

WENDY GREUEL
CONTROLLER

November 5, 2009

The Honorable Antonio Villaraigosa
The Honorable Carmen Trutanich
Honorable Members of the City Council

While the Los Angeles Police Department has made great strides in recent years to reduce crime throughout our City, one of its failures in the past has been how the Department managed the enormous backlog of rape kits.

An audit that this office released last year spurred action by City leaders to fund the positions necessary to begin to address this crisis. The audit found thousands of kits untested and dozens that were beyond the statute of limitations to use against a rapist. What appeared most frustrating was that we *had* the evidence in our labs to identify and ultimately convict the violent criminals, we simply needed to unlock the evidence.

My office recently completed the attached follow-up audit on the Forensic DNA Backlog Reduction Grant Program, which evaluates the LAPD's progress in implementing the previous audit's recommendations. While substantial progress has been made, the LAPD still has a long way to go to reduce the backlog and bring justice to the thousands of rape victims in Los Angeles. According to their statistics, the Department has reduced the overall number of kits in the backlog from 7,038 to 2,527, however, there is still substantial room for improvement.

Some of the findings of the audit include:

- The LAPD backlog numbers are inconsistent and it's difficult to give a final backlog number with complete confidence. The Department needs to immediately compare the difference in the rape kit reporting statistics with their physical inventory and eliminate the kits which have already been tested and include the untested kits that were not counted. If we don't have an accurate accounting of where we stand, it is impossible to say how much progress has been made.
- The LAPD has outsourced the testing of kits to reduce the backlog; unfortunately, the FBI has a policy that requires all kits that are outsourced must be retested by another public crime lab, such as LAPD, to verify results. This delay is outrageous and has created a whole new backlog. There are now 1,102 kits that have to wait an average of 72 days for this SECOND REVIEW! We need to press the FBI to immediately change their policy.

- The Department needs to work with experts in the field to create a better protocol for notifying victims. The LAPD should notify every sexual assault victim of changes in their case, regardless of the California State Penal Code which only requires that victims of a sexual assault occurring after 2004 need to be alerted if the law enforcement agency chooses not to analyze DNA evidence within the specified time limits. While the LAPD has begun working with advocacy groups on a set of protocols for notifying victims, the Department needs to make every possible effort to notify a rape victim of the status of their case – and to ensure that this notification goes to them, and them alone. Officials making these notifications need to be properly trained to help counsel victims through this potentially traumatic experience.
- The Police Department lacks a comprehensive – and modern - database designed to track untested rape kits. Currently, three different divisions within the LAPD – Robbery Homicide, Property and Scientific Investigation - maintain their own unique databases of untested kits. None of these databases are integrated and they may contain duplicative or even contradictory data.
- The Department needs to do a better job in tracking backlogged kits and distinguishing those from new kits that are received. While the Department has made substantial progress in reducing the backlog of old kits, nearly 25% of kits that have been received in the last year have not been tested. If these new kits are not tested, we're simply creating a new backlog.
- For increased transparency and accountability, the Department should prepare monthly written reports to the Council's Public Safety Committee and quarterly written reports to the entire City Council in order to increase accountability. The LAPD should work with the L.A. Sheriff's Department to standardize reporting guidelines. The reports should provide information including: the beginning monthly balance of kits; the number of kits tested each month; the number of new kits received each month; an ending monthly balance; and, the number of kits tested by private labs versus the number tested in-house.

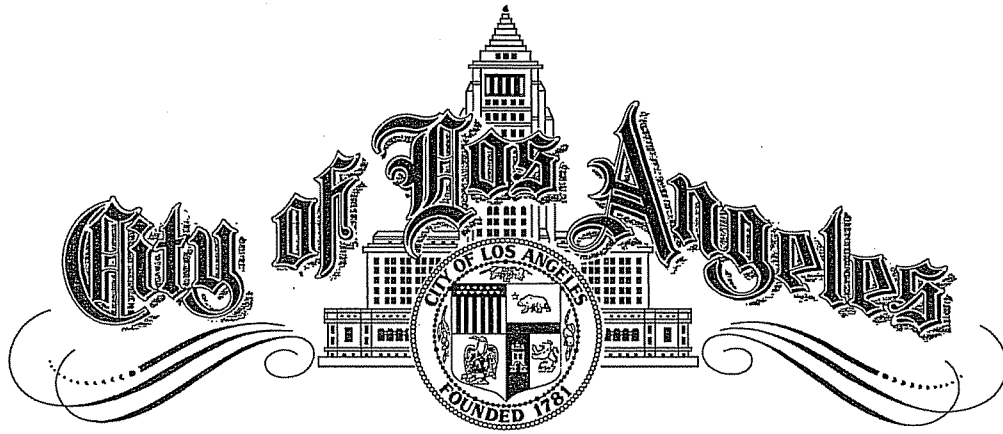
Overall, I am pleased with the progress that the Los Angeles Police Department has made in the past year, under the leadership of former Chief Bratton and Chief-designate Beck. However, the Department and City leaders need to act swiftly to address the outstanding challenges that stand in our way to actually solving this crisis.

I look forward to working together to implement these recommendations and use them as a road map to making Los Angeles the safest big City in America for everyone.

Sincerely,



Wendy Greuel
City Controller



OFFICE OF
CONTROLLER

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November 5, 2009

Michael Downing, Interim Chief of Police
Los Angeles Police Department
Police Administrative Building
100 W. First Street
Los Angeles, CA 90012

Dear Chief Downing:

Enclosed is a report entitled, "Follow-up Audit of the Forensic DNA Backlog Reduction Grant Program Awards." A draft of this report was provided to your office on August 25 and September 29, 2009. Comments provided by your Department at the meetings held on September 3 and October 15, 2009 were evaluated and considered prior to finalizing the report.

