



DNA Testing of Washington's Sexual Assault Kits

Annual Report to the Legislature and Governor | 2020

Washington State Patrol | Forensic Laboratory Services Bureau
Crime Laboratory Division



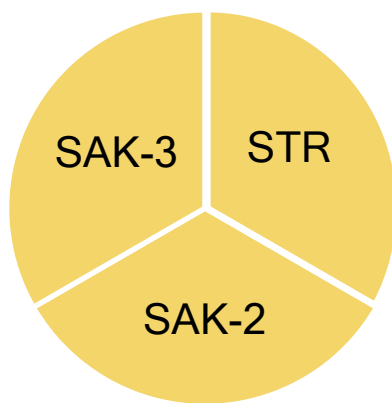
Summary

This document is the annual report to the Washington State Legislature and Governor as directed by RCW 5.70.040. This report includes data collected by the Washington State Patrol (WSP) Crime Laboratory Division (CLD) regarding the progress of forensic DNA testing of sexual assault kits (SAKs) in Washington State as of September 30, 2020, as well as recommendations to increase the laboratory system's capacity to reduce and eliminate the backlog of untested SAKs. Appended to this report is a compilation and status of laboratory submissions associated to rape/sex offense allegations investigated by law enforcement agencies in Washington State.

Introduction

Sexual assault kits are collected at a medical facility and contain and preserve physical evidence from an individual after an allegation of sexual assault has been made. Forensic DNA results generated from evidence within these kits has the power to identify perpetrators, exonerate the innocent, and link other cases together through the use of the Combined DNA Index System (CODIS) database. On July 24, 2015, state legislation (RCW 5.70.040 and 5.70.050) went into effect that requires the DNA testing of every eligible SAK in Washington. This includes kits that were previously collected prior to July 24, 2015, but not yet submitted by law enforcement to a laboratory for DNA testing. Moving forward, law enforcement agencies must now request within thirty days of its receipt that a kit be tested, if the survivor consents to its testing and the incident has been reported to law enforcement. Additionally, state legislation enacted in 2019 instituted important time frames regarding the DNA testing of SAKs. With the resulting increase in submissions to the crime laboratory of evidence requiring forensic DNA testing, the WSP is working to prioritize and facilitate the testing of every SAK within the expected timelines as set out in RCW 5.70.040

The WSP formed a combination of strategic testing initiatives to address the increased demand for DNA testing of SAKs in the state. Based on the investigative and/or court timelines (if any) associated with the kit submission, as well as the offense date in relation to when the law took effect (July 24, 2015), the WSP expanded the categories of DNA testing for the incoming SAKs, distinguishing them into three testing categories:



- **“STR:”** Existing testing category; evidence is part of an active investigation or is needed for a pending trial proceeding.
- **“SAK-3:”** New testing category; evidence was previously un-submitted to the lab and offense occurred prior to July 24, 2015.
- **“SAK-2:”** New testing category; evidence is part of a non-active investigation and offense occurred on or after July 24, 2015.

Initiative #1- Facilitate the DNA Testing of all SAK-3 Category of SAKs

The Washington State Attorney General’s Office (AGO) completed an inventory in 2018, concluding that **9,232** SAKs existed across the state, but had not been submitted previously to a forensic laboratory. Additionally, the AGO received a \$3 million Sexual Assault Kit Initiative (SAKI) grant in 2017 to help initiate multi-disciplinary reform in testing these previously un-submitted kits. In compliance with RCW 5.70.050, the WSP will facilitate the testing of each submitted SAK-3 request by December 1, 2021 as a partner with the AG’s Office and the SAKI project.

Initiative #2- Improve the timeliness of DNA Testing for SAKs (SAK-2 and STR Categories)

In compliance with RCW 5.70.040, the WSP is taking steps to ensure that a sexual assault kit will be processed for DNA within 45-days of its receipt into the laboratory by May 1, 2022. Timely forensic DNA results positively impact the criminal justice system, helping to provide investigative leads, exonerate the innocent, and provide valuable information to those affected by crime. This initiative involves a multi-pronged approach:

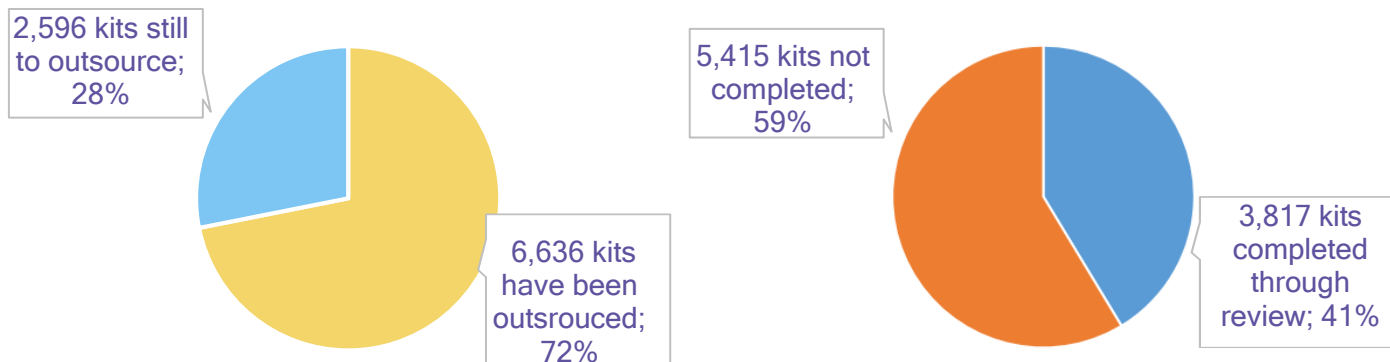
- Eliminate the existing backlog caused by the rapid influx of SAK submissions.
- Reduce laboratory processing times without sacrificing quality by streamlining workflows, adopting screening methods that have increased sensitivity and can be automated, and utilizing lean management principles.

TESTING PROGRESS FOR SAK-3 CASES

The WSP’s primary testing strategy for this category of kits is an outsourcing approach, using available federal grant and state funding to support any active outsourcing contracts.

- This year, the WSP increased its outsourcing capacity by establishing professional services contracts with two additional private laboratories, for a total of three.
- All DNA results generated by the outsourcing labs are reviewed by the WSP for quality and for entry into the CODIS database (when eligible) by WSP DNA scientists.

Starting Inventory of 9,232 SAK-3 Kits that Need DNA Testing



As of September 30, 2020, 6,636 SAK-3 cases (or 72 percent of the original inventory) have been shipped by the law enforcement agencies to one of WSP’s approved outsourcing laboratories for analysis. Of these, DNA testing by the vendor and the subsequent ownership review by WSP forensic scientists for the entry of any eligible DNA profiles into CODIS has occurred for 3,817 SAK-3 cases. To date, 1,516 total DNA profiles from these completed SAK-3 cases have been entered into CODIS, resulting in 577 CODIS hits to offender samples, and 109 case-to-case hits.

In order to meet the legislative mandate, 2,596 additional SAK-3 cases still need to be outsourced for testing prior to December 1, 2021. A total of 5,415 SAK-3 cases comprises the kits that have yet to be completed through the final step of ownership review and CODIS entry. All SAK-3s will be completed through CODIS entry some time in summer or fall 2022.

TESTING PROGRESS FOR SAK-2 CASES

The WSP’s testing strategy for this category of kits is a combination of outsourcing (using available federal grant and state funding) and in-house testing by WSP forensic scientists.

- Construction for a new space in the WSP Vancouver Crime Laboratory facility was completed in July 2020, adding 2,150 square feet of laboratory and office space to accommodate increased staffing and new high-throughput robotic equipment.
- Staffing of a new high-throughput DNA section specializing in SAKs was completed this year. The new team consists of a supervising forensic scientist, a technical lead scientist, one laboratory technician, one evidence custodian, and ten DNA forensic scientists.
- This year’s activities were focused on hiring and training these new staff, who are approximately 70 percent through their training program as of September 30, 2020. Once training is complete, the new scientists will be fully authorized to conduct SAK casework. Training was delayed due to the effects of the COVID-19 pandemic and furloughs and is now estimated to be complete by the end of December 2020.
- The WSP Vancouver laboratory now has three large robotic platform instruments that are currently being programmed and then validated to conduct high-throughput automated sample processing.

