



The Sexual Assault Evidence Submission Plan

**Illinois State Police
 Sexual Assault Evidence Collection Kit**



Patient _____
 Patient Address _____
 Hospital Name and Address _____
 Address Where Assault Occurred _____
 Examining Health Professional _____ (print name)
 Nurse _____ (print name)
 Transferred to law enforcement representative
 by _____ (print name)
 Law enforcement agency _____ (print name)
 Law enforcement representative _____ (print name)
 Date of pickup _____

RD No. _____
 Beat/Unit Assigned _____
 Date of examination _____
 City _____

Signature _____
 Signature _____
 Signature _____
 City _____
 Signature _____
 Time of pickup _____

This kit is approved by the Illinois State Police

INTEGRITY SEAL
 DATE _____
 SEALED BY _____

Notes _____

EVIDENCE
 DO NOT OPEN
 DO NOT OPEN
 INITIALS _____
 DATE _____
 DO NOT OPEN
 DO NOT OPEN

in accordance with the
 Sexual Assault Evidence Submission Act
 PA96-1011, Section 20



Background

On July 6, 2010, Governor Quinn signed into law the Sexual Assault Evidence Submission Act (PA 96-1011, effective 9-1-2010). The Act provides for several changes to how law enforcement agencies address the submission of sexual assault (SA) evidence to forensic laboratories for analysis. The Illinois State Police (ISP) operates seven such forensic laboratories statewide and serves the vast majority of Illinois' state, county, and local law enforcement agencies. Two other publicly-funded forensic laboratories, the DuPage County Forensic Science Center (DCFSC) and the Northeastern Illinois Regional Crime Laboratory (NIRCL), serve a smaller number of agencies within DuPage County and the northeastern corner of the state, respectively. All these forensic laboratories are affected by the Act.

One major change resulting from the Act is that all law enforcement agencies must submit new criminal SA cases within 10 days of collection to a forensic science laboratory for analysis (Section 10 of the Act). The impact of Section 10 on the number of new SA case submissions to the forensic laboratories is expected to result in a permanent increase in submissions to the Forensic Biology/DNA (FB/DNA) sections of these laboratories.

A second major change mandates all law enforcement agencies to submit for analysis all criminal SA cases in their possession which had not previously been submitted to a forensic laboratory (Section 20 of the Act). To determine the impact of Section 20 on the forensic laboratories, the ISP established mechanisms for agencies to submit an inventory list of such SA cases in their custody by October 15, 2010. The ISP then distributed each agency's list to the forensic laboratory to which the agency would normally submit cases. Each laboratory would then clarify information and resolve questions with the agency, as necessary. As of February 1, 2011, of the 999 law enforcement agency offices required to submit an inventory list to the ISP, 860 (or 86 percent) complied. (NOTE: The Illinois Attorney General's Office was provided information regarding those agencies not in compliance.) Based on the information from the compliant agencies, approximately 4,142 criminal SA cases are anticipated to be submitted pursuant to Section 20 of the Act. This number may fluctuate slightly within the coming months as further clarification of case information continues during the process of making submission arrangements.

The Act also provides for the publicly funded forensic laboratories in Illinois to submit a plan to address the Section 20 SA cases, including a timeline and resources required. Those plans are included on the pages following the ISP's plan.

ISP Forensic Laboratory System Plan

Section 10 Impact

The ISP laboratories began seeing an increase in the number of new SA case submissions as early as June 2010, immediately after the bill passed both chambers of the legislature and prior to the September 1, 2010, effective date. Before this increase, SA submission rates to ISP laboratories for the first five months of 2010 averaged 149 cases per month. This increased 47 percent to an average of 218 cases submitted per month during the last seven months of 2010. At this new rate of about 70 additional SA cases submitted each month, an average of 840 additional SA cases are anticipated to be submitted annually to ISP laboratories. This impact of Section 10 of the Act is expected to be permanent.

Section 20 Impact

Based on inventory information provided by agencies using ISP laboratories, approximately 4,000 “Section 20” cases are expected to be submitted to ISP laboratories, with the remainder to be submitted and analyzed by either the DCFSC or NIRCL laboratories. (NOTE: Plans from those non-ISP laboratories are found on pages 6-8 of this document.) Some cases to be submitted to ISP laboratories date as far back as 1978, while some are as recent as July 2010. In accordance with state statute 730 ILCS 5/5-4-3a, the ISP began including the Section 20 backlog figure in its backlog reports as of January 2011.