Please review the final audit report and advise the Controller's Office by December 7, 2009 on planned actions you will take to implement the Controller's Accountability Plan. If you have any questions or comments, please contact me at (213) 978-7392.

Sincerely,

FARID SAFFAR, CPA
Director of Auditing

Enclosure

cc: John Mack, President, Board of Police Commissioners
Reverend Jeff Carr, Chief of Staff, Office of the Mayor
Jimmy Blackman, Deputy Chief of Staff, Office of the Mayor
Eileen Decker, Deputy Mayor, Office of the Mayor
Miguel A. Santana, City Administrative Officer
June Lagmay, City Clerk
Gerry F. Miller, Chief Legislative Analyst
Independent City Auditors



**City of Los Angeles
Office of the Controller**

**Follow-up Audit of the Forensic DNA
Backlog Reduction Grant Program Awards**

November 5, 2009

Wendy Greuel
City Controller

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

EXECUTIVE SUMMARY

The Audit Division has completed a follow-up audit of the Forensic DNA Backlog Reduction Grant Program report issued on October 20, 2008. The primary objective of the audit was to evaluate the Department's progress in implementing the report's recommendations. This included evaluating whether the number of backlogged rape kits reported by the Los Angeles Police Department (LAPD or Department) is accurate and supported by the inventory records and evaluating the Department's plans to eliminate the backlog and to stay current on new cases.

Background

The October 20, 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 and comprehensive plan to eliminate the backlog, had lost \$498,570 in grant funding due to poor planning and lack of oversight, and may not have been providing required notifications to victims.

Scope

Our audit was performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) and covered the period from October 2008 through September 2009.

Summary of Audit Results

Over the past year, the Department has taken a number of positive actions in response to the audit. For example, the Department completed a comprehensive physical inventory of rape kits in the freezer, increased the number of kits outsourced for testing, hired additional criminalists, and centralized certain controls over the kits. Also, it was evident from our discussions with management and staff that the Department is committed to making improvements and ensuring that appropriate actions are taken to implement the audit recommendations. Since the prior audit, the backlog of rape kits has been reduced to 2,527.

Despite the Department's commitment and the improvements already made, there is still much work to be accomplished. For example, our follow-up audit disclosed that the

Department's reported backlog of untested rape kits may not be accurate, and the Department lacks a comprehensive information system to facilitate tracking untested rape kits. Following are key findings from the audit.

Key Findings

- The number of backlogged rape kits reported to the Council's Public Safety Committee may not reflect an accurate number of kits that require testing. However, despite the problems we noted, LAPD is in the process of reconciling any differences noted between the reported and actual backlog. Also, to be conservative, the LAPD reports its backlog as the number shown in its database, which is higher than the Department's physical count.**

LAPD's physical count of December 8, 2008 identified 6,132 backlogged rape kits, almost 600 less than the reported number of 6,708 a week earlier. This reduction does not appear to be reasonable since at that time, the Department was booking more new cases than they were analyzing. Our review of the rape kits revealed that several kits previously tested were mistakenly included in the Department's physical inventory count. In addition, at least 87 untested sexual assault kits were inadvertently not included in the physical count. Despite the problems we noted, the difference between the Automated Property Information Management System (the system used to report the Department's backlog figures) and the physical inventory count does not appear to be significant from an accounting standpoint. In addition, LAPD is in the process of reconciling the difference to ensure all sexual assault kits are properly accounted for.

It should be noted that the Department has a secondary backlog of sexual assault kits which it does not report to the Public Safety Committee as a backlog. Specifically, LAPD's records show 1,102 kits that have been tested by outside contractors that are awaiting a technical review by the Scientific Investigation Division (SID) to confirm the test results. 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. The LAPD should assess the resources needed to clear this secondary backlog of kits awaiting technical reviews and request additional funding, if necessary. Currently, it takes approximately 72 days for the LAPD to upload cases to CODIS from the time that it receives DNA test results from contractors.

- The Department prepares weekly statistical reports concerning sexual assault kits. However, all reports to the Public Safety Committee are oral reports. Written reports would increase accountability and transparency.**

Once a week, SID prepares statistical reports which show information such as the number of cases booked into the Property Room, the current backlog, number of cases tested in-house, and number of cases sent to contractors. Approximately once

a month, the Department presents the information orally to the Public Safety Committee.

We believe that to increase accountability and transparency, the LAPD should submit written reports to the Public Safety Committee once a month and to City Council once a quarter which show pertinent sexual assault kit statistics as detailed in the body of this audit report.

- **The Department lacks a comprehensive information system to facilitate tracking untested rape kits. There are different DNA databases maintained by the Property Division, Robbery-Homicide Division (RHD), and Scientific Investigation Division (SID), and there is no integration between these databases.**

Currently, the Property Division, Robbery-Homicide Division (RHD), and Scientific Investigation Division (SID) all maintain separate DNA databases. The Property Division uses the Automated Property Information Management System (APIMS) to book all DNA rape kits and to keep track of the location of the physical inventory. The RHD uses the Sexual Assault Evidence Kit (SAEK) database to prioritize the DNA rape kits for testing and to keep track of the crime date, testing status of the kits, testing results, CODIS upload, the hits and the arrest date. SID uses its serology database to track all DNA rape kits booked and the status of the testing, and to keep track of information such as original custody date, division, types of crime, date of occurrence, date sent out to outside contractors, date results received, CODIS upload date, etc. However, none of the three databases is integrated, which means that three different systems must be accessed to obtain complete information on a particular case/kit. Also, the databases may contain duplicative or contradictory data. For example, kits may be marked as untested in RHD even though SID's database shows they were already tested. A comprehensive database/system is needed to properly track and manage rape kits.