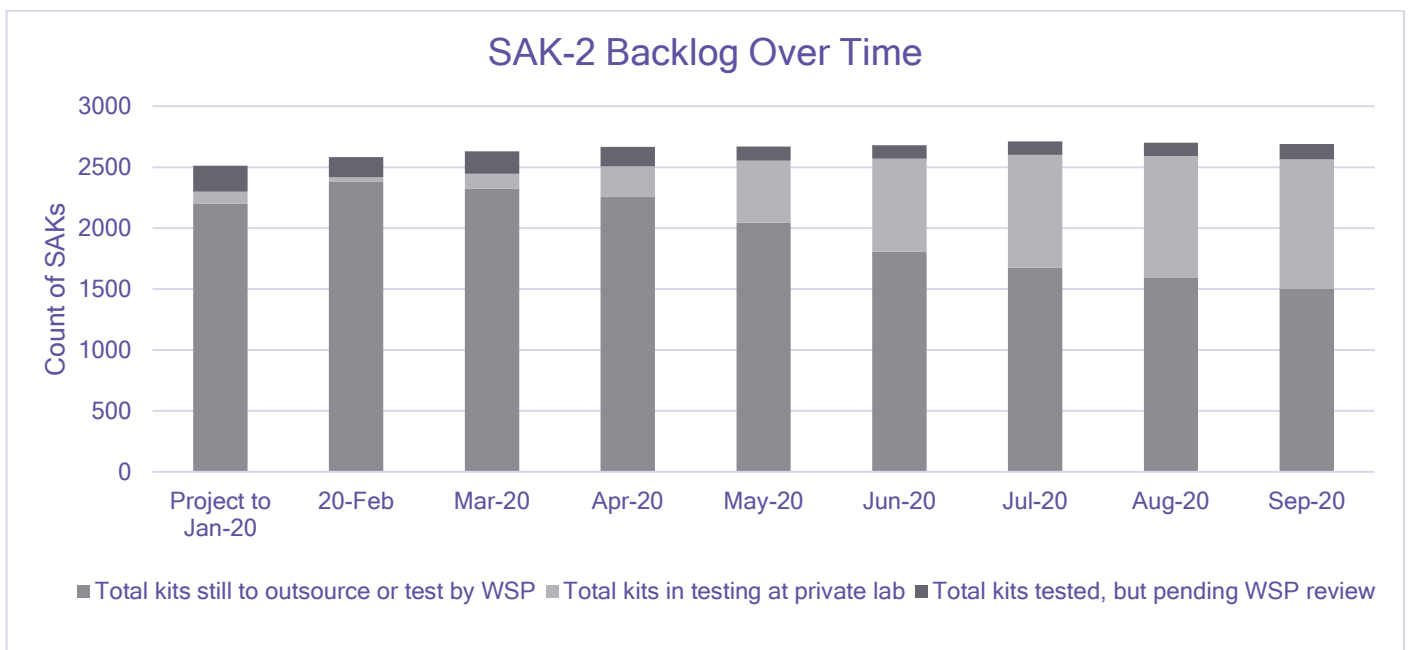


Figure 1: Count of pending SAKs that are categorized as SAK-2 requests and make up the SAK-2 backlog. When a kit is outsourced, it isn’t defined as complete until the results are reviewed by WSP scientists.

TESTING PROGRESS FOR STR-SAK CASES

The WSP’s testing strategy for this category of kits is in-house testing by WSP forensic scientists.

- Staffing for eight new DNA forensic scientist positions and one new laboratory technician position, all located at WSP crime laboratories throughout the state to enhance our capacity statewide, was completed this year. One additional laboratory technician position still needs to be filled due to turnover.
- As of September 30, 2020, two of the eight new DNA scientists have completed their full training program and are authorized to conduct casework. The remainder of the scientist positions have completed about 65 percent of their training plans, with three scientists now authorized to screen evidence to generate samples ready for DNA testing. Training was delayed due to the effects of the COVID-19 pandemic and furloughs and is now estimated to be complete by the end of December 2020.
- A new screening workflow recommended by the forensic DNA community and offering increased detection/sensitivity and integration with automated platforms was adopted by the WSP CLD this fall.

