

OFFICE OF THE ATTORNEY GENERAL
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Statewide Audit of Untested
Sexual Assault Forensic Evidence Kits
2020 Report to the Legislature



DIVISION OF LAW ENFORCEMENT
BUREAU OF FORENSIC SERVICES

Executive Summary

DNA evidence from sexual assault evidence (SAE) kits is often a key factor in attaining justice for survivors/victims of sexual assault. When tested, DNA evidence contained in SAE kits can be a powerful tool to solve and prevent crime by identifying unknown offenders and linking multiple crimes to repeat offenders. Unfortunately, there are still challenges in the way this evidence is collected, stored and tracked. A primary example is that California has no comprehensive data on the total number of SAE kits that remain untested.

Untested SAE kits are stored at various law enforcement agencies (LEAs), laboratories and medical facilities throughout the state. Some of these kits are the subject of ongoing investigations, some are waiting to be tested or the cases investigated as resources become available, and some kits may never be tested at all. While the existence of a backlog of untested SAE kits in California is generally unquestioned, the exact scope of the backlog is unknown. A lack of data regarding the number and distribution of the state's untested SAE kits, and uncertainty about the reasons kits remain untested, have posed challenges for policymakers who must decide how best to address the backlog.

The purpose of this report is to summarize the data generated by a one-time audit of the untested SAE kits in the possession of California's LEAs, crime laboratories, medical facilities and others, as mandated by Assembly Bill (AB) 3118, (Stats. 2018, ch. 950).

Reporting Requirement

This report presents a summary of the information collected by the Department of Justice pursuant to AB 3118 (2018). AB 3118 added section 680.4 to the Penal Code mandating a one-time statewide audit of untested SAE kits in the possession of LEAs, medical facilities, crime laboratories, and any other facility that maintains, stores, or preserves SAE kits. This mandate required affected entities to conduct internal audits and report specified information to the Department of Justice by July 1, 2019, and the Department to summarize the audits received in a report to the Legislature by July 1, 2020.

Section 680.4, subdivision (a)(2) specifies that the audit reports submitted to the Department of Justice must include, in addition to the total number of untested sexual assault kits, the following information for each kit:

- (A) Whether or not the assault was reported to a law enforcement agency.
- (B) For kits other than those described in subparagraph (C), the following data, as applicable:
 - (i) The date the kit was collected.
 - (ii) The date the kit was picked up by a law enforcement agency, for each law enforcement agency that has taken custody of the kit.

(iii) The date the kit was delivered to a crime laboratory.

(iv) The reason the kit has not been tested, if applicable.

(C) For kits where the victim has chosen not to pursue prosecution at the time of the audit, only the number of kits.

Specially trained medical personnel conduct adult, adolescent and pediatric sexual assault exams at hospitals and clinics in each of California's 58 counties. As noted previously, the SAE kits they collect may be stored at the medical facility or transmitted to an LEA or crime laboratory.

The most comprehensive listing of California LEAs may be found on the California Commission on Peace Officer Standards and Training's (POST) website¹, although not every LEA handles SAE kits. The 690 agencies currently listed by POST include city police departments, county sheriffs' departments, district attorneys, state investigators, coroners, probation departments, school districts and universities, airport police and others.

In addition, there are 18 public crime laboratories or laboratory systems that handle SAE kits. These laboratories participate in the FBI's Combined DNA Index System (CODIS) and are accredited to provide forensic DNA services. Analysis of SAE kits may also be outsourced to accredited private DNA laboratories in California or other states.

Data Collection

Data collection for this report was conducted between November 6, 2018, and July 1, 2019, although the Department continued to accept late submissions until the release of this report in the interest of providing the most comprehensive response.

This audit was supported by a \$1 million appropriation in the Fiscal Year 2018-2019 budget, Senate Bill (SB) 862 (Stats. 2018, ch. 449), which was allocated to the Department of Justice to be distributed as grants to help cities and counties inventory their untested SAE kits. Shortly after SB 862 took effect, the Department issued a Request for Applications (RFA) to solicit grant applications and notify affected entities of the requirement to audit and report on their untested SAE kits. The Department shared the RFA with all senators, assembly members, chiefs of police, sheriffs, congressional offices, county supervisors, mayors, councilmembers and approximately 65 different organizations throughout the state, and asked them to encourage qualifying grantees to apply for funding to complete this mandatory audit.

The Department developed a spreadsheet template to help reporting agencies uniformly capture the information required by statute. Further, information bulletins, with this template attached, were transmitted to law enforcement and crime laboratory executives via email in November 2018 and March 2019. The bulletins and templates were also emailed to users of the

¹ <https://post.ca.gov/le-agencies>

Department's SAFE-T database in an effort to directly reach the LEA and crime laboratory employees that handle sexual assault evidence. This information was also publicly available on the Attorney General's website and posted to the California Law Enforcement Web (CLEW).

