

# LOS ANGELES POLICE DEPARTMENT



RECEIVED JUN 22 2010

**CHARLIE BECK**  
Chief of Police

P. O. Box 30158  
Los Angeles, Calif. 90030  
Telephone: (213) 486-0150  
TDD: (877) 275-5273  
Ref #: 8.6

**ANTONIO R. VILLARAIGOSA**  
Mayor

June 15, 2010

The Honorable Wendy Greuel  
City Controller, City of Los Angeles  
200 North Main Street, Room 460  
Los Angeles, California 90012

Dear Ms. Greuel:

Per your request, please find enclosed the completed "List of Audit Findings and Recommendations" along with a descriptive narrative regarding the "Follow-up Audit of the Forensic DNA Backlog Reduction Grant Program" issued November 5, 2009. Should you require additional information, please contact Captain Kevin McClure, Commanding Officer, Robbery-Homicide Division, at (213) 486-6850.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charlie Beck", written over a horizontal line.

**CHARLIE BECK**  
Chief of Police

Enclosures

✓ cc: Mr. Farid Saffar, Office of the City Controller

OFFICE OF THE CONTROLLER AUDITING DIVISION  
 LIST OF AUDIT FINDINGS AND RECOMMENDATIONS

Department: LOS ANGELES POLICE DEPARTMENT (LAPD)  
 Title of Audit Report: Follow-up Audit of the Forensic DNA Backlog  
 Reduction Grant Program Award  
 Date of Report: November 5, 2009

Finding Number	Summary Description of Finding	Rec. No.	Recommendations	Current Status	Auditee's Response
			<b>The LAPD should:</b>		
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.	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.	I	
		2	Verify the information of the physical inventory (such as tested or not tested) with SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.	PI	See Attached "Report on the Controller's Office Audit Recommendations"
		3	Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.	I	
2	The LAPD 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.	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.	I	

OFFICE OF THE CONTROLLER AUDITING DIVISION  
LIST OF AUDIT FINDINGS AND RECOMMENDATIONS

Department: LOS ANGELES POLICE DEPARTMENT (LAPD)  
 Title of Audit Report: Follow-up Audit of the Forensic DNA Backlog  
 Reduction Grant Program Award  
 Date of Report: November 5, 2009

Finding Number	Summary Description of Finding	Rec. No.	Recommendations	Current Status	Auditee's Response
3	The LAPD 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.	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.	PI	See Attached "Report on the Controller's Office Audit Recommendations"
4	The LAPD has not made required victim notifications.	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.	I/D	See Attached "Report on the Controller's Office Audit Recommendations"
		7	Develop protocols which will increase the likelihood that victims receive the notifications.	I	
5	The Grants Tracking System is not updated in a timely manner.	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.	I	
		9	Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.	I	

I - Implemented  
 PI - Partially Implemented or In Progress  
 NI - Not Implemented  
 D - Disagree

# Report on the Controller's Office Audit Recommendations

May 2010 Update

## Recommendation #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.**

### Response:

This recommendation has been completed.

## Recommendation #2

**Verify the information of the physical inventory (such as tested or not tested) with SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.**

### Response:

This is an ongoing process. The minimum amount of DNA obtained from a kit that was considered unsuitable for profile has changed and the interpretation on what was considered "analysis complete" was inconsistent. The rape kit backlog does not include kit re-tests or kits that are currently deemed as non-evidentiary due to the report status as unfounded.

Robbery-Homicide Division, Special Assault Section (RHD-SAS) reviewed 356 cases initially identified as Report Unfounded from the 6,132 Historical Backlog. Upon case assessment, RHD SAS determined that 151 (42%) of cases reviewed would remain "Report Unfounded." Out of the 151 cases, 90 kits were slated for testing and were accounted for in the "Remaining Untested Kits" in the monthly Progress Report. The May DNA Progress Report, will reflect the 90 kits being placed into the "Unsuitable for Testing" after RHD SAS "Report Unfounded" review.

## Recommendation #3

**Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.**

### Response:

This recommendation is ongoing upon the completion of all the technical reviews, however, the funding of this procedure is anticipated to be sufficient.