Review of Report

We met with LAPD representatives on September 3, 2009 and October 15, 2009 to discuss the contents of the audit report. Department management generally agreed with the findings and recommendations and stated that it has already begun to address some of the recommendations. We would like to thank Department management and staff for their cooperation and assistance during the audit.

CONTROLLER'S ACCOUNTABILITY PLAN

	RECOMMENDATIONS	PAGE REFERENCE	DEPARTMENT ACTION REQUIRED
1	Reconcile the difference between the rape kit records from the physical inventory to the APIMS records to ensure that the entire rape kit backlog is accounted for.	14	LAPD
2	Verify the information of the physical inventory (such as tested or not tested) with the SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.	14	LAPD
3	Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.	15	LAPD
4	Submit written reports to the Public Safety Committee once a month and to City Council once a quarter which show pertinent sexual assault kit statistics as described in the audit report.	16	LAPD
5	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.	17	LAPD
6	Continue to place a high priority on sending out required victim notifications and seek additional resources if required. The Department should also send out notifications on pre-2004 cases that are not required by the Penal Code.	18	LAPD

	RECOMMENDATIONS	PAGE REFERENCE	DEPARTMENT ACTION REQUIRED
7	Develop protocols which will increase the likelihood that victims receive the notifications.	18	LAPD
8	Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to Department of Justice. If needed, request access to FMIS from the Controller's Office.	19	LAPD
9	Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.	19	LAPD

BACKGROUND, OBJECTIVES, AND METHODOLOGY

OBJECTIVES, SCOPE AND METHODOLOGY

The primary objective of the audit was to evaluate the Los Angeles Police Department's (LAPD or the Department) progress in implementing the recommendations contained in the Audit of the Forensic DNA Backlog Reduction Grant Program Awards report issued on October 20, 2008. The 2008 audit identified an inventory backlog of over 7,000 unrequested and untested sexual assault evidence kits. Also, at that time, the Department did not have a detailed and comprehensive plan to eliminate the backlog, had lost \$498,570 in grant funding due to poor planning and lack of oversight, and may not have been providing required notifications to victims.

As part of our audit, we:

- Evaluated whether the number of backlogged rape kits reported by the Department is accurate and supported by the inventory records.
- Assessed the current status of the rape kit backlog.
- Evaluated whether the tracking system developed by the Department contains accurate, complete and reliable data related to the sexual assault kits.
- Evaluated whether there are processes in place to inventory all untested rape kits.
- Evaluated whether LAPD improved its oversight and monitoring of grant funds received for testing the rape kits.
- Determined how many hits occurred from the completed DNA testing cases.
- Determined whether the Department adopted a detailed, feasible, and comprehensive plan to eliminate the backlog and to keep current on incoming cases.
- Determined the status of the outsourcing of DNA profiling.

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 October 2008 through September 2009. Fieldwork was conducted between May 2009 and September 2009. During the audit, we conducted interviews with management and the Department's key personnel such as the Chief of Detectives, Police Commander, Commanding Officers, Lieutenants, Detectives, Laboratory Director, and Criminalists.

As part of our testwork, we walked through the Scientific Investigation Division's (SID's) laboratory testing processes and the outsourcing procedures, and we sampled selected

rape kits from the DNA database and traced their physical existence to the freezer in the Property Division. We also selected rape kit samples from the freezer and traced to the DNA backlog inventory database to determine whether they were properly accounted for in the Department's records.

BACKGROUND

After sexual assault DNA evidence is packaged as a Sexual Assault Evidence Kit, the Police Officer obtains a Divisional Report Number (DR#) for the case and books the evidence at the Division. Normally, one case refers to one DR# and one kit. However, sometimes, one DR# may pertain to more than one kit. A DR# is a 9-digit number which identifies the year that the incident occurs and the Division that is working the case. After a courier transfers the Sexual Assault Evidence Kit to the Property Division on the following day, the Property Division enters the DR# and the original custody date into the Automated Property Information Management System (APIMS). The kit is stored in freezers maintained by the Property Division until a request is made for analysis.

Investigating officers are required to submit a request for a DNA rape kit analysis to the Special Assault Section (SAS), which is part of the Robbery-Homicide Division (RHD) of the Detective Bureau. For all homicide cases, stranger crime cases and repeated offense cases, the request must be submitted within five business days from the date of offense. For other types of cases, the timeframe is 30 days. SAS then prioritizes the cases, submits them to SID for testing, and tracks the progress and results of each request.

Upon receipt of the request for DNA testing, SID determines whether the case should be tested in-house or by a contractor. Kits tested in-house take about 113 days to complete, while those sent to contractors take a maximum of 75 days, with an average time of 60 days. However, kits tested by contractors require a technical review by SID before the results can be uploaded to CODIS. The technical review takes about four hours of work to complete. However, due to the current backlog of kits waiting for a technical review, it takes about 72 days from the time the Department receives the kits back from the contractor until the results are uploaded to CODIS. The timeframes are generally the same for both sexual assault cases and homicide cases. If a case is considered to be a "rush", the testing can be completed in about a week if tested in-house or two weeks if tested by a contractor.

DEPARTMENT PROGRESS

During our audit, we conducted more than ten interviews with approximately 17 LAPD personnel. From these interviews, it is apparent that the Department is committed to making improvements and takes the 2008 audit recommendations seriously. Following is the Department's progress in implementing the previous report's recommendations. The Audit Findings and Recommendations section discusses problems noted during this audit.