Overview of SAE Kits

When a survivor/victim of a sexual assault undergoes a medical examination and consents to the collection of forensic evidence, specially-trained medical professionals prepare an SAE kit. The entire process can take four to six hours. Medical facilities may store the SAE kit, send the kit to the LEA with jurisdiction over the assault, or, if a rapid turnaround DNA program is in place, send selected samples from the kit directly to a public crime laboratory.

A number of legislative changes have affected the way sexual assault evidence is handled in California. See Appendix A for a brief summary of the bills mentioned in this report and other relevant legislation.

Kit Composition and Handling

Prior to 2019, the composition of SAE kits varied throughout California. Although they were similar, the exact SAE kit used by a medical facility was determined by the crime laboratory serving that jurisdiction. AB 1744 (Stats. 2016, ch. 857) required the Department of Justice's Bureau of Forensic Services (BFS), the California Association of Crime Laboratory Directors and the California Association of Criminalists to collaborate with public crime laboratories and the California Clinical Forensic Medical Training Center (CCFMTTC) to develop a standardized SAE kit to be used by all California jurisdictions. The basic components were to be established by January 30, 2018, and guidelines pertaining to the use of the kit components were to be issued on or before May 30, 2019. The new standardized kit² was finalized and ready for production in September 2019.

A standard SAE kit contains multiple body swabs that may contain the perpetrator's DNA, other potential evidence such as underwear, hairs, and fingernail scrapings, and reference buccal swabs collected from the survivor/victim's cheek.

Many crime laboratories in California, including those in BFS, have instituted rapid turnaround DNA programs to expedite processing of selected samples from SAE kits. Where a rapid turnaround DNA program is in place, the participating medical facility creates a subset of the standard SAE kit by selecting the swabs most likely to contain the perpetrator's DNA and sends these, along with a reference buccal swab from the survivor/victim, directly to the crime laboratory. The rest of the standard SAE kit is then sent to the LEA.

Searches of DNA Profiles

The purpose of conducting laboratory testing of sexual assault evidence is to establish whether there is evidence that the alleged sexual contact occurred, which may be accomplished by

² The components of the new SAFE Kit, with photographs, can be viewed at <https://www.ccfmtc.org/training-products/standardized-sexual-assault-forensic-evidence-safe-kit/>.

screening for the expected biological materials, and to identify the individual(s) who contributed those biological materials, which may be accomplished through DNA testing if a suitable DNA profile is developed from the evidence and a match to a suspect is found.

Qualifying evidence DNA profiles developed from SAE kits can be searched against the DNA profiles of evidence from other cases, convicted offenders, and arrestees by uploading the profiles to CODIS. CODIS is the Federal Bureau of Investigation's program and software used to store and search DNA profiles in its Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS) databases. The three main criminal indices in CODIS are the Forensic Index, which contains perpetrator DNA profiles developed from forensic evidence, the Convicted Offender Index, and the Arrestee Index. DNA profiles may be uploaded as far as the LDIS, the SDIS, and the NDIS, provided they meet the criteria for each level and index.

Once uploaded, the DNA profiles in the three criminal indices are regularly searched against each other to identify potential matches. To link forensic evidence to a known convicted offender or arrestee, the Forensic Index is searched against the Convicted Offender Index and the Arrestee Index. The Forensic Index is also searched against itself to link evidence from different crimes to the same perpetrator (referred to as case-to-case hits).

[Overview of the Issue](#)

Until 2015, California did not have a system in place for collecting comprehensive data on the number of SAE kits collected from survivors/victims of sexual assault and the status of untested kits. SAE kit records were only maintained at the agency level and were not centrally tracked or reported.

In an effort to collect and centralize data regarding the status and disposition of SAE kits in the possession of LEAs and crime laboratories, the Department created the Sexual Assault Forensic Evidence Tracking (SAFE-T) database in 2015. Access to SAFE-T is strictly limited to designated users from LEAs, public crime laboratories, and district attorneys' offices. Although strongly encouraged, LEAs and crime laboratories were not legally mandated to use SAFE-T to track their SAE kits until 2017 when AB 41 (Stats. 2017, ch. 694) went into effect. This bill required that all survivor/victim SAE kits collected as of January 1, 2018, be reported in the SAFE-T database. However, because the mandate does not extend retroactively to include kits that were collected from a survivor/victim prior to January 1, 2018, SAFE-T does not provide a comprehensive view of the current size and distribution of, or reasons for, California's SAE kit backlog.

This report is a first step in a larger effort to work with other agencies that handle SAE kits to fill the information gaps. Addressing the backlog issue requires knowing the number of untested kits across the state and understanding the reasons they remain untested.

Challenges to SAE Kit Management and Analysis

LEAs, prosecutors and crime laboratories face various challenges in processing evidence and completing investigations. As a result, not all SAE kits are tested, which means that eliminating the SAE kit backlog requires looking at the problem from multiple points of view.

Victim's Wishes

This audit found that just over one third (35%) of the reported untested SAE kits were collected from survivors/victims who chose not to pursue prosecution.

