



NATIONAL FRATERNAL ORDER OF POLICE

PATRICK YOES NATIONAL PRESIDENT

JIM PASCO EXECUTIVE DIRECTOR

328 Massachusetts Ave NE | Washington DC 20002

(202) 547-8189 | www.fop.net | legislative@fop.net

21 March 2022

The Honorable Vanita Gupta
Associate Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 2050

Dear Associate Attorney General Gupta,

I am writing on behalf of the members of the Fraternal Order of Police to urge the U.S. Department of Justice (DOJ) to take the lead in developing a smart tracking system for sexual assault evidence kits (SAKs) that can be provided to processing laboratories and State and local law enforcement agencies.

The FOP was a key supporter of the Sexual Assault Forensic Evidence Reporting (SAFER) Act, which was signed into law in 2013. The legislation amended the Debbie Smith DNA Backlog program to allow grant funds to be used by State and local agencies to audit their sexual assault evidence backlogs, defined key terminology associated with evidence tracking and processing, and directed the U.S. Department of Justice to work with State and local officials to establish protocols and best practices. In 2017, the National Institute of Justice (NIJ) issued those National Best Practices using a victim-centered, multidisciplinary approach. Seven of the 35 recommendations focused on transparency and accountability of law enforcement, among them:

- Law enforcement agencies and laboratories should partner to use one evidence tracking system.
- A comprehensive inventory should be conducted to determine the number, status, location, and individual descriptive information (e.g., unique kit identifier, date collected) for all SAKs.
- Law enforcement agencies should perform an annual audit verifying that all SAKs in the property room are present and in their specified location.

It is estimated that there are 100,000 untested SAKs—some that were never transmitted for forensic analysis and others that were never tested by the crime lab. Better tracking and consistent auditing of SAKs would help to greatly reduce the number of lost, mishandled, and untested kits in the United States. A more secure, shared tracking of this evidence would increase the successful prosecutions of offenders, help deliver justice for survivors and their families, and empower more survivors to report sexual assaults knowing that the evidence collected by law enforcement is secure. In

addition to serving the cause of justice, according to the Attorney General of Ohio, each sexual assault kit tested saves \$40,866 per conviction—an important cost savings.

The FOP has promoted the use of NIJ's best practices by State and local law enforcement agencies, however, as so often is the case, resources for implementation and for the purchase of technology is a very real obstacle. Untested rape kits are often the result of an agency or crime lab lacking the capacity to process each kit or the result of kits being lost or mishandled. Every lost or untested kit represents a victim of sexual assault in our country who is still awaiting justice. And, according to the Rape, Abuse & Incest National Network (RAINN), the sexual assault evidence kit backlog continues to grow despite significant Federal investment in State and local resources.

The FOP believes that the DOJ can address this issue by working through the NIJ or the Sexual Assault Kit Initiative (SAKI) administered by the Bureau of Justice Assistance (BJA) to identify or establish standards for currently available tracking technology or help to develop technology to better track SAKs as they move through the chain of evidence. If we are better able to track sexual assault test kits, we can better provide justice to victims by successfully prosecuting offenders.

On behalf of the more than 364,000 members of the Fraternal Order of Police, I thank you for all of your work at the Justice Department to make our officers and our communities safer. If I can provide any additional assistance about this issue, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, stylized initial "P" and a long, sweeping underline.

Patrick Yoes
National President