JAY INSLEE
Governor

JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL
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July 21, 2015

Mr. Mitch Barker, Executive Director
Washington Association of Sheriffs and Police Chiefs
3060 Willamette Drive NE
Lacey, WA 98516

SUBJECT: Substitute House Bill 1068

Dear Mr. Barker:

I would like to provide to your members this letter which explains the WSP Crime Laboratory Division (CLD) plan regarding Substitute House Bill (SHB) 1068. This information has also been provided to the Forensic Investigations Council and the Washington Association of Prosecuting Attorneys.

SHB 1068 redefines the submission of sexual assault kits (SAK) for analysis by CLD. We are moving forward to comply with the new law, while striving to meet our client's needs and effectively use our resources. As we do so, I would like to begin a conversation with our clients and stakeholders so that we can successfully implement and assess the progress of this plan.

SAK evidence submissions to CLD were historically based upon case review and evaluation by detectives and prosecutors as they determined the need for and relevance of DNA information to assist in their investigations. As of July 24th, 2015 SHB 1068 requires law enforcement to submit a request for laboratory examination for all SAKs when victims have given consent, or are under the age of eighteen and not emancipated.

During the legislative process we had the opportunity to estimate potential effects upon CLD operations and to propose funding to deal with those effects. The final state budget yields about 42% of the funding that we originally requested.

On July 1, 2015 we sent forward a plan to prioritize SAK submissions to CLD. That plan received the endorsement of the Forensic Investigations Council and, on July 20, 2015, was approved by WSP Chief John R. Batiste.

I will explain many of the details of the plan, to convey both our rationale behind it and provide information for the submission of SAK cases to CLD. As with all of our other casework, this plan looks to our clients to determine the priority status of each case, as follows:

- Our *highest priority* continues to be current, active investigations for which you advise us that forensic DNA analysis plays an important role in public safety and case resolution. This includes cases for which trial deadlines quickly approach.
    - As in the past, we will accept this evidence with our *Request for Laboratory Examination* (RFLE) form (see Attachment 1).
        - The RFLE contains a field under "Special Instructions." Checking "yes" designates a high priority case.
    - Along with the RFLE, please submit a completed *DNA Case Supplemental Information* form (see Attachment 2).
- Our *second priority* is SAK submissions collected by our agencies on or after July 24, 2015, where the submission to CLD would not have previously occurred, but is now required by SHB 1068. (These *second priority* cases will represent an estimated 66% increase in our SAK requests.)
    - We will begin to process these cases as quickly as possible; however, we will be careful not to divert resources away from your highest priority cases.
        - SHB 1068 yielded funding for 7 new forensic scientists. If we assume that all will be entry-level hires, then we expect to have these positions hired and trained in approximately 24 months. They will be dedicated to the SAK *second priority* backlog according to the RFLEs we have received.
    - For these *second priority* cases, please only submit the RFLE without the evidence. Unfortunately we don't have the evidence storage capability to hold these SAKs until our 7 new scientists are hired and trained.
    - Under "Special Instructions" on the RFLE please check the "no" box, designating the cases as *second priority*. This prevents us from incorrectly diverting our limited analytical resources away from your *highest priority* cases, thereby delaying their completion.
    - Along with the RFLE, please submit a completed *DNA Case Supplemental Information* form (see Attachment 2). On submissions where there is no charged individual, an *Authorization for Consumption of DNA Evidence* form is also required (see Attachment 3).

- Our *third priority* is the inventory of SAKs collected by our agencies prior to July 24, 2015, where the submission to CLD would not have previously occurred, but is now required by SHB 1068. Section 2 of SHB 1068 prescribes that these cases be reviewed by a legislative task force prior to submission to CLD.

    - Some clients have previously submitted RFLEs for these SAKs in anticipation of the passage of SHB 1068. We will contact them regarding the return of those RFLEs pursuant to Section 2.

    - Clients may wait for these cases to be evaluated by the legislative task force before submission to CLD, or they may immediately submit qualifying evidence to the FBI Laboratory for analysis pursuant to the *FBI/NIJ Sexual Assault Kit Partnership.*

I hope that this brief information adequately provides an overview of our plans to meet the requirements of the new law while continuing to provide to you the best possible service. Because there are many details involved in these transactions, our crime laboratory managers and DNA supervisors are at your service to provide clarification and answer any questions you might have about casework submission procedures.

As with any new plan involving complicated circumstances, we will constantly evaluate the process and consider any opportunity for improvement. Toward that end, I appreciate your input and, especially, ideas that you might have for improvements to our plan.

Our goal remains to provide our clients with the best possible forensic science services. Thanks for your continued assistance as we strive to meet that goal.

Sincerely,

James A. Tarver
Crime Laboratory Division Commander

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Attachments (3)

Cc: Director Larry Hebert, Forensic Laboratory Services Bureau
Hon. David S. McEachran, Forensic Investigations Council
WSP Crime Laboratory Managers