Pursuant to the provisions of the Violence Against Women Act (VAWA), survivors/victims of sexual assault have the right to obtain a medical examination free-of-charge and to have forensic evidence collected without being required to immediately, or ever, report the sexual assault to law enforcement. These kits, which are sometimes referred to as “restricted,” “anonymous” or “Jane Doe” kits, may be retained by the medical facilities that collected them or they may be submitted to LEAs or crime laboratories.

Prior to the passage of SB 22 (Stats. 2019, ch. 588), California’s LEAs and crime laboratories did not uniformly test or store the VAWA kits they received from medical facilities. Some jurisdictions would test all kits, while others would store the kits to potentially be acted upon later as decided by the survivor/victim. As of January 1, 2020, SB 22 established mandatory deadlines for the transfer and processing of *all* SAE kits. While medical facilities may still retain VAWA kits indefinitely, LEAs and crime laboratories that receive VAWA kits no longer have the option of not processing them for DNA.

Arguments exist for and against mandatory testing of VAWA kits. While the DNA profile developed from a VAWA kit may link the perpetrator to another case and help bring serial offenders to justice, mandatory testing could further discourage already reluctant survivors/victims from obtaining a medical examination or consenting to the collection of physical evidence. That presents a challenge as sexual assault is already a vastly underreported crime. The Bureau of Justice Statistics estimates that 40.4 percent of sexual assaults were reported to law enforcement in 2017 and only 24.9 percent were reported in 2018³. In both years, among all categories of violent crimes, sexual assaults were reported to law enforcement at the lowest rate compared to total self-reported victimizations.

When the decision is made to test a VAWA kit, there are limitations to how the DNA profiles developed from VAWA kits can be searched against other DNA profiles in CODIS. The NDIS Operational Procedures Manual, issued by the FBI pursuant to the DNA Identification Act of 1994, sets forth eligibility criteria for the acceptance and inclusion of a DNA record in NDIS. In order for an evidence DNA profile developed from an SAE kit to be eligible for inclusion, NDIS rules require documentation that (1) a crime has been committed, (2) the DNA sample was recovered directly from the crime scene and is attributed to the putative perpetrator; and (3)

³ Bureau of Justice Statistics, “Criminal Victimization, 2018,” September 2019, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6686>, accessed April 13, 2020.

that elimination sample(s) have been requested, if applicable (see section 3.1.1.1). Due to these eligibility guidelines, foreign DNA profiles developed from VAWA kits are not accepted for upload into NDIS. These foreign DNA profiles are only uploaded as far as California's SDIS and searched against other profiles in that database.

The FBI's requirements are intended to ensure that any DNA profile uploaded to NDIS is truly eligible and, in the case of sexual assault evidence, is not a consensual partner's DNA profile. If the survivor/victim is uncooperative or unidentified, investigators may not be able to determine if they had any consensual partners around the time of the alleged assault and obtain elimination samples from those partners, if any.

Resources

Availability of resources is often a limiting factor in the processing of SAE kits. To be effective, any concerted effort to eliminate the backlog of untested SAE kits and support rapid turnaround times must include adequate staffing and financial resources for LEAs and crime laboratories. As DNA technology evolves and the demand for expensive, time-consuming DNA testing and re-testing increases, laboratories can expect to see an increased workload, including a greater rate of SAE kit submissions driven by the SB 22 mandate to test all SAE kits. This could prove problematic for under-resourced public crime laboratories that may find themselves accruing backlogs in the other forensic services they provide as they take on requests for more services than they can absorb.

Ample financial resources are required for evidence testing. DNA analysis, in particular, is a costly service to provide. LEAs in fee-for-service areas may be more judicious when deciding which evidence to submit for analysis depending upon their agency's budget for laboratory services. Conversely, LEAs that are not charged for crime laboratory services have the discretion to submit any and all forensic evidence they believe should be tested. Effective January 1, 2020, SB 22 requires that all California LEAs submit every SAE kit received on or after January 1, 2016, without exception, to a crime laboratory within 20 days of booking the kit into evidence. The crime laboratory that receives the kit is responsible for ensuring the kit is fully processed within 120 days of receipt. Due to financial restraints, this mandate may inadvertently result in a future decrease in the submission and testing of evidence from other types of crimes.

Agency Discretion

Prior to January 1, 2020, LEAs had the ability to exercise discretion in determining whether or not to submit SAE kits for laboratory testing. Depending upon the circumstances of the case, the investigating LEA or the prosecutor could decide against testing an SAE kit. Reasons for not testing kits varied. In some cases, testing could have been unnecessary to the investigation or prosecution, while in others, prosecution may not have been possible or pursued regardless of the results of testing. Some agencies also reported not testing SAE kits that they concluded were unlikely to yield probative DNA profiles, such as kits collected after a significant period of time had elapsed since the occurrence of the alleged assault.