Physical Count as of December 8, 2008

In order to account for an accurate number of backlogged rape kits, the Department completed a physical inventory in December 2008 of all the evidentiary items that are secured in its freezers. The physical inventory identified close to 10,000 Sexual Assault Evidence Kits, including 4,718 analyzed cases and 5,193 unanalyzed cases (6,132 kits). The Department analyzed and prioritized these 5,193 unanalyzed sexual assault backlogged cases for testing. In early 2009, it started to outsource the testing of cases according to the following priorities:

1. 403 stranger crime cases
2. 963 family, friend, acquaintance cases
3. 17 victims uncooperative cases
4. 1,857 cleared-other cases
5. 1,183 cleared by arrest cases
6. 770 cases not eligible to be uploaded into CODIS. This includes 418 unfounded cases¹, 245 injury reports and 107 non-crime report.

Cleared by arrest means that a suspect has been arrested and charged with a crime. Cleared-other means that the Department solved the case but no further action can be taken. For example, the District Attorney may have declined to prosecute the case. In both situations, testing the DNA sample is not as critical as for a stranger crime where there is not a suspect.

There is still value in testing cleared by arrest and cleared-other cases. If the DNA is uploaded to CODIS, the DNA may match with a previously unsolved case or the suspect may commit a future crime that could result in a potential match. Appendix C provides further details on cleared by arrest and cleared-other cases.

Reduction in Backlog

As previously described, the physical inventory identified 5,193 unanalyzed cases. These cases represent 6,132 untested kits as of December 8, 2008. Due to the Department's efforts, the backlog has been decreasing since September 2008 when we completed the initial audit. The Department's records show that the rape kit backlog has been reduced from 7,038 kits in September 2008 to 2,527 kits in September 2009. Of the 2,527 kits, 2,162 were part of the original September 2008 backlog, while 365 represent kits the Department received since September 2008, which remain untested.²

¹ Unfounded cases refer to instances where it was determined that no crime occurred. Any DNA results for the kits related to these cases would not be eligible to be uploaded to CODIS. Appendix C provides a more complete definition of unfounded cases.

² There remains a difference of 213 kits between the number of untested kits reported (2,740) to the Public Safety Committee versus the number of untested kits as shown in the APIMS (2,527) as of September 30, 2009.

The Department has been able to reduce the backlog by outsourcing more cases (as discussed below, there has also been an increase in staffing). For the period September 2008 to December 2008, the LAPD outsourced an average of 200 cases per month. This figure increased to an average of 475 cases per month for the period from January 2009 to September 2009. Table 1 below shows an analysis of the original rape kit backlog in September 2008. Table 2 shows the analysis of new rape kits since September 2008, and Table 3 shows an analysis of the total rape kit backlog. Table 4 shows the cases uploaded to the Combined DNA Index System (CODIS) with the number of hits to suspects.

Table 1
Analysis of original rape kit backlog in September 2008

	Sept 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sept 09
Beginning backlog	7,038	6,896	6,662	6,452	6,239	5,737	5,377	4,937	4,471	3,946	3,477	3,064	2,558
Less: Rape kits sent to contractor	(142)	(234)	(210)	(213)	(502)	(360)	(440)	(466)	(525)	(456)	(413)	(503)	(392)
Less: Rape kits completed in-house	0	0	0	0	0	0	0	0	0	(13)	0	(3)	(4)
Backlog at month-end	6,896	6,662	6,452	6,239	5,737	5,377	4,937	4,471	3,946	3,477	3,064	2,558	2,162

Source of information: LAPD

Table 2
Analysis of new rape kits since September 2008

	Sept 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sept 09	Total
Beginning backlog	0	0	0	11	0	14	0	0	133	193	221	213	274	0
New rape kits for each month	109	68	64	59	69	60	74	182	144	93	130	109	101	1,262
Less: Rape kits sent to contractor	0	0	0	0	0	(71)	(61)	(3)	(1)	(7)	(72)	0	(4)	(219)
Less: Rape kits completed in-house	(109)	(68)	(53)	(70)	(55)	(3)	(13)	(46)	(83)	(58)	(66)	(48)	(6)	(678)
Backlog of new kits at month-end	0	0	11	0	14	0	0	133	193	221	213	274	365	365

Source of information: LAPD

Table 3
Analysis of total rape kit backlog

	Sept 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sept 09
Total beginning backlog	7,038	6,896	6,662	6,463	6,239	5,751	5,377	4,937	4,604	4,139	3,698	3,277	2,832
New rape kits for each month	109	68	64	59	69	60	74	182	144	93	130	109	101
Less: Rape kits sent to contractor	(142)	(234)	(210)	(213)	(502)	(431)	(501)	(469)	(526)	(463)	(485)	(503)	(396)
Less: Rape kits completed in-house	(109)	(68)	(53)	(70)	(55)	(3)	(13)	(46)	(83)	(71)	(66)	(51)	(10)
Total backlog at month-end	6,896	6,662	6,463	6,239	5,751	5,377	4,937	4,604	4,139	3,698	3,277	2,832	2,527

Source of information: LAPD

Table 4
No. of cases uploaded to CODIS with no. of hits

	Sept 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sept 09	Total
Cases uploaded to CODIS	8	9	28	4	12	17	77	125	63	65	89	41	83	621
No. of hits	1	2	9	3	1	1	44	51	24	46	52	41	56	331

Source of information: LAPD

According to the LAPD, there were 331 CODIS hits from September 2008 through September 2009.³ This included 30 suspects being arrested, 116 cases where the DNA results added evidence to the case, and 85 cases still under investigation, and 100 cases did not add evidence to the case.

Increase in SID Staffing

For fiscal years (FY) 2008-09 and 2009-10, the SID has an additional 16 and 26 authorized positions, respectively. The 42 additional positions represents an increase of 95% over the 44 positions in FY 2007-08.

³ The 331 hits relate only to those for sexual assault kits. The figure does not include hits from other types of crimes such as burglaries and robberies.