Approach

For Section 10 cases:

- The ISP intends to analyze all new/current cases (i.e., pursuant to Section 10) using in-house resources (ISP forensic scientists), and not through outsourcing to a private vendor. This allows the ISP the greatest flexibility in meeting both the needs of the investigating agency and criminal justice system for these current and active cases.
- Timely analysis will be accomplished through the use of various efficiency measures implemented over the past several years (e.g., robotics) as well as the implementation of new technologies to save time and costs.
- The use of federal grant funding for FB/DNA case backlog reduction will continue to be aggressively pursued and applied to assist in improving the backlog of these cases through the use of overtime and the purchase of additional commodities and equipment to address this need.

For Section 20 cases:

- Outsourcing of the older, previously unsubmitted Section 20 cases will be utilized to the fullest extent possible to enable in-house resources to focus on meeting investigative and court needs of current cases, including SA (Section 10) cases as well as cases from other violent crimes such as homicide and aggravated battery.
- The Section 20 cases will be submitted and analyzed using a three-tier approach as follows:

- TIER ONE - Cases with offense dates of 2000 and 2001 (approximately 325 cases). These cases will be analyzed in-house in a priority order established by the ISP, designed to meet a 10-year statute of limitations guideline for uploading resulting DNA profiles into the Combined DNA Index System (CODIS).
- TIER TWO – Cases with offense dates of 1999 and earlier (approximately 460 cases). About 93 percent of these cases will be outsourced; the remainder, due to the type of the evidence in the case, are ineligible for outsourcing and will be analyzed in-house.
- TIER THREE – Cases with offense dates of 2002 through 2010 (approximately 3,250 cases). These cases will also be prioritized in accordance with the statute of limitations guideline for CODIS upload. As funding permits and considering the outsourcing progress of Tier Two cases, it is the intent of the ISP to also outsource appropriate Tier Three cases, while analyzing a small percentage in-house due to the type of evidence in the case.

Timeline for Analysis

- All new SA cases submitted pursuant to Section 10 of the Act will be immediately incorporated into the analytical schedule of the laboratory in accordance with current practice. Current practice involves prioritizing cases based on a number of factors including, but not limited to: date all necessary exhibits are received by the laboratory, established court date, nature of the crime (e.g., violent crime, suspected serial offender), and rush requests by submitting agencies.
- For SA cases submitted pursuant to Section 20 of the Act, the ISP has established the following general timeline. This timeline includes a proven, measured approach to outsourcing, which the ISP has demonstrated is most effective in both reducing backlogs and meeting the current needs of the criminal justice system regarding new SA (Section 10) cases as well as those from other violent crimes.
 - In early January, 2011, ISP laboratories began requesting submission of Tier One and Tier Two cases from agencies. In-house analysis of Tier One cases has already begun. Those Tier Two cases which are ineligible for outsourcing will also be analyzed in-house, immediately after the Tier One cases.
 - By June 30, 2011, the ISP anticipates beginning outsourcing of the remainder of the Tier Two cases, once all preparatory quality assurance measures and other actions required by accreditation standards, the Department, and/or bargaining unit agreements* (all of which are currently in progress) are completed. Approximately 300 cases will be outsourced each quarter thereafter, until all cases are completed (projected date December 2011), barring any unforeseen hindrances such as analytical delays, quality assurance issues, or loss of funding and/or personnel. This approach and timeline for Tier One and Tier Two cases enables the ISP to maximize current ISP resources to quickly address

impending statute of limitations deadlines, as well as address the older SA cases that have waited the longest for analysis.