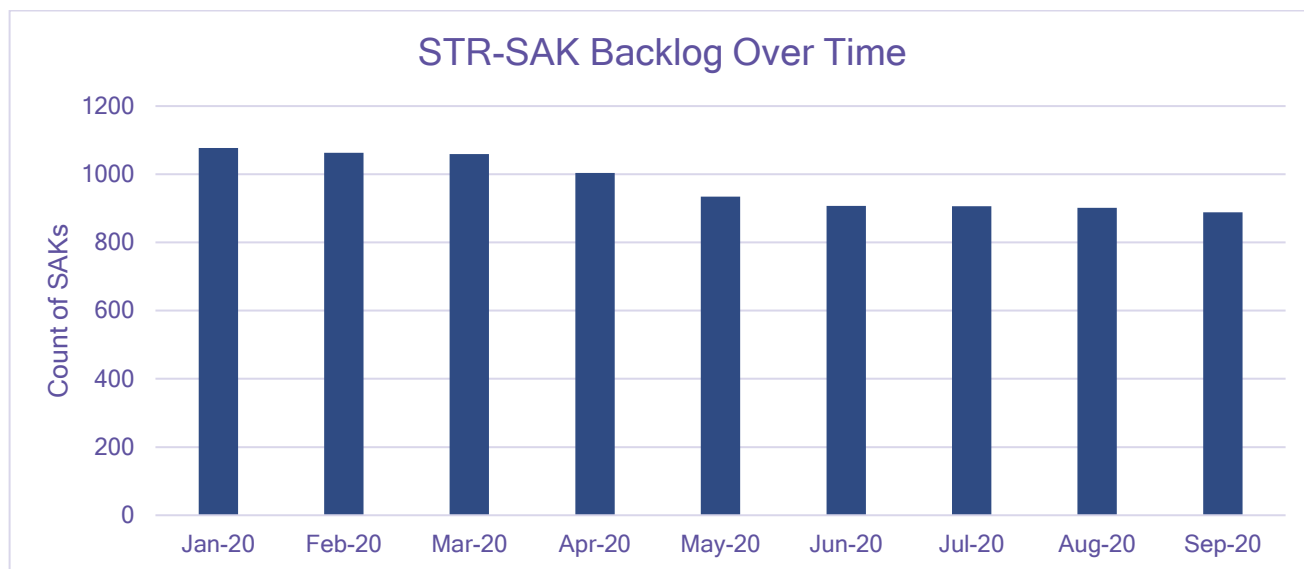


Figure 2: Count of pending SAKs that are categorized as STR-SAK requests and make up the STR-SAK backlog.

CONCLUSION

Since RCW 5.70.040 and 5.70.050 were adopted on July 24, 2015, and the subsequent 62 months of time that have since followed, the WSP has received 22,317 requests for DNA testing related to investigations of sexual assault or other sex offenses. This equates to a 247 percent increase in laboratory requests for DNA testing compared to the 6,429 requests received by the WSP CLD in the 62 month timeframe prior to the law taking effect. This significant increase in demand for testing has impacted our ability to provide timely DNA results in any criminal investigation, including those related to sexual assault, homicides, assaults, and property crimes. This can be seen in the figure below that depicts the size of the backlog of pending testing requests and the average age of those pending requests.