It is important to note that in the case of known suspects, an LEA's or prosecutor's decision to not test a kit does not necessarily mean that the suspect's DNA profile was never uploaded to CODIS to potentially link the suspect to other crimes. If a suspect is arrested for or convicted of a qualifying offense, a DNA sample is collected pursuant to Penal Code section 296 and the DNA profile uploaded to the Arrestee Index or the Convicted Offender Index in CODIS. That profile is then regularly searched against evidence profiles in CODIS.

Retention Requirements and Statutes of Limitations

Penal Code section 680, subdivision (f)(2) requires LEAs to retain evidence from unsolved sexual assault cases for at least 20 years or, if the victim was under the age of 18 on the date of the alleged offense, until the victim's 40th birthday.

Penal Code section 1417.9, subdivision (a) requires governmental entities to retain biological evidence from a criminal case, in a condition suitable for DNA testing, for as long as any person remains incarcerated in connection with that case.

SB 813 (Stats. 2016, ch. 777) eliminated statutes of limitations for specified sex crimes committed on or after January 1, 2017, and for crimes already committed if the statute of limitations previously in effect had not run as of January 1, 2017.

Report

The Department received responses from a total of **149** LEAs and crime laboratories, including all 23 agencies that applied for and received grant funding to complete their audits: **134** agencies reported at least one untested SAE kit and **15** reported no untested SAE kits⁴. The Department's own crime laboratories process all SAE kits within 120 days of receipt and had no inventory of untested SAE kits to report.

No medical facilities provided information for this report.

Total Untested SAE Kits

LEAs and crime laboratories reported a combined total of **13,929** untested SAE kits.

Assaults Reported to Law Enforcement

Responding entities indicated that the assault had been reported to law enforcement in the case of **11,654** (84%) of the 13,929 untested kits; no assault had been reported for **345** kits (3%), and the reporting status for **1,930** kits (14%) was unknown or the response was unclear.

680.4 (a)(2)(C): Kits Where the Survivor/Victim Has Chosen Not to Pursue Prosecution

As discussed above and acknowledged in the statutory mandate for this report, survivors/victims of sexual assault may decide not to report the assault to law enforcement or seek prosecution of the offender. Some survivors/victims who initially report the assault may later decide not to pursue prosecution, while others may have their SAE collected anonymously under VAWA and never choose to pursue prosecution.

A total of **4,834** SAE kits (35%) were not tested because the survivor/victim had chosen to not pursue prosecution as of the time of the audit (see Figure 2). This includes kits where the survivor/victim may have initially desired prosecution, but later discontinued cooperation with investigators or prosecutors. Pursuant to Penal Code section 680.4 (a)(2)(C), the Department is reporting only the total number of these kits and they are excluded from further analysis.

Survivor/Victim's Decision to Pursue Prosecution

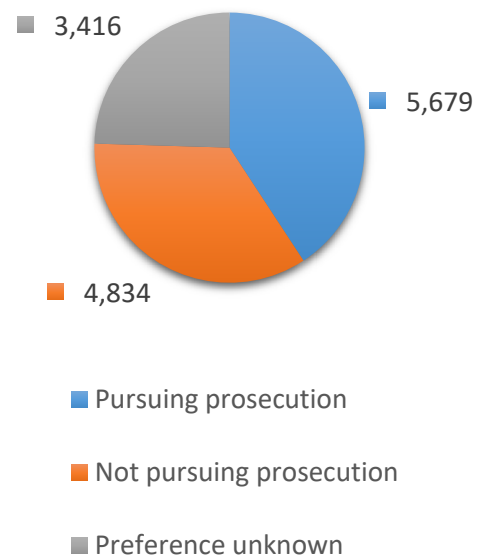


Figure 2. Victim's decision to pursue prosecution.

⁴ For the many agencies that did not comply with AB 3118 and submit the required kit audit report, nothing can be inferred with regard to whether or not these agencies have untested kits in their possession.

680.4 (a)(2)(B): Kits Other Than Those Described in Subparagraph (C)

Of the remaining **9,095** untested SAE kits, agencies reported **5,679** (62%) from cases where the survivor/victim had desired prosecution and **3,416** (38%) where the survivor/victim's preference for prosecution was unknown or the question was inapplicable (e.g., homicide, suicide, juvenile victim).

Pursuant to subparagraph (C), this portion of the report provides further details concerning only the 9,095 untested kits where the survivor/victim did not decline to pursue prosecution.

Reasons SAE Kits Were Not Tested

A variety of factors can affect whether a kit was tested prior to January 1, 2020⁵. The template distributed to reporting entities provided a picklist of pre-defined reasons and a column to record notes. Wherever possible, narrative responses were re-categorized to facilitate aggregate reporting. The categories reflect the primary reason given for not testing a kit (see Figure 2).

The case could not be investigated or prosecuted (2,955 kits).

A total of **2,659** kits (29%) were not tested because the assault allegations could not be substantiated, the case was not investigatable, or the prosecutor determined that the case was not prosecutable, and **176** kits (2%) were not tested because the allegations were determined to be unfounded. Another **120** investigations (1%) were reported to be inactive/suspended or closed.