- By December 1, 2011, ISP laboratories will begin requesting submission of Tier Three cases. In-house analysis of these cases will begin immediately after the Tier One and Tier Two in-house analyses are completed. The analysis of any Tier Three case will be scheduled in a manner to ensure these cases are analyzed and uploaded into CODIS before their respective statute of limitations deadlines.
- By early 2012, outsourcing of eligible Tier Three cases is expected to begin; this will commence immediately after the outsourced Tier Two cases are finished. At the rate of approximately 300 cases outsourced per quarter, all outsourcing of Tier Three cases is anticipated to be completed by the end of 2014, barring any unforeseen hindrances such as analytical delays, quality assurance issues, or loss of funding and/or personnel.
- Backup Plan - The outsourcing schedule outlined above for both Tier Two and Tier Three cases assumes sufficient funding is sustained and the outsourcing vendor maintains the ability to meet the ISP's established high quality expectations. Continuous monitoring of those quality expectations will be conducted by the ISP. Should insufficient funding, unsatisfactory quality, or any other factor adversely affect this outsourcing schedule at any point, the ISP's back-up plan is to incorporate Section 20 SA cases into the in-house analytical schedule amongst current cases, prioritized in such a manner as to ensure the statute of limitations deadlines are met. **In the event all Section 20 SA cases must be analyzed in-house, not only would years be added to the analytical timeline for completion of these cases, but this will also negatively impact the timeline for completion of all types of new/current cases in the FB/DNA section.**

The AFSCME collective bargaining agreement affords management the right to subcontract for efficiency and/or economy. It also requires notice to the union 45-days in advance of using a sub-contract. Although the ISP has complied with all collective bargaining unit provisions, AFSCME continues to object to outsourcing any DNA analysis to a sub-contractor, claiming that to do so is an erosion of their bargaining unit duties.

Resources Needed

- **Headcount** – Based on the observed increase in SA case submissions (projected at 840 additional SA cases annually), the ISP will require **five additional headcount to hire more forensic scientists** to keep up with the permanent increase in new SA submissions (Section 10), as well as to assist with the Section 20 cases requiring in-house analysis. These positions would be permanent and in addition to refilling any current vacancies within the FB/DNA section due to attrition. To be most effective in addressing the SA caseload, the new positions, as well as the current vacancies, must be filled immediately. The extensive training program for FB/DNA requires approximately 18 months to complete, so these new hires will not have an immediate impact on the SA caseload.

- Headcount Funding – At this time, the ISP requires additional General Revenue **funding for the five new forensic scientists requested above**. Assuming a July 1, 2011, hire date, the FY2012 cost (including salary, benefits, and insurance) would be approximately \$407,500 (approximately \$81,500 x 5 positions). This will result in a permanent increase in the amount of headcount funding required.
- Other Funding - Based on the measured analytical timeline, the ISP projects all other costs associated with addressing the impact of this new Act (outsourcing costs are estimated at more than \$2.6M for Section 20 cases) will be met over the course of several fiscal years through current General Revenue appropriations, as well as through the use of the following sources:
 - Grants – The ISP plans to continue its aggressive pursuit and expenditure of appropriate federal grant funding to assist in the timely analysis of all FB/DNA cases. Current and future DNA backlog grant awards would encompass any in-house analysis of SA cases submitted pursuant to Section 10 and Section 20 of the new Act. These funds are used for overtime, commodities, equipment, and other needs to help reduce FB/DNA backlogs. ISP has also been awarded a Violence Against Women Act (VAWA) grant via the Illinois Criminal Justice Information Authority (ICJIA) to specifically assist in outsourcing the backlog of Section 20 cases.
 - State Offender DNA Identification System Fund – These funds, collected pursuant to state statute 730 ILCS 5/5-4-3 (k), are already used extensively to support FB/DNA analysis in ISP laboratories. The ISP has identified monies in this fund to cover anticipated Section 20 outsourcing costs beyond those which will be provided through grants each fiscal year. Assuming receipts remain at or above current levels each fiscal year and no statutory transfer or borrowing from the fund occurs, this support is expected to continue throughout the course of the Section 20 backlog reduction program.
- NOTE: Should the anticipated funding provided through grants and/or the State Offender DNA Identification System Fund drop below current projections, the ISP will reevaluate the need to request additional General Revenue appropriations in future fiscal year budgets.

For questions regarding the ISP Forensic Laboratory System Plan, please contact Illinois State Police, Division of Forensic Services, Deputy Director Scott Giles at (217) 785-7542.

DuPage County Forensic Science Center Plan

Prepared and submitted to ISP by the DuPage County Forensic Science Center

Section 10 Impact

The DuPage County FSC had been seeing a decrease in the number of sexual assault cases submitted to the laboratory. Since the implementation of this law, this decrease has been halted and the number of sexual assault cases submitted over the last 6 months (since August 1, 2010) has held steady when compared to the prior 6 months.