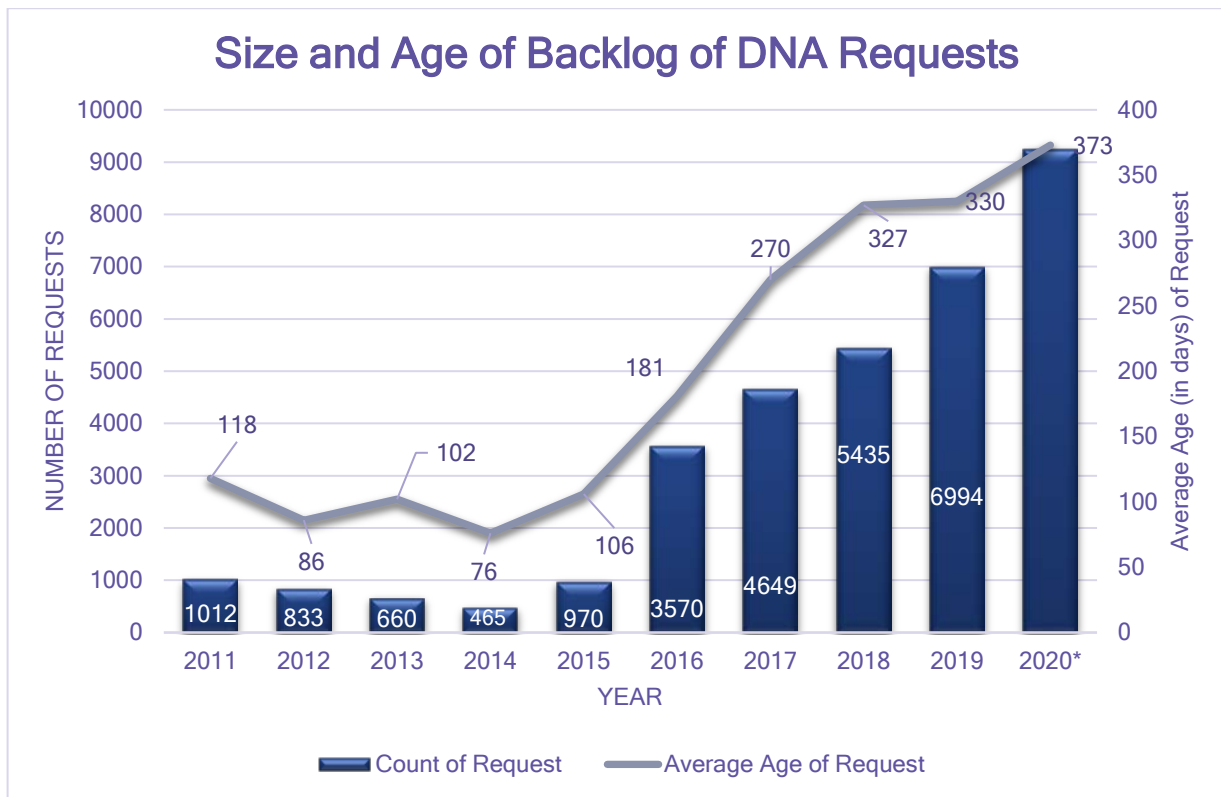


Figure 3: Count and average age (in days) of pending requests for DNA testing pertaining to all offenses and categories of testing. This is looking back the past ten years and shows the current year's status (*) through September 30th.

At this time, almost three-quarters of the estimated amount of previously un-submitted kits have been outsourced to a private laboratory and are at various stages of the testing process. The WSP has 14 months left to facilitate the DNA testing of the remaining 2,596 SAK-3 cases and complete outsource review of the 5,415 total SAK-3 kits still in the pipeline in order to be in compliance with the December 1, 2021 requirement. Subject to the availability of funding and the timely submission by law enforcement of any outstanding

SAK-3 requests to the laboratory, the WSP is expecting to complete the outsourcing of kits by the end of 2021, but completion of the testing and outsource review will not be complete until summer 2022 at the earliest.

Approximately forty percent of the current SAK-2 backlog has been outsourced to a private laboratory for testing and these pending requests are at various stages of the testing process. The WSP has 19 months left to eliminate the SAK-2 and STR-SAK backlogs, and complete any necessary process improvements to ensure a 45-day testing turnaround time for these types of requests that are received after May 1, 2022. Projections for the elimination of the SAK-2 and STR-SAK backlogs over the next 19 months include the expected increase in capacity when our 14 newest DNA scientists can complete full casework after their training programs are successfully completed, as well as the expected increase in case output once a high-throughput model is realized in 2021. Subject to the availability of funding to continue to support our outsourcing strategy for a portion of SAK-2s, training plans being completed, and a high-throughput model of testing can be proven to provide high-quality, robust results, the WSP is expecting to achieve the 45-day turn-around time for SAK testing, however, delays to the final completion time line are expected due to some downstream effects of COVID-19, furloughs, and related issues.

RECOMMENDATIONS

Increase internal capacity to test more cases

The WSP must increase our internal capacity to test more cases, so that we can eliminate the backlog of untested SAKs and improve our testing turnaround times to provide timely results. This must be accomplished while maintaining a high level of quality. The WSP recommends achieving this mission through the expertise of its scientific staff, process improvements, and collaboration with stakeholders and its outsourcing partners.



Technical Expertise

- Provide focused and ongoing training to build the technical expertise of staff.
- Prioritize employee engagement to prevent burnout and reduce employee turnover.
- Maintain the size of the WSP DNA program consisting of 79 scientists and laboratory technicians.

Process Improvements

- Adopt automated sample processing workflows with robotic equipment.
- Enhance sensitivity in screening of SAK samples to detect samples for DNA testing.
- Identify and reduce wait times in work processes if they do not add value.