Testing the kit was not necessary for prosecution/the case was already adjudicated (2,658 kits).

In cases where other evidence was sufficient to pursue prosecution, the LEA or prosecutor may have determined that laboratory analysis of a particular SAE kit was unnecessary. Prior to the passage of SB 22, investigators and prosecutors had the discretion to elect to not test SAE kits that were unnecessary to the prosecution of the case. Agencies

Reasons Kits Were Not Tested

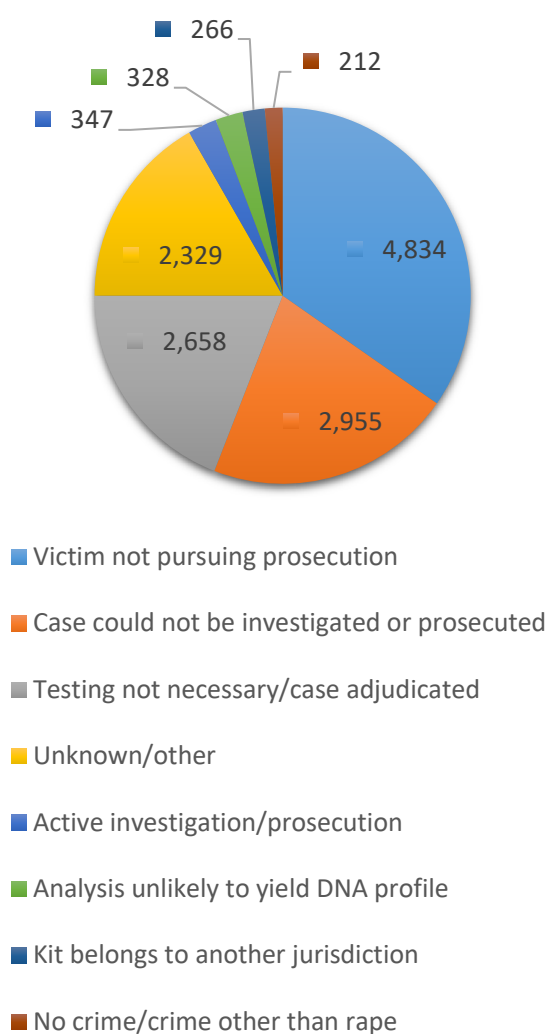


Figure 3. Reasons kits were not tested.

⁵ As of January 1, 2020, LEAs and crime laboratories may no longer delay or opt against testing the SAE kits they receive (as mandated by SB 22).

reported that **2,534** SAE kits (28%) had not been tested because they were not needed for prosecution. Another **124** kits (1%) were not tested because other case evidence was tested instead.

The kits reported in this category may include cases involving suspects who had already been arrested or convicted and, as such, would already have had a DNA sample collected for CODIS pursuant to the provisions of Penal Code section 296.

Unknown or other reason (2,329 kits).

LEAs and crime laboratories were unable to determine the reasons why **575** kits (6%) had not been tested, usually because the records had been sealed or purged, were incomplete, or could not be located. Agencies listed “other” with no further explanation, or provided another explanation that did not fit within the categories above, for **605** kits (7%). No reason was given for **1,149** (13%) of the reported untested SAE kits.

The investigation or prosecution was active (347 kits).

A total of **92** untested kits (1%) were connected to investigations or prosecutions that were ongoing at the time of the audit. Another **255** SAE kits (3%) were either being prepared for submission to a crime laboratory or already in a laboratory’s queue.

The kit was expected to be unlikely to yield a probative DNA profile (328 kits).

Time is of the essence when collecting sexual assault forensic evidence because the likelihood of obtaining a perpetrator’s DNA profile decreases rapidly in the days following the assault. **One-hundred and thirty-eight** SAE kits (2%) were not tested because the time lapse between the date of the alleged assault and the date of the medical examination was excessive. In one extreme case, the agency noted that the kit had been collected three years after the alleged assault. Although sperm cells have been shown to persist in the cervix for seven to ten days after intercourse, normally few remain after three days⁶. Their increasing scarcity reduces, and eventually eliminates, the possibility that a late-collected SAE kit will have recovered any of the perpetrator’s DNA.

In some cases, the medical examination of a survivor/victim may not find any physical evidence of sexual assault. LEAs reported **19** SAE kits (<1%) that were not submitted to a crime laboratory for analysis because there were no physical findings in the medical exam report and another **15** (<1%) from cases that involved digital penetration or penetration with a foreign object, but no intercourse.

Once an SAE kit is submitted to a crime laboratory, the laboratory’s analysis may begin with tests that screen for the presence of specific biological fluids (e.g., semen). The laboratory may determine that no further analysis is warranted if samples in the kit screen negative for these

⁶ Ashley Hall and Jack Ballantyne: “Novel Y-STR typing strategies reveal the genetic profile of the semen donor in extended interval post-coital cervicovaginal samples,” *Forensic Science International* 136, issues 1-3 (2003).

biological fluids. There were **139** SAE kits (2%) that had been screened by a laboratory and were not tested further.