Organizational Structure

Before the audit, detectives from the 21 LAPD Divisions submitted their requests for DNA testing directly to the Scientific Investigation Division (SID), which was under the oversight of the Office of Support Services. There was no effective and centralized organizational structure or established controls to help ensure that all rape kits get tested. After the audit, the Department reassigned the oversight of the SID from the Office of Support Services to the Detective Bureau.

Under the new organizational structure, processes were established whereby all requests for the analysis of the rape kits are forwarded to the Special Assault Section (SAS), which is part of the Robbery-Homicide Division (RHD) of the Detective Bureau. SAS determines the priorities for testing and is also responsible for monitoring the rape kit backlog. Centralizing the request process will provide better controls to ensure all rape kits are tested.

The Department has formally established the following criteria for prioritizing sexual assault kits:

1. Category I: Homicides, sexual assaults involving strangers, a person in position of power of trust, aggravated sexual assaults involving a child under 14, and analyses required for court or filing purposes.
2. Category II: Sexual assaults involving other family member, friend, acquaintance, or date.
3. Category III: Sexual assaults involving spouse, or intimate partner.
4. Category IV: All other sexual assault cases.

Grant Awards and Grants Tracking System (GTS)

Appendix B provides a breakdown of the grant awards from the Department of Justice (DOJ). The Department is diligently spending the grant monies for DNA testing, and \$1.3 million was spent during the period from October 2008 to June 2009. The DOJ has awarded two new grants to the LAPD, the 2009 Forensic DNA Backlog Reduction Grant (\$1,023,151) and the 2009 Forensic DNA Unit Efficiency Improvement Grant (\$246,549). The Department is awaiting the City's approval to accept the awards.

The Department developed a Grants Tracking System (GTS) to track all grant related information such as grant award period, grant award amount, budget, types of payments, unexpended balance, drawdowns, etc. One goal of the GTS is to automate the tracking of grant funds so that the end users can have a single data source from which to generate grant status update reports. The Department continues its efforts to fully automate the grant tracking process. However, we noted that the GTS is not always updated in a timely manner. This issue is discussed further in Finding #5.

Monitoring Cases Approaching the Statute of Limitations

The previous audit reported that 217 untested rape kits had exceeded the ten-year statute of limitations for testing the kits. Since January 2009, SID has diligently monitored the status of kits, which prevented any kits from becoming out of statute.

Donations

For fiscal year 2008-09, the Los Angeles Police Foundation (Foundation) had a goal of \$4 million in donations for the DNA Special Campaign. Between June 11, 2008 and June 8, 2009, the Foundation received donations of \$683,560 and a pledge of \$750,000 in relation to the reduction of the DNA rape kit backlog. \$435,310 (out of the \$683,560) was spent on outsourcing 462 rape kit cases.

Also, the Department applied for funding from the 2009 Recovery Act: Edward Byrne Memorial Competitive Grant Program to hire additional staff, including 12 Detectives and one Crime and Intelligence Analyst in the Robbery-Homicide Division (RHD). LAPD management stated that these additional Detectives could be used, if necessary, to follow up on hits resulting from the DNA analyses. However, management indicated that the hits might not require additional resources because Detectives were already working on the cases. The hit means that there is now a suspect, resulting in less time spent by Detectives in pursuing leads. Subsequent to our fieldwork, LAPD management stated that the funding application was denied.

The remainder of this report details our findings, comments, and recommendations.

AUDIT FINDINGS AND RECOMMENDATIONS

Finding #1: The LAPD's reported backlog of rape kits may not reflect an accurate number of kits that require testing. However, despite the problems we noted, any difference between the reported and actual backlog does not appear to be significant.

According to our initial audit, the Department's records indicated 7,038 rape kits that had not been analyzed for DNA as of September 4, 2008. As of November 30, 2008, the Department's record, which is based on information in APIMS, showed 6,708 unanalyzed kits reported to the Council's Public Safety Committee. However, a physical inventory conducted by the LAPD identified 6,132 kits not analyzed as of December 8, 2008, a difference of 576 kits. Our audit also identified other exceptions in the number of backlogged rape kits.

Inadequacy in the Physical Inventory Process

As discussed previously, between October 2008 and December 8, 2008, the LAPD conducted a physical inventory of all the frozen evidence in the freezers. Under the direction of the Detective Bureau, about 50 detectives participated in conducting the physical inventories. Detectives were orally instructed to complete information on the Sexual Assault Evidence Kit (SAEK) Evaluation Report such as the Division, DR number, the date the evidence was booked, whether the kit was a SAEK, and whether the kit was analyzed. However, there were no written instructions for the physical inventory process. As a result, we were unable to determine whether the inventory was adequately planned or conducted.

The lack of written procedures may have contributed to the discrepancies/problems noted below. However, the LAPD believes that sufficient oral instructions were provided and would not have contributed to the problems. For example, the Department indicated that there were visual aids provided with the oral instructions, and there were ample opportunities for those participating in the count to ask questions.

The Detective Bureau compiled the listing of the DNA backlog inventory as of December 8, 2008 based on the SAEK Evaluation Reports. However, the Department did not reconcile the physical inventory records with the Automated Property Information Management System (APIMS). This reconciliation should have been performed to determine the reasons for the discrepancies and to determine whether APIMS needed to be updated to reflect correct information. The Department stated that it completed a reconciliation between APIMS and the physical inventory count subsequent to our fieldwork.

Exceptions Found in the Physical Inventory

We sampled 46 rape kits from the Robbery-Homicide Division's (RHD's) physical inventory as of December 8, 2008 and verified the kits' profiles in the SID database. We found that ten rape kits should not have been included in the December 8th DNA backlog physical inventory because these ten kits had been tested before the physical inventory count occurred.