Collaboration

- Gain perspective and insight by communicating with stakeholders from law enforcement, victim advocacy groups, the medical community, and the judicial system.
- Partner with outsourcing laboratories to add capacity when rate and quantity of evidence submissions exceed WSP resources.

Appendix: Intake and Status Report of Submissions by Law Enforcement Agency; July 24, 2015 - September 30, 2020

Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Aberdeen Police Department	0	88	32	2	54
Adams County Sheriff's Office	0	37	20	2	15
AFOSI-McChord	0	2	0	2	0
Airway Heights Police Department	1	27	23	5	0
Algona Police Department	0	8	7	0	1
Anacortes Police Department	15	34	25	17	7
Arlington Police Department	0	36	22	2	12
Asotin County Sheriff's Office	0	21	9	1	11
Auburn Police Department	3	324	85	9	233
Bainbridge Island Police Department	0	18	12	0	6
Battle Ground Police Department	1	25	13	2	11
Bellevue Police Department	3	190	64	7	122
Bellingham Police Department	81	267	194	62	92
Benton County Sheriff's Office	0	55	20	0	35
Bingen-White Salmon Police Department	0	4	0	0	4
Black Diamond Police Department	0	16	11	0	5
Blaine Police Department	0	6	4	0	2
Boise Police Department	0	1	1	0	0
Bonney Lake Police Department	0	37	9	2	26
Bothell Police Department	0	54	27	0	27
Bremerton Police Department	5	193	63	10	125
Brewster Police Department	0	2	1	0	1
Buckley Police Department	0	9	4	0	5
Burlington Police Department	0	32	8	1	23
Camas Police Department	0	20	9	1	10
Castle Rock Police Department	0	4	2	0	2
Central Washington University Police Dept.	0	1	0	0	1
Centralia Police Department	0	102	46	6	50
Chehalis Police Department	0	18	13	1	4
Chehalis Tribal PD	0	2	1	0	1
Chelan County Sheriff's Office	0	147	33	0	114
Cheney Police Department	1	57	45	3	10

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Chewelah Police Department	0	1	1	0	0
Clallam County Sheriff's Office	0	46	35	6	5
Clark County Sheriff's Office	7	300	163	30	114
Clarkston Police Department	0	20	2	0	18
Cle Elum Police Department	0	4	1	0	3
Clyde Hill Police Department	0	2	0	0	2
Coast Guard Investigative Service	1	4	5	0	0
Colfax Police Department	0	1	0	0	1
College Place Police Department	0	7	4	3	0
Columbia County Sheriff's Office	0	5	2	2	1
Colville Police Department	0	9	3	0	6
Colville Tribal Police Department	1	44	37	2	6
Connell Police Department	0	10	3	0	7
Coulee Dam Police Department	0	1	1	0	0
Cowlitz County Sheriff's Office	1	78	40	5	34
Darrington Police Department	0	10	5	0	5
Des Moines Police Department	5	104	58	6	45
Douglas County Sheriff's Office	0	64	35	1	28
Dupont Police Department	0	23	4	1	18
Duvall Police Department	0	8	6	0	2
East Wenatchee Police Department	3	49	46	2	4
Eastern Washington University PD	0	12	6	0	6
Eatonville Police Department	0	7	0	0	7
Edmonds Police Department	0	140	44	7	89
Ellensburg Police Department	3	116	26	4	89
Elma Police Department	0	3	3	0	0
Enumclaw Police Department	0	9	6	0	3
Ephrata Police Department	0	24	12	1	11
Everett Police Department	5	656	586	20	55
Evergreen State College Police Department	1	2	1	0	2
Everson Police Department	0	22	13	0	9
Fairchild Air Force Base/OSI	0	3	1	2	0
Federal Bureau of Investigation	0	8	8	0	0

