



Secretary of State Oregon Audits Division



Oregon State Police

Recommendation Follow-up Report: Forensic Division Has Taken Appropriate Steps to Address Oregon's Sexual Assault Kit Testing Backlog

April 2019
Report 2019-16

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Secretary of State Report Highlights

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Recommendation Follow-up Report: Forensic Division Has Taken Appropriate Steps to Address Oregon's Sexual Assault Kit Testing Backlog

Recommendation Follow-up Results

At the time of the original audit, Oregon State Police (OSP) agreed with all three of the recommendations we made. Our follow-up work shows OSP has implemented all of the recommendations.

Background

In 2015, Oregon had a significant statewide backlog of approximately 4,900 unprocessed Sexual Assault Forensic Evidence (SAFE) kits. In 2016, the Legislature passed Senate Bill 1571, known as Melissa's Law, to prevent missteps that can happen in the investigation of sexual assaults and prevent future backlogs by eliminating law enforcement discretion for testing SAFE kits. This meant that, beginning January 1, 2017, local law enforcement agencies were required to submit all non-anonymous SAFE kits to OSP's Forensic Services Division, which operates Oregon's only full-service forensic lab system.

Highlights from the Original Audit

We found that the agency took appropriate steps to manage the influx of SAFE kits, including adding staff and equipment, changing how they prioritize the testing of DNA evidence, and using efficient technologies for DNA processing.

Purpose

The purpose of the original audit was to report on whether OSP took actions consistent with statute and best practices to deal with the influx of SAFE kits as a result of Melissa's Law. The purpose of this follow-up report is to provide a status on the auditee's efforts to implement the audit recommendations.

Key Findings from the Original Audit

1. OSP has complied with Melissa's Law by increasing lab capacity and reporting results to legislators on efforts to reduce the SAFE kit backlog.
2. OSP is following best practices outlined by the National Institute of Justice for forensic labs that process SAFE kits. For example, OSP's "high-throughput" approach to obtaining DNA profiles from SAFE kits is recommended for decreasing kit backlogs.
3. The agency's decision to suspend DNA processing of property crime evidence to focus on SAFE kits could lead to a backlog of DNA evidence of this type at local law enforcement agencies. Local law enforcement agencies are eager for OSP to resume accepting DNA evidence for property crimes.
4. As of January 2018, many of OSP's capacity-building and process improvement efforts have been implemented. Since then, OSP has shown substantial improvement in the number of kits processed each month. Also, there has been a significant reduction in the statewide backlog. A 2017 survey of local law enforcement agencies found approximately 1,100 kits needing testing, down from approximately 4,900 in 2015. For these reasons, OSP believes it can eliminate the backlog by the end of 2018.

Introduction

The purpose of this report is to follow up on the recommendations we made to Oregon State Police (OSP) as included in audit report 2018-16, "Forensic Division Has Taken Appropriate Steps to Address Oregon's Sexual Assault Kit Testing Backlog."

The Oregon Audits Division conducts follow-up procedures for each of our performance audits. This process helps assess the impact of our audit work, promotes accountability and transparency within state government, and ensures audit recommendations are implemented and related risks mitigated to the greatest extent possible.

We use a standard set of procedures for these engagements that includes gathering evidence and assessing the efforts of the auditee to implement our recommendations; concluding and reporting on those efforts; and employing a rigorous quality assurance process to ensure our conclusions are accurate. We determine implementation status based on an assessment of evidence rather than self-reported information. This follow-up is not an audit, but a status check on the agency's actions.

To ensure the timeliness of this effort, the division asks all auditees to provide a timeframe for implementing the recommendations in our audit reports. We use this timeframe to schedule and execute our follow-up procedures.

Our follow-up procedures evaluate the status of each recommendation and assign it one of the following categories:

- **Implemented/Resolved:** The auditee has fully implemented the recommendation or otherwise taken the appropriate action to resolve the issue identified by the audit.
- **Partially implemented:** The auditee has begun taking action on the recommendation, but has not fully implemented it. In some cases, this simply means the auditee needs more time to fully implement the recommendation. However, it may also mean the auditee believes it has taken sufficient action to address the issue and does not plan to pursue further action on that recommendation.
- **Not implemented:** The auditee has taken no action on the recommendation. This could mean the auditee still plans to implement the recommendation and simply has not yet taken action; it could also mean the auditee has declined to take the action identified by the recommendation and may pursue other action, or the auditee disagreed with the initial recommendation.

The status of each recommendation and full results of our follow-up work are detailed in the following pages.

Recommendation Implementation Status

Recommendation	Auditee Action	Status
<p>1. Post SAFE kit processing status reports on the agency's website on a regular basis.</p>	<p>Beginning in spring 2018, the Forensic Service Division posted status updates on the SAFE kit backlog. Currently, year-end statistics are available for 2017 and 2018, and monthly statistics are available for January 2019.</p>	<p>Implemented/ Resolved</p>
<p>2. Examine available options for tracking SAFE kits, including efforts in other states, such as Washington and Idaho.</p>	<p>The Legislature passed House Bill 4049 in 2018 mandating that OSP convene a multi-disciplinary committee to develop recommendations on establishing a statewide electronic SAFE kit tracking system. Since then, OSP has contracted with the City of Portland to host the Sexual Assault Management System (SAMS) 1.0 tracking software. This cell phone accessible program will enable victims to track their SAFE kit from hospital to local law enforcement agency to OSP crime lab. OSP expects the software will be ready for statewide deployment in mid-2019.</p>	<p>Implemented/ Resolved</p>
<p>3. Create a plan to reintroduce DNA analysis for property crime evidence. Collect information from local law enforcement agencies about unprocessed property crime evidence to inform future OSP lab capacity planning.</p>	<p>OSP has created a multi-part plan to reintroduce DNA analysis of property crime evidence. In mid-2018, OSP reached out to DNA high-throughput property crime (HTPC) pilot program participants to determine how many DNA kits each local law enforcement agency had in their possession. With this knowledge, in January 2019, OSP began accepting DNA property crime kits that are still within the statute of limitation. OSP's next steps include systematically expanding the HTPC program statewide.</p>	<p>Implemented/ Resolved</p>

Conclusion

OSP's response to the passing of Melissa's Law proved effective. In October 2018, the agency announced that it had processed its backlog of untested sexual assault kits. As of March 2019, evidence from previously backlogged SAFE kits has led to six convictions. OSP officials report that their capacity to process SAFE kits has kept up with current need.

The agency agreed with all three recommendations in the original audit and our follow-up work shows that OSP has implemented the recommendations. The agency created a plan to reintroduce DNA analysis for property crimes and in January 2019 began accepting DNA property crime evidence kits from the successful HTPC program. Adjustments are being made to introduce the program statewide. The agency posts metrics on its SAFE kit backlog on their website regularly. After reviewing available options, OSP recently chose a SAFE kit tracking software system that will be implemented statewide in mid-2019.

We sincerely appreciate the courtesies and cooperation extended by OSP officials and employees during the course of this follow-up work. The agency should be lauded for its strong effort to resolve the backlog and implement all audit recommendations in a timely manner.



Follow-up Report Team

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About the Secretary of State Audits Division

The Oregon Constitution provides that the Secretary of State shall be, by virtue of the office, Auditor of Public Accounts. The Audits Division performs this duty. The division reports to the elected Secretary of State and is independent of other agencies within the Executive, Legislative, and Judicial branches of Oregon government. The division has constitutional authority to audit all state officers, agencies, boards and commissions as well as administer municipal audit law.

This report is intended to promote the best possible management of public resources.
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