Another **17** kits (<1%) were not tested for reasons including improper collection or handling of the kit and the unavailability of a reference sample from the survivor/victim.

A courtesy report was taken by one LEA on behalf of another (266 kits).

If a survivor/victim undergoes a sexual assault examination in a jurisdiction other than the one where the assault occurred, the kit may be delivered to, and a courtesy report taken by, an LEA that does not have jurisdiction over the case. The courtesy LEA will hold the kit in their inventory until it is retrieved by the investigating agency that does have jurisdiction. This scenario applied to **266** kits (3%).

There was no crime, or the crime was not sexual assault (212 kits).

An SAE kit may be collected as a precautionary measure under circumstances other than alleged or suspected sexual assault. LEAs reported **45** untested SAE kits that had been collected from victims of homicides or suspicious deaths. In these cases, the SAE kit may have been taken to preserve potential evidence even if no sexual assault was suspected. Fewer than one percent, **15** kits, were collected in cases that involved crimes other than sexual assault and **152** (2%) were reported as non-crimes.

Dates of Collection and Submission

The date of collection was reported for **8,439** (93%) of the 9,095 kits collected in cases other than those where the survivor/victim did not desire prosecution at the time of the audit. The date of receipt by the LEA was reported for **8,162** kits (90%), and the date of receipt by a crime laboratory was reported for **2,657** kits (29%).

As previously noted, 15 of the 149 responding LEAs and crime laboratories reported no untested SAE kits in their inventories⁷. Table 1 lists the remaining 134 agencies that reported *at least one* untested kit and the total number of kits reported by each agency. The table also reflects the approximate division between the untested kits that are subject to the provisions of SB 22 and those that predate its mandate.

AB 3118 did not require reporting agencies to provide dates of collection for kits collected from survivors/victims who did not desire prosecution at the time of the audit. However, relevant date information was provided with, or could be inferred from, enough of the responses to illustrate the approximate quantity and distribution of kits subject to mandatory testing. For kits that did not include a date of receipt by the LEA or laboratory, the date of collection or the year-based numbering convention of the kit identifier were used to estimate whether the kit

⁷ The agencies that reported no untested kits are the Berkeley Police Department, Capitola Police Department, Ceres Police Department, Clayton Police Department, CSU Humboldt Police Department, CSU San Francisco Police Department, Humboldt County Sheriff's Office, Los Angeles County Sheriff's Department, Riverside County Sheriff's Department, San Francisco Police Department, Santa Barbara Police Department, Stallion Springs Police Department, Stockton Police Department, UC Santa Cruz Police Department, and California Department of Justice.

was likely to have been received by an LEA or crime laboratory before or after January 1, 2016. The date of receipt was not provided with, and could not be inferred from, 1,692 (12%) of the records.

All kits, including those from cases where the survivor/victim did not desire prosecution, are included in Table 1.

Next Steps

The Legislature has allocated funding to the Department to administer three grant programs, all of which are intended to address backlogs of untested sexual assault evidence by offsetting the costs incurred by LEAs and crime laboratories. Following the publication of this report, the Department will release Requests for Applications for all three grant programs to allow eligible entities to apply for funding.

Table 1: Reported Untested Kits

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
ALAMEDA COUNTY				
Albany Police Department	24	-	-	24
Dublin Police Services	1	2	-	3
Emeryville Police Department	52	9	1	62
Newark Police Department	29	10	-	39
Oakland Police Department Laboratory	1,156	41	-	1,197
UC Berkeley Police Department	23	1	-	24
TOTAL ALAMEDA	1,285	63	1	1,349
BUTTE COUNTY				
Butte County Sheriff's Office	5	-	-	5
Cal. State University Chico Police Department	1	1	-	2
Chico Police Department	152	4	-	156
TOTAL BUTTE	158	5	-	163
COLUSA COUNTY				
Colusa County Sheriff's Department	6	2	-	8
TOTAL COLUSA	6	2	-	8
CONTRA COSTA COUNTY				
Hercules Police Department	-	2	-	2
Richmond Police Department	747	94	-	841
TOTAL CONTRA COSTA	747	96	-	843

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
DEL NORTE COUNTY				
Crescent City Police Department	-	-	1	1
TOTAL COLUSA	-	-	1	1
FRESNO COUNTY				
Fresno County Sheriff-Coroner's Office	532	62	-	594
Fresno Police Department	54	9	-	63
TOTAL FRESNO	586	71	-	657
KERN COUNTY				
Bakersfield Police Department	411	-	-	411
California City Police Department	-	5	-	5
Kern County Sheriff's Office	524	31	-	555
Shafter Police Department	2	-	-	2
Tehachapi Police Department	4	1	-	5
TOTAL KERN	941	37	-	978
KINGS COUNTY				
Kings County Sheriff's Office	7	1	-	8
TOTAL KINGS	7	1	-	8
LAKE COUNTY				
Lakeport Police Department	9	1	-	10
TOTAL LAKE	9	1	-	10