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Federal Way Police Department	8	170	97	8	73
Ferndale Police Department	0	54	12	4	38
Ferry County Sheriff's Office	0	4	4	0	0
Fife Police Department	0	74	26	5	43
Fircrest Police Department	0	4	1	0	3
Forks Police Department	0	12	7	1	4
Franklin County Sheriff's Office	1	11	10	1	1
Garfield County Sheriff's Office	0	1	1	0	0
Garfield Police Department	0	1	1	0	0
Gig Harbor Police Department	0	13	5	1	7
Gold Bar Police Department	0	10	3	4	3
Goldendale Police Department	0	13	8	1	4
Grand Coulee Police Department	0	12	1	1	10
Grandview Police Department	0	6	6	0	0
Granite Falls Police Department	0	18	5	0	13
Grant County Sheriff's Office	4	55	47	5	7
Grays Harbor County Sheriff's Office	5	72	26	3	48
Hoquiam Police Department	0	26	19	1	6
Island County Sheriff's Office	1	78	31	4	44
Issaquah Police Department	2	28	24	0	6
Jefferson County Sheriff's Office	0	24	17	0	7
Joint Animal Services	0	3	3	0	0
Kalama Police Department	1	8	4	1	4
Kalispel Tribal Police	0	5	3	1	1
Kelso Police Department	0	74	18	0	56
Kennewick Police Department	0	151	98	2	51
Kent Police Department	1	346	283	2	62
Kettle Falls Police Department	1	10	4	1	6
King County Sheriff's Office	22	938	838	26	96
Kirkland Police Department	6	179	82	11	92
Kitsap County Sheriff's Office	4	244	118	6	124
Kittitas County Sheriff's Office	1	20	15	0	6
Klickitat County Sheriff's Office	0	8	6	2	0

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
La Center Police Department	0	3	2	0	1
Lacey Police Department	0	163	45	5	113
Lake Forest Park Police Department	0	16	4	0	12
Lake Stevens Police Department	1	94	40	4	51
Lakewood Police Department	1	282	87	22	174
Lewis County Sheriff's Office	3	59	29	5	28
Liberty Lake Police Department	3	16	17	0	2
Lincoln County Sheriff's Office	0	10	6	1	3
Long Beach Police Department	2	4	3	1	2
Longview Police Department	0	134	60	9	65
Lummi Nation Police Department	0	19	9	1	9
Lynden Police Department	0	6	5	0	1
Lynnwood Police Department	3	116	50	4	65
Mabton Police Department	0	2	2	0	0
Marysville Police Department	0	149	48	30	71
Mason County Sheriff's Office	3	89	56	3	33
Mattawa Police Department	0	7	5	0	2
McChord AFB/OSI	0	1	1	0	0
McCleary Police Department	0	3	2	0	1
Mercer Island Police Department	0	7	2	0	5
Mill Creek Police Department	0	35	11	0	24
Milton Police Department	0	9	3	1	5
Monroe Police Department	4	90	49	1	44
Montesano Police Department	0	1	0	0	1
Morton Police Department	0	7	4	1	2
Moses Lake Police Department	1	83	44	6	34
Mount Vernon Police Department	4	95	65	5	29
Mountlake Terrace Police Department	0	24	17	1	6
Moxee City Police Department	0	1	1	0	0
Moxee Police Department	0	4	3	1	0
Mukilteo Police Department	0	44	13	2	29
Napavine Police Department	0	1	1	0	0
Naval Criminal Investigative Service	0	3	2	1	0

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Newport Police Department	0	2	2	0	0
Normandy Park Police Department	0	3	2	0	1
Oak Harbor Police Department	3	40	30	1	12
Ocean Shores Police Department	0	10	1	1	8
Okanogan County Sheriff's Office	0	37	35	0	2
Olympia Police Department	0	169	32	1	136
Olympic National Park	0	0	0	0	0
Omak Police Department	0	29	25	2	2
Oroville Police Department	0	2	2	0	0
Orting Police Department	0	10	1	0	9
Othello Police Department	0	29	27	0	2
Pacific County Sheriff's Office - Long Beach	0	5	4	0	1
Pacific County Sheriff's Office - South Bend	0	8	7	0	1
Pacific Police Department	1	6	3	0	4
Pasco Police Department	0	234	117	8	109
Pend Oreille County Sheriff's Office	0	23	14	2	7
Pierce County Sheriff's Department	5	1247	415	19	818
Port Angeles Police Department	3	128	54	4	73
Port of Seattle Police Department	0	8	3	0	5
Port Orchard Police Department	2	43	16	1	28
Port Townsend Police Department	0	9	8	0	1
Poulsbo Police Department	0	10	8	0	2
Prosser Police Department	0	11	8	0	3
Pullman Police Department	0	123	58	11	54
Puyallup Police Department	1	110	42	0	69
Puyallup Tribal Police Department	0	7	0	0	7
Quincy Police Department	0	27	17	3	7
Raymond Police Department	0	16	9	0	7
Redmond Police Department	0	94	41	4	49
Renton Police Department	3	223	104	7	115
Republic Police Department	0	1	1	0	0
Richland Police Department	1	150	108	8	35
Ridgefield Police Department	0	1	0	1	0