Our review also disclosed an additional 14 kits that were previously analyzed before the physical count and should not have been included in the physical inventory as of December 8, 2008.⁴ Thus, in summary our limited testwork identified 24 kits that should not have been included in the December 8th backlog. SID informed us that it identified numerous kits that had been previously analyzed even though they were part of the December 8th backlogged cases. However, this information was not conveyed to the RHD so that RHD could exclude the cases from the physical inventory.

We also sampled 20 rape kits (9 rape kits with only red tape⁵ and 11 rape kits with both red and yellow tape⁶) from the physical inventory in the Property Room and verified the kits to the LAPD's records (SID's database and RHD's December 8th physical inventory). Our testwork indicated that two (10%) untested kits (red tape only) were not included in the December 8th physical inventory. The Department explained that for one case, the DR number was changed because it was booked under another police division. For the other case, after our inquiries and further research by the Department, the Department determined that the whole batch of 87 DNA rape kits counted by the Detectives was not included in the total backlog figure as of December 8, 2008.

Recommendations

The LAPD should:

- 1. Reconcile the difference between the rape kit records from the physical inventory to the APIMS records to ensure that the entire rape kit backlog is accounted for.**
- 2. Verify the information of the physical inventory (such as tested or not tested) with the SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.**

⁴ These 14 kits were part of the 403 stranger rape kits that were the top priority for testing.

⁵ Sexual Assault Evidence Kits which have only a red tape represent kits that have neither been opened nor tested by SID.

⁶ Yellow tape on a Sexual Assault Evidence Kit means that the kit has been opened by SID. It may or may not have been tested. SID's database shows whether the kits were tested or not.

It should be noted that the Department has a secondary backlog of sexual assault kits which it does not report to the Public Safety Committee as a backlog. Specifically, LAPD's records show 1,102 kits that have been tested by outside contractors but are awaiting a technical review by SID to confirm the test results. 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. The LAPD should assess the resources needed to clear this secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.

Recommendation

- 3. The LAPD should assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.**

Finding #2: The Department prepares weekly statistical reports concerning sexual assault kits. However, all reports to the Public Safety Committee are oral reports. Written reports would increase accountability and transparency.

Once a week, SID prepares statistical reports which show information such as the number of cases booked into the Property Room, the current backlog, number of cases tested in-house, and number of cases sent to contractors. Approximately once a month, the Department presents the information orally to the Public Safety Committee.

We believe that to increase accountability and transparency, the LAPD should prepare formal written reports. The reports should include at least the following information.

- Kits included in the September 2008 backlog
 - √ Beginning monthly balance
 - √ No. tested
 - √ Ending monthly balance
 - ~ No. tested that have DNA profiles
 - ~ No. tested but pending a technical review
 - ~ No. uploaded to CODIS
 - ~ No. of hits
 - ~ No. of case-to-case matches

- Kits received since September 2008
 - √ Beginning monthly balance
 - √ No. received
 - √ No. tested
 - √ Ending monthly balance

- √ No. tested by private labs versus No. tested in-house
 - ~ Average turnaround time
 - ~ No. tested that have DNA profiles
 - ~ No. tested pending technical review (for outsourced cases)
 - ~ No. uploaded to CODIS
 - ~ No. of hits
 - ~ No. of case to case matches

Recommendation

4. The LAPD should submit written reports to the Public Safety Committee once a month and to City Council once a quarter which show pertinent sexual assault kit statistics as outlined above.

Finding #3: The Department lacks a comprehensive information system to facilitate tracking untested rape kits. There are three separate DNA databases maintained by RHD, SID and APIMS, and there is no integration between these databases.

Ideally, the Department should have one comprehensive database which shows important information related to a rape kit, such as the date it was booked into the Property Division, the date the kit was sent out for testing, the name of the Criminalist assigned to the case (if the testing is being done in-house), results of the test, etc. This would reduce redundancy of data and minimize discrepancies in information caused by timing differences or human error. In summary, an integrated and comprehensive database/system would help improve efficiencies and could serve as the Department's central repository for all information related to a sexual assault kit.

We found that the department uses three different databases that contain various information related to sexual assault kits. Each system has its own distinct purpose as described below. None of the three databases are integrated, which means that three different systems must be accessed to obtain complete information on a particular case/kit.

- **Automated Property Information Management System (APIMS)** - The Property Division uses APIMS to book all DNA rape kits and to track the physical location of rape kits in the storage freezers.
- **Sexual Assault Evidence Kit (SAEK) Database** - The Special Assault Section (SAS) of RHD, which has been specifically assigned to track DNA case statuses, currently tracks information manually. However, SAS has begun working on an electronic tracking system, the Sexual Assault Evidence Kit (SAEK) database to track the testing status of the kits and the crime date, to prioritize the DNA rape kits for testing, to show the results of the test, and to track the CODIS upload, the hit and the arrest date.

- **Serology Database** - SID uses its serology database to track all DNA rape kits booked and the testing status. The database tracks information such as original custody date, division, types of crime, date of occurrence, date sent out to an outside contractor, date results received, CODIS upload date, etc. SID is also in the process of developing a Laboratory Inventory Management System (LIMS) which it hopes to complete in the Fall of 2009.

The Department has recognized that it needs a comprehensive database. By the end of November 2009, the Department anticipates completing an assessment of the current systems and an analysis of the underlying business process required for a new system. After this has been completed, the Department will then begin costing out various options, which include modifying existing systems, building interfaces between systems, and purchasing or developing a new system. This step is anticipated to be completed within the next several months, contingent upon available resources and funding.

Recommendation

5. **The LAPD should 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.**

Finding #4: The Department has not made required victim notifications.