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
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LOS ANGELES COUNTY

Alhambra Police Department	74	27	-	101
Bell Gardens Police Department	6	-	-	6
Beverly Hills Police Department	22	11	-	33
City of San Fernando	37	8	-	45
El Monte Police Department	21	10	-	31
Hawthorne Police Department	60	15	-	75
La Verne Police Department	-	2	-	2
Los Angeles Police Department	374	115	-	489
Montebello Police Department	7	7	-	14
West Covina Police Department	-	2	-	2
TOTAL LOS ANGELES	601	197	-	798

MADERA COUNTY

Chowchilla Police Department	25	1	-	26
Madera Police Department	31	21	-	52
TOTAL MADERA	56	22	-	78

MARIN COUNTY

Novato Police Department	1	-	-	1
TOTAL MARIN	1	-	-	1

MENDOCINO COUNTY

Fort Bragg Police Department	5	-	-	5
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REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Mendocino County Sheriff's Office	53	-	-	53
TOTAL MENDOCINO	58	-	-	58
MONO COUNTY				
Mammoth Lakes Police Department	-	3	-	3
TOTAL MONO	-	3	-	3
MONTEREY COUNTY				
Carmel by the Sea Police Department	-	-	2	2
Gonzales Police Department	15	-	-	15
Greenfield Police Department	10	2	-	12
Marina Police Department	8	3	-	11
Monterey County Sheriff's Office	-	3	-	3
Monterey Police Department	10	-	-	10
Pacific Grove Police Department	13	-	-	13
Seaside Police Department	-	2	1	3
Watsonville Police Department	2	1	-	3
TOTAL MONTEREY	58	11	3	72
NEVADA COUNTY				
Truckee Police Department	-	-	1	1
TOTAL NEVADA	-	-	1	1
ORANGE COUNTY				
Anaheim Police Department	239	27	-	266

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Costa Mesa Police Department	21	15	-	36
Cypress Police Department	74	-	1	75
Huntington Beach Police Department	163	9	-	172
Irvine Police Department	45	8	-	53
Laguna Beach Police Department	20	2	-	22
Los Alamitos Police Department	-	1	-	1
Orange County Crime Laboratory	-	227	-	227
Orange County Sheriff's Department	106	3	-	109
Placentia Police Department	68	8	-	76
Santa Ana Police Department	505	35	-	540
UC Irvine Police Department	17	4	-	21
TOTAL ORANGE	1,258	339	1	1,598

PLACER COUNTY

Placer County Sheriff's Office	33	6	-	39
Roseville Police Department	71	2	1	74
TOTAL PLACER	104	8	1	113

RIVERSIDE COUNTY

Beaumont Police Department	2	-	-	2
Blythe Police Department	19	5	-	24
Cathedral City Police Department	2	-	-	2
Desert Hot Springs Police Department	24	-	-	24
Hemet Police Department	76	9	-	85

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Murrieta Police Department	17	24		41
Riverside Police Department	20	21		41
TOTAL RIVERSIDE	160	59	-	219

SACRAMENTO COUNTY

Elk Grove Police Department	17	2	-	19
TOTAL SACRAMENTO	17	2	-	19

SAN BENITO COUNTY

San Benito County Sheriff's Office	25	3	1	29
TOTAL SAN BENITO	25	3	1	29

SAN BERNARDINO COUNTY

Fontana Police Department	53	53	-	106
Montclair Police Department	6	2	-	8
Ontario Police Department	38	74	-	112
San Bernardino County Sheriff's Department	608	195	-	803
San Bernardino Police Department	481	156	-	637
TOTAL SAN BERNARDINO	1,186	480	-	1,666

SAN DIEGO COUNTY

Carlsbad Police Department	3	7	-	10
Chula Vista Police Department	2	1	-	3
Coronado Police Department	-	1	-	1
El Cajon Police Department	1	3	-	4

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Escondido Police Department	3	-	12	15
National City Police Department	9	4	-	13
Oceanside Police Department	6	6	-	12
San Diego Police Department	-	-	1,627	1,627
San Diego Sheriff's Department Crime Lab	311	77	-	388
San Diego State University Police Department	3	2	-	5
TOTAL SAN DIEGO	338	101	1,639	2,078

SAN JOAQUIN COUNTY

Lodi Police Department	10	-	-	10
Manteca Police Department	77	-	-	77
San Joaquin County Sheriff's Office	3	2	-	5
Taft Police Department	6	-	-	6
TOTAL SAN JOAQUIN	96	2	-	98

SAN LUIS OBISPO COUNTY

Arroyo Grande Police Department	15	-	-	15
Atascadero Police Department	5	-	-	5
Paso Robles Police Department	61	-	-	61
San Luis Obispo Police Department	74	1	-	75
TOTAL SAN LUIS OBISPO	155	1	-	156