Section 20 Impact

Based on inventory information provided by agencies using the DuPage County FSC, approximately 100 "Section 20" cases are expected to be submitted to the DuPage County FSC. The oldest Section 20 case to be submitted to the DuPage County FSC has an offense date of October 21, 1992, and the most recent Section 20 case has an offense date of June 17, 2010.

Approach

For Section 10 cases:

- The DuPage County FSC intends to analyze all new/current cases (i.e., pursuant to Section 10) without any additional resources.

For Section 20 cases:

- The DuPage County FSC intends to analyze all previously un-submitted cases (i.e., pursuant to Section 20) through the employment of a part-time employee paid with a federal grant. The Section 20 cases will be added to our current caseload at the rate of ~10/month.

Timeline for Analysis

- All new SA cases submitted pursuant to Section 20 of the Act will be accepted by laboratory request only, beginning February 1, 2011, with an additional ~10 cases every month thereafter (except for the months of August and September). Therefore, we anticipate completion of Section 20 cases in or around December 31, 2011. The agency will be required to submit the requested case within 2 weeks of the request, or else the case will not be accepted and future arrangements will have to be made.
- There is no foreseeable reason why the DuPage County FSC would be unable to analyze all the Section 20 cases by June 30, 2012, other than a lack of cooperation from the submitting agency all Section 20 cases are not completed by June 30, 2012, the DuPage County FSC will consult with the ISP for advice on how to proceed.

Resources Needed

- Headcount – Based on the observed increase in SA case submissions, the DuPage County FSC will require one additional part-time forensic biology / forensic DNA analyst.
- Headcount Funding– At this time, the DuPage County FSC requires NIJ grant funding for the new forensic scientist mentioned above. This analyst is currently funded under federal grant 2010-DN-BX-K146.
- Other Funding - Based on the timeline, the DuPage County FSC projects all other costs associated with addressing the impact of this new Act will be paid by the taxpayers of DuPage County.

Questions about the DuPage County Forensic Science Center plan can be directed to Forensic Scientist Doug Saul at (630) 407-2105.

Northeastern Illinois Regional Crime Laboratory Plan

Prepared and submitted to ISP by the Northeastern Illinois Regional Crime Laboratory

All of the member agencies have confirmed their untested sexual assault evidence. This evidence has been inventoried. A total of 57 cases will be submitted to the Northeastern Illinois Regional Crime Laboratory. This evidence will consist of 54 Sexual Assault Kits and at least five miscellaneous items (i.e. swabs, bedding, and clothing). Through case monitoring it has been previously determined at the laboratory that roughly 40% of the sexual assault evidence submitted to the laboratory yield samples suitable for DNA analysis.

The laboratory plans to begin contacting agencies December 17, 2010 in order to set up appointments for the submission of evidence. An excel program will be generated to track Lab Case #, Agency Case #, samples that will be tested for DNA, obtained DNA profiles, CODIS entry, and any CODIS associations for these untested sexual assault cases.

Timelines for the analysis of the 57 cases of untested sexual assault evidence was prepared with and without funding available for overtime. It is projected that 24 cases will yield 120 samples that will need DNA analysis. Table 1-1 reflects the time each analysis step is expected to be completed.

Analysis	Screening	DNA Analysis	Review	Total Time
Without Overtime	6 weeks	3 months	2 weeks	5 months
With Overtime (88 hrs.)	4 weeks	2 months	1 week	3 months

Table 1-1

This timeline is subject to several factors. This includes agency availability for case submission, additional evidence submissions, actual number of tests conducted, and availability of lab personnel and equipment.

Currently, 42 cases have been submitted to the laboratory. 35 cases have been screened. 9 cases required DNA analysis. 2 cases yielded profiles suitable for entry into the Combined DNA Index System.

The Northeastern Illinois Regional Crime Laboratory is expected to finish analyzing all previously untested evidence by the end of June 2011. If overtime funds are provided to the laboratory the analysis can be expected to be completed at an earlier date.

For questions regarding the Northeastern Illinois Regional Crime Laboratory Plan, please contact Executive Director Garth Glassburg at (847) 362-0676.



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