The 2009 Forensic DNA Unit Efficiency Improvement Program Grant for \$245,549 has been approved by the Mayor. This will allow for the secondary backlog of the technical data reviews to be completed from the Historical Backlog numbers in a timely manner. The funds have been tabulated to be sufficient to complete the secondary backlog of about 2400 technical reviews on an overtime basis.

\$1.8 million has been allocated from the general fund for FY 2010/2011. When combined with funds from the 2009 and 2010 NIJ Backlog Grants, as well as the UASI Grant, the total funding available to cover costs associated with the outsourcing of pending SAEK analysis is approximately \$3.5 million. This amount is anticipated to be sufficient to address the needs of the Department.

Nine of the ten new staff members have been hired as of June 7, 2010. Due to background check completion, the starting dates for the remaining selected staff members is pending, but expected to be hired by June 22, 2010.

#### **Recommendation #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.**

#### **Response:**

This recommendation has been completed. A monthly DNA report has been developed with the corroboration of the Controller's Office, the City Attorney's Office, Councilmember Eric Garcetti's office, and a multitude of victim advocate groups. The monthly report documents efforts to reduce the Historical Backlog and provides the monthly progress. The report is currently viewable to the public online via the Department website (<http://www.lapdonline.org>).

#### **Recommendation #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.**

#### **Response:**

To date, funding for this project has not been established. Information Technology Division is attempting to develop a loosely-coupled database system to integrate information from different databases to accurately account for the tracking of all kits booked and provide comprehensive information pending funding of a master database.

Also, a Request for Proposal (RFP) will be completed upon continued research on the development of a master database that will provide accurate and comprehensive information. An actual dollar amount cannot be determined without an RFP.

### **Recommendation #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.**

#### **Response:**

The letter notification process has been completed for the original 403 Stranger cases. The Department identified 137 victims that required letters according to the mandates of Penal Code section 680. Letters were sent to all 137 victims. The Department will continue to place a high priority on the victim notification process.

The Department will continue to track, monitor, and send victim notification letters as mandated by Penal Code section 680. Scientific Investigation Division will continue to test the SAEKs within two years, thus eliminating the need for future notification letters.

Penal Code section 680 is not retroactive, therefore Victim Notification Letters were not initially sent on any cases that occurred between 1997 and 2004. However, if a victim expresses an interest in their SAEK case status, the Department provides notification updates and refers the concerned individuals for counseling. We will continue to look at how we can address pre-2004 victims that meet 680PC criteria and seek innovative ways to notify victims without re-victimizing, and review the impact this notification process will have on the Department.

### **Recommendation #7**

**Develop protocols which will increase the likelihood that victims receive the notifications.**

#### **Response:**

This recommendation has been completed. Currently, the Department obtains the victim's most recent address through various Department computer resources. Thorough work on the front-end will increase the likelihood of locating each victim. All victim notification letters are being sent as certified mail for higher contact rate from victims.

**Recommendation #8**

**Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to the Department of Justice. If needed, request access to Financial Management Information System (FMIS) from the Controller's Office.**

**Response:**

Grants staff will enter Program expenditures into the Grants Tracking System (GTS) immediately after the expenditure is approved by the Grants Supervisor and forwarded to Fiscal Operations Division (FOD) for processing. After expenditures are paid, FOD enters the payment information into GTS. When the quarterly reports to the Department of Justice are prepared, the grants billing analyst will refer not only to GTS, but the SAR, paid invoices, and other supporting documentation to complete the financial report.

**Recommendation #9**

**Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.**

**Response:**

Currently, any information entered into the GTS is immediately available for review by a user. Grant staff is currently discussing system modifications of GTS with Information Technology Division staff to capture more data and create additional reports.

