

Los Angeles: DNA Deep Freeze

This article has been summarized for length. The complete original by Christine Palisek is available at: <<http://www.laweekly.com/2009-03-19/news/dna-deep-freeze>>

The LA Weekly on March 18, 2009 reported Los Angeles is a “DNA disaster zone.” Both the city and county have fallen years behind in rape testing and may never catch up. Both LAPD and LASD, the county’s largest police agencies, are so far behind they’ll need millions of dollars to catch up, even if the crime lab testing capacity was present.



In L.A., money now being spent on outside testing labs will soon dry up, and lab workers entering the DNA-test information into computers are stretched too thin to work on old cases, while struggling to handle the hundreds of new requests from detectives flooding their labs. Critics say the city and the county will need far more space, money and lab workers to have a chance of matching New York’s success with DNA evidence.

In November 2007, the LA Times reported there were thousands of untested rape kits in LAPD freezers, but City Hall politicians shrugged off pressure from women’s groups and other organizations complaining that rape victims endured a 4-hour invasive procedure to collect evidence, only to have it placed on a shelf and ignored.



Even though LAPD received the largest grant of any California agency, \$3,945,820 from the federal government between 2004 and 2007, the situation here has grown worse, not better. Seven hundred new cases a year are getting piled onto LAPD’s freezer shelves. Oversight was so lax that LAPD was hit with a stiff \$400,000 fine; half of its allotted federal funding in 2008 for moving too slowly in using the money.

LAPD management has apparently been using the federal “Debbie Smith money” to its fullest capability, conducting only a small portion of sexual-assault tests and instead using it to buy equipment, pay for training excursions, clear up backlogs in homicide cases, and delve into property crimes.

LA City Controller Laura Chick conducted a fiscal investigation into how the city has been spending its federal Debbie Smith DNA testing money. Chick released an audit that was scathing even by her standards. She accused LAPD of mismanagement, lax oversight that appeared to have left 7,000 untested kits sitting in freezers, and — most damning for victims and many others — blowing past the legal deadline for prosecuting up to 200 potential sexual-assault cases. Subsequent examination disclosed that almost half of these cases had already been tested, but the number remained staggering.

It quickly became apparent that LAPD management had no clue how many thousands of untested rape-incident specimens there were, nor how many of those specimens could help the cops to solve rape cases and other serious crimes.

In response to the nationwide press coverage about the thousands of untested evidence kits, LAPD reorganized the responsibility for DNA testing and the council agreed to add 16 more DNA analysts and support staff to the existing team of 44 staffers, plus \$250,000 for the hiring of private laboratories to aid in the testing.

Since the controversy erupted, LAPD detectives have counted a total of 9,911 sexual-assault cases in the freezers. Of those, 4,718 were previously tested and 5,193 were not tested.

Of the untested cases, 403 were “stranger rapes,” in which DNA testing could have netted a solid suspect by now; 1,184 were “cleared by arrest,” making DNA tests unnecessary;

and 1,796 were rejected because of a hard-to-prosecute “he said, she said” situation or because the victim refused to cooperate. Hundreds of rape cases left for so long that they are too old to prosecute.

The backlog of DNA evidence sits inside huge big-rig-freezer containers, some of them located inside a large warehouse, and some placed outside, in a secured open-air parking lot.



Recently, teams of LAPD cops donned thick ski parkas and entered the huge outdoor evidence freezers — the only way to physically eyeball the forgotten old sexual-assault DNA. What the bundled-up detectives found was almost unbelievable. It took 10 days for the 50 cops to count every rape kit, nearly 10,000 of them, representing women, children and even a few men, who withstood an often unpleasant procedure to help police gather DNA evidence from their own bodies — only to have that semen, saliva, skin and other human detritus piled in freezer containers.

Mimicking what LAPD had done, LA County Sheriff's deputies bundled up and went inside the Sheriff's Department freezers — and found the similar massive pileups.

A lot of the untested rape kits discovered by the LAPD and Sheriff's Department will turn out to be nothing. That's because many of them represent not rapes, but angry girlfriends mad at their boyfriends, prostitutes upset about getting shorted by a john, and all the other odd reasons women and men call the cops and go through rape-evidence collection when, in fact, no rape has occurred. There have been many such non-cases in L.A., but no conclusion can be reached without first conducting an investigation.

The discovery of 403 so-called “stranger rapes” left untested on the LAPD shelves, and found in recent weeks by the parka-clad detectives is what causes concern. These are crimes in which the identity of the attacker is unknown and no suspect has been arrested — situations in which DNA testing could be the key. These are cases where the timely arrest of a rapist could possibly prevent other similar crimes from occurring.

Similar to what is unfolding at LAPD, LA Sheriff's Department was surprised to find 815 rape kits involving “stranger rape” whose evidence was left untested suggesting that the problem is far too big to completely untangle. It's now extremely unlikely that either LAPD or the Sheriff's Department will resolve their DNA-backlog crisis any time soon, because their labs are overwhelmed by a never-ending stream of cases.

LASD cannot afford to test all the rape kits on its shelves either, and doesn't know if it ever will. LAPD's new crime-lab space, a gleaming building near Cal State L.A., is already far too small to handle the load it now faces. The 16 extra lab workers hastily funded by the City Council were moved to the lab at aging Piper Tech because they “were basically sitting on each other's laps” in the too-small new lab.

About 50 percent of the effort at LAPD right now is burned up simply by having to pull mountains of long-forgotten envelopes off the icy shelves, and methodically remove the urine samples inside — so they don't rupture and damage the trace evidence

Neither the Sheriff's Department nor LAPD, both now hiring extra DNA techs who need a year or more of training, has the manpower, funding, or organizational setup to quickly handle the bulging workload and the test results stemming from this controversy.

LAPD's Chief has promised to test every new kit. But in L.A., which averages 800 rapes a year, it is hard to see how this is feasible, even if the work is sent to outside labs. A lot of the work, like entering results of rape-kit analysis into the crime-database system known as CODIS, still has to be done by city workers, and currently it takes two to six hours to review a single analysis report. The Los Angeles Police Foundation is working with the LAPD to

eliminate the DNA rape kit backlog. With local and federal funding, and private dollars raised by the Police Foundation, the backlog should be eliminated by the end of 2010.

With so many problems, it may be years before the LAPD can set in motion its plan to test DNA left behind at burglaries — something New York has done for years. In 2007, the LAPD participated in a federal program by the National Institute of Justice to determine the value of testing DNA traces left during property crimes. The LAPD tested DNA from the sites of property crimes in the San Fernando Valley, with intriguing results: the first six [DNA] hits were serious offenders.

The previous article causes conflicting emotions to surface. On the one hand, there is the outrage of citizens wanting to know how this DNA backlog was allowed to occur. On the other hand are the department's administrators that are being asked to perform a job for which insufficient funding and manpower has been allocated for its completion. How many of those "unnecessary" DNA tests will tie the rapist to another crime? How many will be "cold hits" that would not be identified otherwise? Who gets the blame? Have the politicians failed to provide adequate funding? Has the department misallocated funds? Few people can appreciate the complexities of managing a major city law enforcement agency and the diverse needs that are placed on budgets that are never fully funded. According to the article, New York City stood out as a metropolitan area that's doing it right, but it wasn't always so. Twelve years ago, NYC was among the worst examples of major city agencies with a backlog of almost 18,000 untested DNA samples. It was only after NYC made DNA testing one of its highest priorities that they began to reduce the backlog to what it is now. In light of California's present financial difficulties, it is hard to imagine a scenario where adequate resources will be appropriated for DNA testing in the foreseeable future. - Ed.