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Ritzville Police Department	0	3	3	0	0
Royal City Police Department	0	4	4	0	0
Ruston Police Department	0	0	0	0	0
Salem Police Department	0	2	2	0	0
San Juan County Sheriff's Office	0	9	5	1	3
Seattle Police Department	220	2911	1904	148	1079
Sedro Woolley Police Department	0	36	16	1	19
Selah Police Department	0	15	7	1	7
Sequim Police Department	0	23	15	0	8
Shelton Police Department	0	38	11	2	25
Skagit County Sheriff's Office	2	66	35	2	31
Skamania County Sheriff's Office	0	14	9	0	5
Snohomish County Sheriff's Office	83	1224	453	56	798
Snohomish Police Department	0	9	6	1	2
Snoqualmie Police Department	0	18	11	1	6
Soap Lake Police Department	1	4	3	0	2
South Bend Police Department	0	5	5	0	0
Spokane County Sheriff's Office	5	831	367	34	435
Spokane Police Department	10	1602	995	37	580
Spokane Tribal Police Department	0	1	1	0	0
Stanwood Police Department	0	26	9	0	17
Steilacoom Police Department	0	1	1	0	0
Stevens County Sheriff's Office	0	36	29	2	5
Stillaguamish Police Department	0	1	1	0	0
Sultan Police Department	1	10	2	0	9
Sumas Police Department	0	5	4	0	1
Sumner Police Department	0	13	3	1	9
Sunnyside Police Department	1	41	14	8	20
Suquamish Tribal Police Department	0	9	6	1	2
Swinomish Tribal Police Department	0	3	2	0	1
Tacoma Police Department	10	1573	1012	54	517
Tenino Police Department	0	1	0	0	1
Thurston County Sheriff's Office	1	171	53	6	113

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
Tieton Police Department	0	1	1	0	0
Toledo Police Department	0	1	1	0	0
Toppenish Police Department	0	28	19	2	7
Tukwila Police Department	5	201	40	6	160
Tulalip Tribal Police Department	0	20	14	3	3
Tumwater Police Department	1	103	25	4	75
Twisp Police Department	0	1	1	0	0
Union Gap Police Department	0	36	18	3	15
University of Washington Police Department	0	8	6	0	2
Upper Skagit Tribal Police Department	0	2	2	0	0
Vancouver Police Department	10	1149	931	67	161
Wahkiakum County Sheriff's Office	0	9	3	0	6
Walla Walla County Sheriff's Office	0	21	10	5	6
Walla Walla Police Department	2	77	34	5	40
Wapato Police Department	0	33	0	0	33
Warden Police Department	0	4	3	0	1
Washington State Parks	0	1	1	0	0
Washington State University Police Dept.	0	8	7	1	0
Washougal Police Department	0	27	12	0	15
Wenatchee Police Department	0	109	51	2	56
West Richland Police Department	1	34	24	0	11
Western Washington University Police Dept.	0	5	1	0	4
Westport Police Department	0	1	1	0	0
Whatcom County Sheriff's Office	4	175	98	16	65
Whitman County Sheriff's Office	0	20	16	0	4
Winlock Police Department	0	1	0	0	1
Woodland Police Department	1	12	9	0	4
Woodway Police Department	0	2	2	0	0
WSP-Bellevue	0	2	2	0	0
WSP-Investigative Assistance Division	0	0	0	0	0
WSP-Marysville	0	4	4	0	0
WSP-Moses Lake	0	1	1	0	0
WSP-Olympia	0	6	6	0	0

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Agency Name	Pend. Start	Received	Completed	Canceled	Pend. End
WSP-Spokane	0	6	6	0	0
WSP-Tacoma	0	9	7	0	2
WSP-Tumwater	0	1	0	0	1
WSP-Union Gap	0	5	5	0	0
Yakima County Sheriff's Office	0	201	111	1	89
Yakima Police Department	10	586	288	21	287
Yelm Police Department	0	8	0	0	8
Zillah Police Department	0	1	1	0	0
Totals for 07/24/2015 to 09/30/2020	606	22317	12412	987	9524