Prepared By  
Detective James Blocker  
Robbery-Homicide Division  
SAEK Coordinator

# LOS ANGELES POLICE COMMISSION

FS

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100 WEST FIRST STREET, SUITE 134  
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE  
(213) 236-1410 FAX  
(213) 236-1440 TDD

January 19, 2010

BPC #10-0031

The Honorable Wendy Greuel  
Los Angeles City Controller  
City Hall East, Suite 300  
Stop 183

Dear Honorable Wendy Greuel:

RE: RESPONSE TO THE OFFICE OF THE CONTROLLER AUDIT OF THE FORENSIC  
DNA BACKLOG REDUCTION GRANT PROGRAM AWARDS

At the regular meeting of the Board of Police Commissioners held Tuesday, January 19, 2010, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for your information.

Respectfully,  
BOARD OF POLICE COMMISSIONERS

  
ISABEL ROSAS  
Commission Executive Assistant

Attachment

c: Chief of Police

**INTRADEPARTMENTAL CORRESPONDENCE**

January 5, 2010  
1.1  
OCOP #2009-11-01

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** RESPONSE TO THE OFFICE OF THE CONTROLLER AUDIT OF THE FORENSIC DNA BACKLOG REDUCTION GRANT PROGRAM AWARDS.

**RECOMMENDED ACTION**

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached report titled: Response to the Office of the Controller Audit of the Forensic DNA Backlog Reduction Grant Program Awards.

**DISCUSSION**

On November 5, 2009, the City of Los Angeles Office of the Controller issued the report titled "Follow-up Audit of the Forensic DNA Backlog Reduction Grant Program Awards." The report identified several findings and recommendations. The Los Angeles Police Department (LAPD) was asked to prepare a response to the audit to include information regarding the steps that the LAPD has taken or intends to take to address the recommendations and to clarify specific information. The LAPD's response is attached for the Board's review.

Should you have questions in regard to this correspondence, please contact Commander Michael P. Moriarty, Assistant Commanding Officer, Detective Bureau at (213) 486-7020.

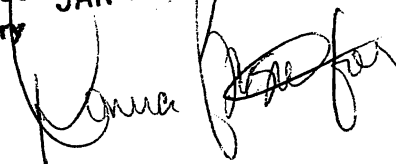
Respectfully,



CHARLIE BECK  
Chief of Police

Attachment

**BOARD OF  
POLICE COMMISSIONERS**  
Approved JAN 19 2010  
Secretary



## FACT SHEET

### **RESPONSE TO THE OFFICE OF THE CONTROLLER AUDIT OF THE FORENSIC DNA BACKLOG REDUCTION GRANT PROGRAM AWARDS**

November 5, 2009

#### Background

On November 5, 2009, the City of Los Angeles Office of the Controller issued the report "Follow-up Audit of the Forensic DNA Backlog Reduction Grant Program Awards." The report identified several findings and recommendations. The Los Angeles Police Department (LAPD) was asked to prepare a response to the audit report to include information regarding the steps LAPD has taken or intends to take to address the recommendations and to clarify information.

#### Audit Report Findings

##### Finding #1

**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.

##### Response

This finding has been addressed. The Department has reconciled the physical inventory count with the Automated Property Information Management System (APIMS) and Scientific Investigation Division's (SID) database. The Department is determined to maintain the reconciliation between APIMS and SID's databases in order to sustain an accurate count of each sexual assault evidence kit that is booked.

##### Finding #2

**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 Federal Bureau of Investigation (FBI) requires a public lab to review contract lab work which takes, on average, four hours per case before the public agency can upload into the Combined DNA Index System (CODIS) database. At this time, the FBI does not allow contract labs any access to CODIS – it only allows government labs access to the database.

The LAPD has requested, on two separate occasions (once in 2005 and most recently in May 2009), that the FBI revise their policy to allow accredited contract labs to upload their results directly without this time consuming additional government lab review requirement. There is growing pressure on the FBI from government labs nationwide on this matter.

### **Finding #3**

**The LAPD 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.**

### **Response:**

Department Representatives have met with experts from various advocacy groups to discuss the most appropriate way to comply with California Penal Code section 680 - the “Sexual Assault Victim’s DNA Bill of Rights.” It was agreed that mailing a standardized letter from the LAPD requesting the victim to contact the Department’s assigned representative to discuss their unsolved criminal investigation was the preferred procedure in making the initial contact.

