contract lab costs for SAEK analysis.

The Department was able to eliminate the historical backlog two years earlier than initially estimated, as well as re-test 2,453 previously analyzed rape kits (Finding #1). This was additional work and not part of the original backlog elimination plan. This was achieved primarily by contracting out the testing to outside laboratories, although experienced SID staff were necessary to conduct the required technical reviews. The Department indicated that cost efficiencies enabled more testing to be done. However, the cost savings and intent to use the savings for re-testing was not disclosed outside of the LAPD.

The Department was able to accomplish more than it planned within its funding capacity. This would seem to indicate that funding levels were more than adequate to eliminate the rape kit backlog. Now that the historical backlog no longer exists and there remains several hundred kits that require technical reviews, the Department's outsourcing costs should be significantly reduced. As such, the Department is in a better position to re-assess its resource needs (staffing and funding) to ensure the appropriate level of resources is maintained to prevent any future rape kit backlogs from occurring.

⁸ As of March 2011, the Department hired an additional nine criminalists.

Recommendations

The LAPD should:

- 9. Continue to re-assess its resource needs (staffing and funding) to ensure the appropriate level of resources is available and maintained to prevent any future rape kit backlogs from occurring.**
- 10. Communicate to Policymakers any change to originally estimated funding levels that were designated for a specific purpose.**

SECTION IV: MANAGEMENT INFORMATION SYSTEM

In the November 5, 2009 audit report, we noted the Department had different databases used for various purposes in tracking rape kits. However, none of the databases were linked or integrated, which meant that each system needed to be accessed in order to obtain complete information on a particular rape case/kit. As a result, the Controller recommended that LAPD place a high priority on developing a comprehensive master database to account for all untested rape kits and develop a formal timeline for implementing the master database. However, despite taking initial steps toward a master database, we found the Department does not have an established timeline for implementing an integrated system to properly track and manage rape kits.

Finding #7: The Department does not have a formalized timeline to develop a comprehensive master database.

Since the Controller's first follow-up audit, the LAPD has taken some steps toward developing an integrated system to track and manage rape kits. The actions taken to date are described in Table 5 below:

Table 5
LAPD Actions to Develop an Integrated System for Rape Kits

Date	Action Taken
January 2010	Reviewed current business processes for model design
August 2010	Developed RHD Incident Tracking System to integrate different database information and streamline requests for DNA testing
October 2010	Identified \$75,000 from Unclaimed Monies Seized Incidental to Arrest Trust Fund for systems needs assessment
June 2011	Hired consultant to identify system requirements

In its April 30, 2011 status report on the Controller's recommendations, the Department indicated that a request for quotation was sent to vendors to seek their services in documenting the Department's system requirements. The Department expected to select a vendor shortly after that timeframe, and obtain City Council approval to execute a contract. This would precede the development and implementation of a comprehensive information system to track and manage rape kits.

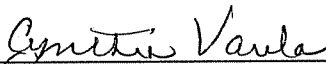
The Department still does not have a timeline for completing the entire information system project. The consultant that was recently hired to develop system requirements may be contracted for a minimum six months to oversee gathering requirements, writing the Request For Proposal, having it reviewed, and eventually published for bidders' response. Once the RFP is reviewed by various vendors and the proposals are returned, the Department will have a better idea of the overall time this project will take.

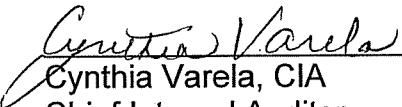
Without a targeted end date in sight, there is a risk that full implementation could take several years. It has taken the Department almost a year and half to reach the step of selecting a vendor to identify the system requirements and business needs. While it may not be possible to set a firm deadline for developing and implementing the system, interim milestones should be established to ensure this project progresses in a timely manner.

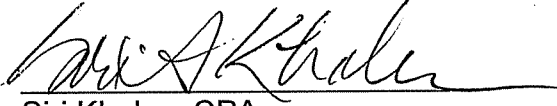
Recommendation


11. The LAPD should establish a formalized plan or timeline with interim milestones to track its progress in developing a comprehensive master database for sexual assault evidence kits, once the system RFP is developed.

Respectfully submitted,


for Wai Ling Wong, CPA, CIA
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May 31, 2011

Appendix A

OFFICE OF THE CONTROLLER

**2ND FOLLOW-UP AUDIT OF THE FORENSIC DNA
BACKLOG REDUCTION PROGRAM**

Ranking of Recommendations

Finding Number	Description of Finding	Ranking Code	Recommendations
			The LAPD should:
1.	The Department has taken on additional re-testing work that is not accounted for in its status reports and utilized funding that was not allocated for this purpose. This added workload has increased the backlog of technical reviews.	U	1. Ensure that any sexual assault evidence kits that will be analyzed or that require a technical review are included in the SAEK Progress Reports.
2.	The SAEK Progress Reports do not reflect the reconciled differences identified by the Department between the physical inventory of the rape kits and the rape kit records.	N N	2. Identify revisions that are necessary to various departmental records (e.g., APIMS or SAEK Master list, etc.) to ensure the reported number and status of SAEKs is accurate. 3. Ensure reconciling differences between departmental records are properly accounted for and explained in the SAEK Progress Report in order to accurately reflect the number and processing status of SAEKs.
3.	There is inadequate follow-up of rape kits that have no request for DNA analysis; as a result, requests for testing exceed the Department's 30-day timeframe.	U N U	4. Review those DNA cases where a request for testing is pending and determine the proper disposition. 5. Formalize follow-up procedures to ensure DNA testing requests are made within 30 days of the date of the offense. 6. Ensure the protocol for requesting DNA testing is followed in order to accurately track the status of rape kits.

Finding Number	Description of Finding	Ranking Code	Recommendations
4.	Not all cases categorized as "unfounded" have been reviewed to determine whether DNA analysis should be requested.	U	The LAPD should: 7. Implement protocols to review the unfounded cases received subsequent to December 8, 2008 to ensure that any cases where DNA analysis should be performed are identified.
5	Data query errors can result in reporting differences with the SAEK Progress Reports.	N	8. Verify the data queries used to compile the SAEK Progress Reports to minimize any reporting differences.
6.	The Department spent less than its originally estimated resource needs to eliminate the historical rape kit backlog.	N N	9. Continue to re-assess its resource needs (staffing and funding) to ensure the appropriate level of resources is available and maintained to prevent any future rape kit backlogs from occurring. 10. Communicate to Policymakers any change to originally estimated funding levels that were designated for a specific purpose.
7.	The Department does not have a formalized timeline to develop a comprehensive master database.	N	11. Establish a formalized plan or timeline with interim milestones to track its progress in developing a comprehensive master database for sexual assault evidence kits, once the system RFP is developed.

Description of Recommendation Ranking Codes

U- Urgent- The recommendation pertains to a serious or materially significant audit finding or control weakness. Due to the seriousness or significance of the matter, immediate management attention and appropriate corrective action is warranted.

N- Necessary- The recommendation pertains to a moderately significant or potentially serious audit finding or control weakness. Reasonably prompt corrective action should be taken by management to address the matter. The recommendation should be implemented within six months.

D- Desirable- The recommendation pertains to an audit finding or control weakness of relatively minor significance or concern. The timing of any corrective action is left to management's discretion.