As stated in the previous audit, California Penal Code Section 680(d) states that a sexual assault victim shall be informed, where the identity of the perpetrator is not known, either orally or in writing, if the law enforcement agency elects not to analyze DNA evidence within the specified time limits. However, at the time of our fieldwork, no victim notifications had been made.

According to the Department, certain victims would be emotionally impacted by the new contact initiated by detectives, and victims age 12 and over have a right to confidentiality from other family members. Consequently, the Department does not want to send out victim notifications without a well thought-out system in place to help the victims. During our audit fieldwork, RHD in close consultation with advocacy groups, began to develop protocols to notify the rape victims whose cases were not analyzed within two years, and in which the identity of the perpetrator is unknown. There were approximately 250 cases of the 403 stranger cases identified in the December 8, 2008 physical count where the DNA testing was not done within the two years from the original custody date. However, approximately 50% of these cases relate to pre-2004 cases and are not subject to the Penal Code requirements.

The Department's procedure is to send a generic letter to the victim stating that the LAPD has information regarding their case (without stating specifics of the case) and provides a telephone number to call if they would like to discuss the case. If the victim calls, the Department offers a face-to-face contact with a provider that can offer counseling to the

victim. Currently, the Department does not have standard procedures in place to ensure victims have received the letter.

Recommendations

The LAPD should:

- 6. Continue to place a high priority on sending out required victim notifications and seek additional resources if required. The Department should also send out notifications on pre-2004 cases that are not required by the Penal Code.**
- 7. Develop protocols to increase the likelihood that victims will receive the notifications.**

Status

Subsequent to our fieldwork, LAPD management stated that it began making victim notifications on out-of-statute cases and had sent out 95% of the required notifications.

Finding #5: The Grants Tracking System is not updated in a timely manner.

With its new Grants Tracking System (GTS), LAPD management should be able to access grant financial data and manage the status of grants more effectively. However, we found that monies spent and reimbursements from the grantor are not always recorded in a timely manner in the GTS.

- For the 2008 Forensic DNA Backlog Reduction Grant, the GTS as of July 8, 2009 showed \$9,772 in total expenditures (for training and travel). The GTS did not reflect overtime expenses totaling \$64,968 that were paid and requested for drawdown in previous Quarterly Financial Status Reports (Quarterly Report). Specifically, \$3,680 was requested in the December 31, 2008 Quarterly Report and \$61,288 was requested in the March 31, 2009 Quarterly Report.
- For the 2008 Forensic DNA Backlog Reduction Grant, the GTS as of July 8, 2009 showed no drawdowns even though a drawdown for \$3,680 was reflected as a deposit in FMIS before May 8, 2009.
- For the 2007 Forensic DNA Backlog Reduction Grant, the GTS as of June 3, 2009 showed \$47,100 in drawdowns even though drawdowns totaling \$626,304 were reflected as deposits in FMIS before March 31, 2009.

- For the 2006 Forensic DNA Backlog Reduction Grant, the GTS as of June 3, 2009 showed \$426,906 in drawdowns even though drawdowns totaling \$498,568 were reflected as deposits in FMIS before December 31, 2008.
- For the 2006 DNA Capacity Enhancement Grant, the GTS as of June 1, 2009 showed \$265,995 in drawdowns even though drawdowns totaling \$548,159 were reflected as deposits in FMIS before May 8, 2009.

All receipts and expenditures need to be reflected in the GTS in a timely manner in order to prepare the Quarterly Report submitted to the Department of Justice (DOJ). Also, the GTS should be reconciled to the City's Financial Management Information System (FMIS). According to the Grants and Contracts Section, the salaries and overtime are not reconciled to FMIS because the Grants and Contracts Section staff do not have access to FMIS and the reconciliation is a function of the accounting area. Although the source of GTS data is FMIS, a reconciliation between the two systems needs to be performed. This is because the salary and overtime amounts are posted in FMIS as a total but are posted in GTS, by grant, at a lower level. A reconciliation is needed to ensure data has been input correctly in GTS.

Without a timely updated GTS, management may not be able to obtain all the pertinent information related to a grant. Also, the GTS only captures up-to-current expenditures and does not have the capability to maintain month-end information. A good system should be able to capture the awarded grants, expenditures, and reimbursements from the grantor in a timely manner and with flexible reporting functions.

Recommendations

The LAPD should:

- 8. Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to Department of Justice. If needed, request access to FMIS from the Controller's Office.**
- 9. Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.**

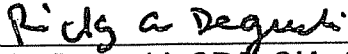
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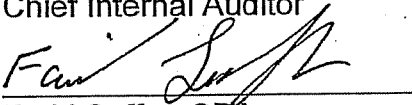
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Chief Internal Auditor



Farid Saffar, CPA
Director of Auditing

September 3, 2009

Appendix A

OFFICE OF THE CONTROLLER

**FOLLOW-UP AUDIT OF THE FORENSIC DNA BACKLOG
REDUCTION GRANT PROGRAM AWARDS**

Ranking of Recommendations

Finding Number	Description of Finding	Ranking Code	Recommendations
			The LAPD should:
1.	The LAPD's reported backlog of rape kits may not reflect an accurate number of kits that require testing. However, despite the problems we noted, any difference between the reported and actual backlog does not appear to be significant.	U	1. Reconcile the difference between the rape kit records from the physical inventory to the APIMS records to ensure that the entire rape kit backlog is accounted for.
		U	2. Verify the information of the physical inventory (such as tested or not tested) with the SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.
		U	3. Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.
2.	The Department prepares weekly statistical reports concerning sexual assault kits. However, all reports to the Public Safety Committee are oral reports. Written reports would increase accountability and transparency.	N	4. Submit written reports to the Public Safety Committee once a month and to City Council once a quarter which show pertinent sexual assault kit statistics as described in the audit report.
3.	The Department lacks a comprehensive information system to facilitate tracking untested rape kits. There are three separate DNA databases maintained by RHD, SID and APIMS, and there is no integration between these databases.	N	5. 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.
4.	The Department has not made required victim notifications.	N	6. Continue to place a high priority on sending out required victim notifications and seek additional resources if required. The Department should also send out notifications on pre-2004 cases that are not required by the Penal Code.

