

PERFORMANCE AUDIT

Report Highlights



Office of the
Washington
State Auditor
Pat McCarthy

Sexual Assault Kits:

Assessing Washington State Patrol's testing backlog and tracking system

After a sexual assault occurs, forensic evidence is collected at a medical facility by a nurse or other medical professional and packaged into a sexual assault kit. Testing these kits in a timely manner can help resolve crimes and ensure justice is served. In 2018, an official, statewide inventory determined that more than 9,000 sexual assault kits had been collected but not submitted for testing. In addition to these kits, the Washington State Patrol continued to receive about 2,000 new sexual assault kits each year for testing. As of January 2022, there were more than 6,000 kits left to be tested.

The Washington State Patrol is responsible for testing all sexual assault kits statewide, whether at one of its crime labs or by contracting with a private lab. The agency also manages the statewide sexual assault kit tracking system, which was established in 2018 to provide more transparency around the testing process, particularly for survivors. The audit examined both the State Patrol Crime Laboratory's processing of sexual assault kits and the statewide sexual assault kit tracking system.

State Patrol has taken important steps to eliminate the sexual assault kit backlogs, but thousands of kits remain untested

In response to new legal requirements, State Patrol took important steps to reduce its backlogs of untested kits. The agency made changes designed to make testing more efficient, but the audit could not quantify their effect because not enough time has passed since their implementation. The changes included acquiring new equipment to automate the testing process, adopting a more efficient testing method, and hiring and training forensic scientists who specialize in testing DNA. It also outsourced some testing to private labs. The COVID-19 pandemic contributed to delays in eliminating the backlogs. Other states started addressing their backlogs of untested kits earlier than Washington and have eliminated them.

As of January 2022, State Patrol had tested 74 percent of all kits received since 2015. While law enforcement agencies and State Patrol submitted thousands of kits for testing before the deadlines, the agencies later found additional kits and there may be others.

Washington's sexual assault kit tracking system follows legal requirements and recommended practices

Before the introduction of tracking systems for sexual assault kits, many survivors had no way of tracking their kit as it moved throughout the criminal justice process. States around the country, including Washington, have responded to these concerns by adopting kit tracking systems.

Washington's system has functionality to allow survivors to track their sexual assault kit at key steps in the criminal justice process, from collection to destruction. The system allows professional users – including medical facilities, police and labs – to update the kit's information as it moves throughout the process. This information then flows into a separate survivor portal, which is designed to allow survivors to track their kit at key steps. The kit tracking system follows other required and recommended practices, such as having essential data fields and including historical kits in the system.

State Auditor's Conclusions

Washington's backlog of untested sexual assault kits is a long-standing concern for survivors, their families and advocates, law enforcement agencies and lawmakers. In 2019 the Legislature increased funding for testing and set a deadline to test historical kits, requiring the State Patrol to send kits to private labs for testing by Dec. 1, 2021. Lawmakers also required our Office to conduct a performance audit of the Washington State Patrol's Crime Laboratory and sexual assault kit tracking program in 2022.

Although the State Patrol has implemented recommended practices for testing kits and the sexual assault kit tracking system, our audit shows that a backlog of untested kits remains. There are valid reasons for this, including disruptions stemming from the global pandemic that began in 2020. Accordingly, we make no new recommendations in this audit. However, we must emphasize the importance of the State Patrol staying the course without further delays. It must prioritize planned improvements to ensure the testing backlog is eliminated. This issue must not fade from public scrutiny; our Office will check on the State Patrol's progress again in a future audit.

Recommendations

State Patrol had already taken steps to incorporate requirements and best practices into its sexual assault kit testing process and tracking system before the audit could be conducted within the legislatively mandated timeframe. We make no formal recommendations, but strongly encourage State Patrol to continue its efforts to test all sexual assault kits in a timely manner and keep the system operational to provide survivors with the ability to track their kits.