

MEMORANDUM

TO: John A. Bennett, Assistant County Administrator

FROM: Lourdes Benedict, Human Services Director

SUBJECT: Sexual Assault Kit Impact

DATE: April 19, 2016

Pinellas County Forensic Laboratory:

The Pinellas County Forensic Laboratory (Pinellas Lab) is a locally operated laboratory providing responsive services for local law enforcement. Efficiencies are gained through faster turnaround on submitted evidence which can avoid critical system delays. In one example from FY2015, FDLE run laboratories showed an 85 day average turn around in their performance reports on DNA cases while the Pinellas Lab average was approximately 30 days.

The Pinellas Lab is one of five (5) locally funded labs throughout the state and is a part of the statewide laboratory system along with six (6) state labs. As part of the statewide system, the Pinellas Lab receives an allocation of the fines collected pursuant to Sections 938.03 and 938.07, Florida Statutes based on population served. These include mandatory fines imposed for driving or boating under the influence and discretionary fines the courts may impose when a locally-funded crime laboratory provides services that are used in the prosecution of any violation included in Title XLVI, CRIMES, chapters 775-896 of the Section 943.361, Florida Statutes. While not specific to sexual assault kits, under this program, Pinellas Lab received support totaling \$273,491.16 in FY2014 and \$293,542.99 in FY2015. The agreement for FY2016 estimates funding at \$265,000 pending actual collection totals.

Sexual Assault Kit Impact:

Across the country, significant backlogs of untested sexual assault kits (SAKs) have been documented with serious implications for public safety and laboratory workloads. In Florida, a statewide report found 13,435 unsubmitted SAKs at local agencies and suggested that approximately 9,484 should be tested. Of the overall total, 6,774 kits are housed in jurisdictions served by county funded forensic laboratories and 6,661 are housed in jurisdictions served by FDLE crime laboratories. Estimates to manage the backlog ranged from \$9 million to \$32 million with timeframes from three (3) to nine (9) years.

Two (2) county funded labs made up a majority of the non-FDLE unsubmitted SAKs. In Miami-Dade County, the local backlog of untested SAKs was found to be over 3,700. These will be partially funded by a \$2 million backlog grant received from the 2015 New York County District Attorney's Sexual Assault Kit Backlog Reduction Program. In Palm Beach County, a backlog of 1,800 SAKs was listed.

As a result of the backlog in unsubmitted cases, legislative action (SB636) has outlined new rules for SAKs. Effective July 1, 2016, SAKs must be submitted to a lab within 30 days following report to law enforcement or upon request of the victim or representative to the medical provider or law enforcement. Testing must be completed within 120 days of submission. Additionally, the legislation eliminates FDLE rule-making on the handling of SAKs and substitutes a collaboration between FDLE, local labs in the statewide system, and the Florida Council Against Sexual Violence to adopt and disseminate guidelines and procedures on collection, submission, and testing by January 1, 2017.

The Pinellas Lab is in a much better position than most other jurisdictions with few documented backlog cases (Two agencies listed a total of 11 SAKs in Pinellas). The issue locally stems from increased workload levels already documented that will begin to create backlogs almost immediately. From FY2014 to FY2015, the Pinellas Lab has seen a workload increase of 27% in the DNA section with a 5% increase in sexual assault cases largely caused by submissions in the last half of the year.

In Pinellas County, the SAKs are completed by the Rape Crisis Center operated under Suncoast Center, Inc. and held for up to fifteen (15) months for law enforcement. As of March 2015, the Rape Crisis Center advised that they had forty-eight (48) SAKs stored. They have also reported a service increase of roughly 25% over the previous several years and are projecting this trend to continue.

Based upon current trends and assessments, discussions with local law enforcement, and working with the Rape Crisis Center on legislative impacts, the Pinellas Lab is anticipating an additional 60 to 90 SAKs per year. This workload increase requires an additional two (2) FTE to manage and avoid case backlogs and delays. The positions include one (1) DNA analyst and one (1) evidence technician/administrative assistant. Additionally, the increased workload requires facility modifications to accommodate staff workspace and additional lab supplies.

Two important timing considerations to effectively manage workload within the Pinellas Lab include the training and certification time for a new DNA Analyst at 6 to 9 months and construction timelines for workspace modifications. The Medical Examiner has included the operational increase within his FY2017 budget submission to address the workload increase. He has also requested an amendment to FY2016 to allow for the DNA Analyst, workspace modification, and some equipment and supplies. Based on current timing, assuming a mid-May target, the request would include approximately \$30,000 for the DNA Analyst (4.5 months salary/benefits), \$20,000 in equipment and supplies, \$25,000 for remodeling/workspaces.