SAN MATEO COUNTY

Atherton Police Department	2	3	-	5
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REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Daly City Police Department	50	22	1	73
Menlo Park Police Department	31	4	-	35
Redwood City Police Department	95	43	-	138
San Mateo County Sheriff's Office	281	42	-	323
San Mateo Police Department	9	21	-	30
South San Francisco Police Department	29	19	2	50
TOTAL SAN MATEO	497	154	3	654

SANTA BARBARA COUNTY

UC Santa Barbara Police Department	15	-	-	15
TOTAL SANTA BARBARA	15	-	-	15

SANTA CLARA COUNTY

Campbell Police Department	17	1	-	18
Gilroy Police Department	22	6	-	28
Los Altos Police Department	8	2	-	10
Los Gatos-Monte Sereno Police Department	20	2	-	22
Milpitas Police Department	29	5	-	34
Morgan Hill Police Department	9	1	10	20
Mountain View Police Department	17	20	-	37
Palo Alto Police Department	14	17	-	31
San Jose State University Police Department	10	1	-	11
Santa Clara County Sheriff's Office*	39	50	-	89

*The Santa Clara County Sheriff's Office was erroneously listed as the Santa Clara County Crime Laboratory when this report was initially released. The report has been updated to reflect the correct agency.

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
Santa Clara Police Department	-	-	26	26
Sunnyvale Department of Public Safety	140	2	-	142
TOTAL SANTA CLARA	325	107	36	468

SHASTA COUNTY

Redding Police Department	133	9	-	142
Shasta County Sheriff's Office	19	-	-	19
TOTAL SHASTA	152	9	-	161

SOLANO COUNTY

Fairfield Police Department	253	2	-	255
Solano County Sheriff's Office	26	11	-	37
Suisun City Police Department	3	-	-	3
TOTAL SOLANO	282	13	-	295

SONOMA COUNTY

Petaluma Police Department	26	2	-	28
Rohnert Park Department of Public Safety	18	2	-	20
Sonoma State University Police Department	12	-	-	12
TOTAL SONOMA	56	4	-	60

STANISLAUS COUNTY

Modesto Police Department	29	5	-	34
Stanislaus County Sheriff's Department	18	-	-	18
TOTAL STANISLAUS	47	5	-	52

REPORTING AGENCY	KIT 2015 OR EARLIER	KIT 2016 OR LATER	KIT DATE UNCLEAR	TOTAL KITS
TEHAMA COUNTY				
Tehama County Sheriff's Office	4	1	-	5
TOTAL TEHAMA	4	1	-	5
TULARE COUNTY				
Exeter Police Department	43	5	-	48
Tulare County Sheriff's Office	78	5	5	88
TOTAL TULARE	121	10	5	136
VENTURA COUNTY				
Oxnard Police Department	186	28	-	214
Port Hueneme Police Department	46	8	-	54
Ventura County Sheriff's Office	338	84	-	422
Ventura Police Department	76	51	-	127
TOTAL VENTURA	646	171	-	817
YOLO COUNTY				
West Sacramento Police Department	190	4	-	194
Yolo County Sheriff's Office	45	22	-	67
TOTAL YOLO	235	26	-	261
STATE AGENCY				
California Highway Patrol	-	1	-	1
TOTAL STATE AGENCY	-	1	-	1
STATEWIDE TOTAL UNTESTED KITS	10,232	2,005	1,692	13,929

Appendix A: Relevant Legislation

- 2003 **Assembly Bill 898** established the *Sexual Assault Victims' DNA Bill of Rights*. This bill authorized or required LEAs to share specified information with victims of sexual assault crimes.
- 2014 **Assembly Bill 1517** amended the *Sexual Assault Victims' DNA Bill of Rights* to recommend processing times for sexual assault evidence received by LEAs and crime laboratories on or after January 1, 2016, and to revise victim notification requirements regarding the destruction or disposal of sexual assault evidence from an unsolved case.
- 2016 **Assembly Bill 1744** required a standardized SAE kit to be developed for statewide use by 2019.
- Senate Bill 813** eliminated the statute of limitations for specified sexual assault crimes that were committed on or after January 1, 2017, as well as those for which the previous statute of limitations had not run as of January 1, 2017.
- 2017 **Assembly Bill 1312** prohibited discouraging victims from receiving sexual assault examinations. It also prohibited LEAs from destroying or disposing of rape kit or other evidence from an unsolved sexual assault case before at least 20 years, or before the victim's 40th birthday if the victim was under the age of 18 at the time of the assault.
- Assembly Bill 41** amended the *Sexual Assault Victims' DNA Bill of Rights* to require LEAs and crime laboratories to enter specified SAE kit data into the Department's SAFE-T database starting January 1, 2018.
- 2018 **Assembly Bill 3118** required a statewide audit of untested SAE kits by July 1, 2019, and a report from the Department of Justice [this report] summarizing the results of the audit by July 1, 2020.
- 2019 **Senate Bill 22** amended the *Sexual Assault Victims' DNA Bill of Rights* to mandate, as of January 1, 2020, sexual assault evidence processing times for evidence received by LEAs and crime laboratories on or after January 1, 2016.