#### **Current Victim Letter Notification Protocol:**

- Victim’s Sexual Assault Evidence Kit (SAEK) must be analyzed prior to sending the Victim Notification Letter.
- Letter is sent to the victim’s most recent identified address. In an effort to locate the most recent address, a thorough computer dossier must be conducted.
- The victim must be given the opportunity to discuss their case with a Department representative via telephone and/or in person. Upon contact, the Department representative shall provide telephone numbers for sexual assault advocacy groups including, but not limited to, sexual assault hotlines and counseling agencies.

Protocol mandates that Victim Notification Letters be mailed out on “stranger cases” that occurred after January 1, 2004, as per Penal Code section 680, however, since the Penal Code section 680 is not retroactive, Victim Notification Letters were not sent on any cases that occurred between 1997 and 2004. If the Department is notified of a DNA CODIS match to an offender, regardless of when the crime occurred (pre or post-2004), the victim notification process will be initiated.

The Department Victim Notification Letters are tracked; the following is a breakdown of their current status.

- 124 notification letters have been mailed
- 42 letters were returned to sender
- 16 phone call notifications
- 1 in-person notification
- 2 consenting partner issues resolved.

#### **Finding #4**

**The LAPD lacks a comprehensive – and modern – database designed to track untested rape kits. Currently, three different divisions within the LAPD – Robbery Homicide Division, Property Division and Scientific Investigation Division – maintain their own unique databases of untested kits. None of these databases are integrated and they may contain duplicative or even contradictory data.**

#### **Response:**

We agree with this finding and are working towards a solution. Detective Bureau (DB), Scientific Investigation Division (SID), Property Division and TEAMS II Division are in the process of designing the development of a master database. TEAMS II Division is reviewing current business processes in tracking untested rape kits and is meeting with end users to design a more efficient model. As soon as this study is completed, a formal system requirements document will be submitted to DB, SID and Property Division for review.

To date, funding for this project has not been established.

#### **Finding #5**

**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.**

Response:

The Department does not dispute the need to track kits. This statement however, makes the assumption that the Department is unaware that the backlog continues to grow with new cases. Due to case prioritization, lower priority cases (category-4) will naturally become backlog. The primary justification used to request additional position authorities has been that the LAPD has not historically had enough in-house resources to handle all incoming cases.

The hiring model that LAPD has been working on over the last 3 years was designed to build the in-house capacity over time so that LAPD eventually gets to a point where there is enough in-house staff to handle all sexual assault cases in real time and eliminate adding to the backlog. We are not yet staffed to that point. In the meantime, we are contracting out to fill the void until we are properly staffed and trained to a level sufficient to handle all contemporary cases.

**Finding #6**

**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.**

Response:

These reports are created weekly and submitted to Detective Bureau. We will provide these to City Council at whatever interval is desired.

We will work with the Los Angeles Sheriff's Department to determine feasibility of standardizing reporting guidelines.

**Audit Report Recommendations**

**Recommendation #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.**

Response:

This recommendation has been completed. The Department is determined to maintain the reconciliation between APIMS and SID's databases in order to sustain an accurate count of each SAEK that is booked. To ensure this occurs, reconciliation between APIMS and SID's database are completed on a weekly basis. Automated Property Information Management System (APIMS) year to date kits are manually checked against SID's rape kit database to ensure accuracy.

#### **Recommendation #2**

**Verify the information of the physical inventory (such as tested or not tested) with SID's database. Eliminate the kits which have already been tested and include the untested kits which were omitted from the rape kit backlog.**

#### Response:

The reconciliation between the physical inventory count and SID's database is complete. The necessary kits that were erroneously reported as untested have been removed from the backlog. The additional cases found later were added to SID's backlog and accordingly prioritized. The Los Angeles Police Department is eliminating further cases from the initial physical inventory count on a regular basis. Additionally, the progress of each kit is being tracked.