Finding Number	Description of Finding	Ranking Code	Recommendations
		N	7. Develop protocols to increase the likelihood that victims will receive the notifications.
5.	The Grants Tracking System is not updated in a timely manner.	N	8. Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to Department of Justice. If needed, request access to FMIS from the Controller's Office.
		N	9. Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.

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.

N/A- Not Applicable

List of Grant Awards from Department of Justice
Expenditures through June 30, 2009

APPENDIX B

	Program	Grant Amount	Grant Period	Grant Application Date	Grant Award Date	City Council Approval	Total Expenditures through 6/30/08	Quarterly Report 7-9/08	Quarterly Report 10-12/08	Quarterly Report 1-3/09	Quarterly Report 4-6/09	Total Expenditures through 6/30/09
1	2004 DNA Capacity Enhancement	\$527,799	7/1/04-3/31/08~	6/14/04	9/21/04	2/2/05	\$526,308					526,308
2	2005 DNA Capacity Enhancement	687,975	10/1/05-3/31/08~	after 6/16/05	9/19/05	5/9/06	686,932					686,932
3	2006 DNA Capacity Enhancement	564,048	10/1/06-3/31/09~	7/10/06	9/8/06	4/11/07	50,463	220,538	276,943	14,985		562,929
4	2004 Forensic Casework DNA Backlog Reduction	669,707	7/1/04-9/30/07~	6/16/04	9/21/04	6/3/05	666,952					666,952
5	2005 Forensic Casework DNA Backlog Reduction	126,800	10/1/05-9/30/08~	after 6/16/05	9/19/05	5/9/06	126,779					126,779
6	2006 Forensic Casework DNA Backlog Reduction	498,570	10/1/06-3/31/09~	7/10/06	8/25/06	3/21/07	156,485	275,357	66,725	0	0	498,567
7	2007 Forensic DNA Backlog Reduction	870,921	10/1/07-3/31/09~	6/21/07	8/20/07	1/16/08	0	47,100	279,205	228,422	316,194	870,921
8	2008 Forensic DNA Backlog Reduction	435,860	10/1/08-3/31/10	5/15/08	9/4/08	11/26/08	0	0	3,680	61,672	90,956	156,308
	Total	\$4,381,680					\$2,213,919	\$542,995	\$626,563	\$305,079	\$407,150	\$4,095,696
	<u>New Grants awaiting City approval:</u>											
9	2009 Forensic DNA Backlog Reduction	\$1,023,151	10/1/09-3/31/11	6/4/09	8/26/09							
10	2009 Forensic DNA Unit Efficiency Improvement	\$246,549	10/1/09-3/31/11	3/26/09	9/21/09							

Source of information: LAPD Grant Section

~ Original grant period was extended.

Total of expenditures reported in Quarterly Report from October 2008 through June 2009 was \$1,338,782.

DEFINITION OF CASE STATUS PROVIDED BY THE LAPD

According to the LAPD, the following definitions are based on the Los Angeles Police Department's Detective Operations Manual, which are consistent with the United States Department of Justice Uniform Crime Reporting Procedures.

I/152.01 CLEARANCE

The Department's purpose in investigating crime reports is to identify, arrest, prosecute and punish law violators.

When a crime report is "Clear by Arrest" or "Cleared-Other," it means that the detective has solved the crime and has taken all possible, appropriate action against at least one suspect. It also means that no further action or investigation is expected to take place regarding the suspect unless it is required for furtherance of the prosecution or unless additional information is brought to the detective's attention. The fact that the crime report is cleared does not relieve the detective of the responsibility to investigate co-suspects or recover property.

I/152.10 CLEARED BY ARREST (CBA)

Adult Felony Cases

- A person is arrested and charged with the commission of the offense or a related felony or misdemeanor offense based upon the crime report.
- The matter is set for a District Attorney or a City Attorney hearing.
- A felony warrant based on the crime report has been served and the named suspect has been booked.

I/152.20 CLEARED-OTHER (CO)

"Cleared-Other" shall be indicated when a case has progressed to a point where further action cannot be reasonably taken AND ALL FOUR of the following circumstances exist:

- The identity of the perpetrator has definitely been established, and
- A location at which the perpetrator could be arrested is known to the detective, and
- There is sufficient, admissible information and/or evidence to support an arrest, the filing of a complaint based on the offense(s) under investigation, and turning the perpetrator over to a court for prosecution, and
- The reason further action cannot be taken is outside of police control i.e., DA/CA Reject.

1/152.30 UNFOUNDED (UNF)

- The crime or incident alleged in the original report did not occur, or did not occur in the City of Los Angeles.
- The same crime or incident has been reported more than once. (The most accurate and thorough crime report shall be retained. Any additional report should be unfounded).
- "Specific intent" is a necessary element of the original crime, and the District Attorney, City Attorney or detective supervisor determines that investigative efforts have failed to prove that specific intent exists.

1/152.40 INVESTIGATION CONTINUED (IC)

- The case has not been cleared or unfounded, and the investigation is continuing.
- The case has not been cleared or unfounded, and no other case status applies.
- A non-crime report does not share a DR number with a crime report, and the non-crime report is not unfounded.

UNSUITABLE

Usually applies to sexual assault cases where the item described as a "Sexual Assault Kit" is actually another type of evidence not suitable for analysis to assist in the investigation, for example; a suspect sexual assault kit, a urine sample, or the state examination review form.