Justice Appropriations Subcommittee

Meeting Packet

January 19, 2016
1:30 p.m. – 3:30 p.m.
Morris Hall

Steve Crisafulli
Speaker

Larry Metz
Chair

The Florida House of Representatives

APPROPRIATION COMMITTEE

Justice Appropriations Subcommittee

Steve Crisafulli
Speaker

Larry Metz
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MEETING AGENDA

Morris Hall
January 19, 2016

I. Meeting Called To Order

II. Opening Remarks by Chair

III. Consideration of the following bills:

CS/HB 225 - Self-Authentication of Documents by Civil Justice Subcommittee and Rep. Fitzenhagen

HB 815 - Courts by Rep. Harrison

IV. Presentations:

Florida Department of Law Enforcement Report on Statewide Rape Kit Assessment

Florida Department of Law Enforcement - In-Custody Investigation

Re-Entry Centers

Department of Corrections
House Staff

V. Closing Remarks

VI. Meeting Adjourned

402 South Monroe Street, Tallahassee, Florida 32399-1300

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 225 Self-Authentication of Documents
SPONSOR(S): Civil Justice Subcommittee; Fitzenhagen
TIED BILLS: None **IDEN./SIM. BILLS:** SB 352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N, As CS	Malcolm	Bond
2) Justice Appropriations Subcommittee		Smith	Lloyd
3) Judiciary Committee			

SUMMARY ANALYSIS

Evidence, such as a document, must be authenticated before it can be admitted in the course of litigation. Florida law currently considers a number of documents, such as a certified copy of an official public record, to be self-authenticating and thus admissible without further proof of authenticity.

The bill provides a process for the self-authentication of court filings and government records available on the internet. The party seeking to authenticate a government record available on the internet must provide notice to other parties who may object to the authenticity of the document. The process for self-authenticating online government records does not prohibit a party from authenticating a document under current law.

The bill also provides that a certified copy of a self-authenticating, official public record may be filed electronically.

The bill would have an indeterminate fiscal impact.

The bill provides that it is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Authentication of Documents

Section 90.901, F.S., requires that potential evidence, including documents, be authenticated before it may be admitted into evidence in a court proceeding. To authenticate a document, the proponent must provide prima facie evidence showing that the proffered document is what the proponent claims.[1] A trial court's determination of authenticity does not mean that the court has ruled that the proffered evidence is genuine; the opposing party may challenge its genuineness, and the jury will ultimately determine as a matter of fact whether the document is genuine.[2] An authenticated document remains subject to inadmissibility under any exclusionary rule, such as the hearsay rule.[3]

Authentication of Electronic Records and Websites

Like other evidence, electronic records and website contents must be authenticated with extrinsic evidence of authenticity before being admitted into evidence.[4] Generally, an electronic record may be authenticated by the testimony of a person who created the record, another person who witnessed the record being composed and transmitted, or circumstantial evidence, such as appearance, contents, and distinctive characteristics of the evidence.[5] To authenticate a printout of a website, it is not enough to prove that the printout of the website is accurate; rather, there must be prima facie evidence that the contents of the site are authentic and that the purported contents of the website as indicated on the printout were what appeared on the website on the relevant date.[6] To authenticate printouts from a website, "the party proffering the evidence must produce 'some statement or affidavit from someone with knowledge of the website, for example a web master or someone else with personal knowledge would be sufficient.'"[7]

Self-Authenticating Documents

Section 90.902, F.S., sets forth a list of documents that are considered self-authenticating; that is, the document has sufficient guarantees of genuineness and is admissible into evidence without proof of extrinsic evidence of authenticity.[8] Documents considered to be self-authenticating under s. 90.902, F.S., include documents bearing official seals of governments, copies of official public records, documents issued by governmental authorities, newspapers, and commercial papers as provided in the Uniform Commercial Code.