#### **Recommendation #3**

**Assess the resources needed to clear the secondary backlog of kits awaiting technical reviews and request additional funding, if necessary.**

The LAPD has obtained a grant to address this secondary backlog. The Controller's audit lists the grant in the "List of Grant Awards from Department of Justice Expenditures through June 30, 2009" (#10 in Controller's audit – 2009 Forensic DNA Unit Efficiency Improvement for \$246,549). This grant was awarded September 21, 2009, and is subject to the usual Council/Mayor approval process before it can be used.

This grant will allow for the technical review of approximately 2,409 cases through the use of overtime with in-house staff and via staff at the Santa Clara Crime Lab. The Los Angeles Police Department staff can handle the balance of case reviews with in-house staff.

#### **Recommendation #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.**

Response:

These reports are created weekly and submitted to Detective Bureau. We will provide these to City Council at whatever interval is desired.

**Recommendation #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.**

Response:

We agree with this finding and are working towards a solution. Detective Bureau (DB), Scientific Investigation Division (SID), Property Division and TEAMS II Division are in the process of designing the development of a master database. TEAMS II Division is reviewing current business processes in tracking untested rape kits and is meeting with end users to design a more efficient model. As soon as this study is completed, a formal system requirements document will be submitted to DB, SID and Property Division for review.

To date, funding for this project has not been established.

**Recommendation #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.**

Response:

Department Representatives have met with experts from various advocacy groups to discuss the most appropriate way to comply with California Penal Code section 680, the "Sexual Assault Victim's DNA Bill of Rights." It was agreed that mailing a standardized letter from the LAPD, requesting the victim to contact the Department's assigned representative to discuss their unsolved criminal investigation, was the preferred procedure in making the initial contact.

As required by law, the Department will continue to make notification on all cases occurring since January 2004 however, if the Department is notified of a DNA CODIS match to an offender, regardless of when the crime occurred (pre or post-2004), the victim notification process will be initiated.

Currently, a Detective III (sworn supervisor) is responsible for a variety of administrative tasks, including but not limited to the tracking of new and backlog cases, inputting and verifying information for a database, coordinating with SID, and Property Division. Additionally, the Detective III is presently assisting with the creation of a Department database that will interface

with RHD, SID, and Property Division. These administrative functions could be more appropriately handled by a non-sworn employee (Management Analyst II). This newly created administrative position would relieve a sworn supervisor from such administrative duties enabling him to investigate and supervise sexual assault cases.

**Recommendation #7**

**Develop protocols which will increase the likelihood that victims receive the notifications.**

Response:

Currently the Department obtains the victim's most recent address through various Department computer resources. Thorough work on the front-end will increase the likelihood of locating each victim. We will add certified mailing with follow-up on returned notification letters.

**Recommendation #8.**

**Update the information in the Grants Tracking System in a timely manner to prepare the Quarterly Report submitted to the Department of Justice. If needed, request access to FMIS from the Controller's Office.**

Response:

Grants Analyst will be trained to use the Grants Tracking System and update system information in a timely manner. Management will 1) routinely monitor the system and analyst activities to ensure the information is timely and accurate, 2) review the Financial Management Information System (FMIS) and the Financial Management System (FMS) to determine if having view access to FMS will be feasible and a useful tool for the analyst, and 3) discuss with the Controller's Office and systems staff the feasibility of enabling reconciliation of the Grants Tracking System to FMIS/FMS in an effort to minimize staff labor.

It should be noted that the Grants Tracking System is not used as the system to prepare Quarterly Reports submitted to the Department of Justice. The City's accounting system is FMIS/FMS, which is the system reviewed by the grantor's auditors. Therefore, all reporting information is compiled based on information in the FMIS/FMS.

**Recommendation #9**

**Modify the system features of the Grants Tracking System so that month-end information will be available to the users more timely.**

Response:

Information Technology and Contracts and Grants staff are working to enhance the Grants Tracking System. Requested enhancements include a tab that will reflect receipts and expenditures on a monthly basis, a function to capture billing and drawdown information, and expanded report capabilities. This effort is currently in the design stage. Time and effort estimates will be provided by the system programmers so that a deployment date can be established.

Prepared by:  
Detective Bureau