



CITY OF PORTLAND, OREGON



Bureau of Police

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February 1, 2016

Oregon State Legislature
Members of the Senate Committee on Judiciary
C/O Senator Floyd Prozanski, Chair
900 Court Street, NE
Salem, OR 97301

Re: Support for SB 1571

Dear Chair Prozanski and Members of the Judiciary Committee,

The Portland Police Bureau expresses its support of SB 1571, which directs the Department of State Police to adopt rules concerning prioritization of testing untested Sexual Assault Forensic Evidence Kits (SAFE).

The testing of SAFE Kits is a national issue. A recent *USA Today* report documented that 1,000 police agencies have reported at least 70,000 untested SAFE kits collectively, with 34 states that haven't even counted kits yet.

After an internal review, the Portland Police Bureau found that nearly 2,000 SAFE kits (through 2014) had not been submitted to the Oregon State Police Crime Lab for testing (excluding anonymous kits). The review went back to 1985, which corresponds with the oldest kit maintained in the Bureau's Property and Evidence Division. During the same 29 year time frame, a total of 3,835 SAFE kits were collected as part of 31,894 sex crime cases. There are many reasons why these SAFE kits were never submitted for testing including, but not limited to:

- The suspect's identity may not have been in question.
- The evidence may not have been needed by the District Attorney for prosecution.
- The case was non-prosecutable.
- The victim chose not to participate with the investigation.
- The investigation determined that no crime was committed.
- Discretion left to investigator, due to no mandatory submission policy.

Reasons aside, change is greatly needed in our profession. Law enforcement recognizes as we move forward we need to show the community the results of our work with regard to this issue.

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Over the past year, the Portland Police Bureau has worked regionally and intergovernmentally to review submission criteria against best practice, testify in support of resources for the Oregon State Police, and apply for federal resources to address backlog. Best practice showed us that there are many reasons to support testing all SAFE kits regardless of whether they are needed for that particular prosecution or not as they may be helpful in other cases. As part of next steps, the Police Bureau is working through a regional task force with dedicated personnel to process all SAFE kits, including the assigning of investigative follow-up when appropriate. Anonymous kits are the lone exception; anonymous kits are collected by a medical facility from a person wishing to remain anonymous and those kits will be retained for the duration of the statute of limitations.

Sexual assault investigations are some of the most emotional and complex cases law enforcement can undertake. The Portland Police Bureau believes that the standard in our profession state-wide needs to be one of testing *all* SAFE kits and the Oregon State Police must be financially supported to complete this task. The Bureau remains poised to work with the Oregon State Police and the Task Force on the Testing of Sexual Assault Forensic Evidence Kits, once established, to adopt rules concerning prioritization of testing untested Sexual Assault Forensic Evidence Kits (SAFE).

Thank you for bringing attention to this issue, for standing up for victims of sexual assault, and in advance for your yes vote on SB 1751.

Sincerely,



LAWRENCE P. O'DEA III
Chief of Police