Effect of Proposed Changes

The bill amends s. 90.902, F.S., to provide a process for the self-authentication of certain government records available on the internet. Specifically, the bill provides that a party may file a copy of any pleading, order, or other filing from any court in the United States or United States territory as well as

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[1] Charles W. Ehrhardt, FLORIDA EVIDENCE, § 901.1 (2015 ed.).
[2] *Pace v. State*, 854 So. 2d 167, 182 (Fla. 2003) (quoting Ehrhardt at § 901.1).
[3] Ehrhardt at § 901.1 (citing *Acre v. Wackenhut Corp.*, 40 So. 3d 813, 816 (Fla. 3d DCA 2010); *Dollar v. State*, 685 So. 2d 901, 903 (Fla. 5th DCA 1996)).
[4] *Id.* at § 901.1a.
[5] *Id.*
[6] *Id.*
[7] *St. Luke's Cataract & Laser Inst., P.A. v. Sanderson*, 2006 WL 1320242, 70 Fed. R. Evid. Serv. 174 (M.D. Fla. 2006).
[8] Ehrhardt, at § 902.1. The provisions of s. 90.902, F.S., regarding self-authentication are available as an alternative to introducing evidence to meet the authenticity requirements of s. 90.901, F.S. Therefore, if a document fails to meet the requirements of one of the requirement of s. 90.902, F.S., and cannot be self-authenticated, then it may be authenticated under other procedures for authentication. *Id.*

any document or record filed with or retained by a local, state, territorial, or federal governmental agency that is available to the public from a website authorized or run by a governmental agency. The party seeking to authenticate the record must file a Notice of Reliance on Electronic Records (Notice) that includes a copy of the document to be authenticated, discloses the website and web address where the document can be located, and serve the Notice not less than 20 days before a hearing at which the authenticity of the document or its acceptance by a court as authentic is at issue. The court may waive or shorten the time period for filing the Notice.

A party may object to the authenticity of the document by filing and serving on every party an affidavit challenging the authenticity of the document by attaching a copy of what the challenging party asserts is the authentic document, and detailing in writing the portion of the challenged document which is not authentic; or by asserting that the document does not exist on the website as indicated in the Notice of Reliance on Electronic Records.

After the court reviews the document, the court must deem the document authentic unless:

- the Notice does not satisfy the statutory requirements;
- an objection is filed and the court sustains the objection;
- the document does not have the same content or text, in all material respects, as the document that appears on the website identified in the Notice; or
- the court otherwise determines the document is not authentic.

The process established by the bill for authenticating online government records does not prohibit a party from authenticating a document under s. 90.901, F.S., or as otherwise provided in s. 90.902(4), F.S., which are current methods of authentication.

Electronic Filing of Court Documents

Section 28.22205, F.S., requires each clerk of court to implement an electronic filing process (known as e-filing). According to the Florida Bar, all clerks of court in Florida now require all court documents to be filed electronically.[9] Because of this e-filing requirement, some clerks will not accept a physical certified copy of a document into the court file as contemplated by s. 90.902, F.S., thus hindering a party's ability to file self-authenticating public records with the court.[10]

The bill amends s. 90.902(4), F.S., to provide that a certified copy of a self-authenticating, official public record may be filed electronically.

The bill also updates cross-references and provides that it is effective upon becoming law.

B. SECTION DIRECTORY:

Section 1 amends s. 90.902, F.S., related to self-authentication.

Section 2 amends s. 90.803, F.S., related to hearsay exceptions; availability of declarant is immaterial.

Section 3 provides that the bill is effective upon becoming law.

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[9] Real Property, Probate, and Trust law Section of the Florida Bar, *White Paper, Proposed changes to Fla. Stat. 90.902, concerning authentication of electronic records*, 1 (on file with the Civil Justice Subcommittee).
[10] *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to have any impact on state government revenues.

2. Expenditures:

   The bill does not appear to have any impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The impact is indeterminate because the Clerks were not able to accurately articulate the revenue stream of certified copies used as court documents. Although we were able to receive data on certified copies, it did not provide information on certified copies submitted as court documents. Clerks currently receive a fee for certifying copies. Under this bill, which allows a certified copy of a self-authenticating official record to be filed electronically, there will be no fees paid to the Clerks. The number of certified copies purchased across the state in recent years has not been determined, neither has the percentage of copies which were used as evidence in court cases.

2. Expenditures:

   The bill would likely have a minimal impact on reducing workload.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

   There is a balance between the powers of the Legislature and the Florida Supreme Court on matters relating to evidence. The Legislature has enacted and continues to revise ch. 90, F.S. (the Evidence Code), and the Florida Supreme Court tends to adopt these changes as rules. The Florida Supreme Court regularly adopts amendments to the Evidence Code as rules of court when it is determined that the matter is procedural rather than substantive. If the Florida Supreme Court views the changes in this bill as an infringement upon the Court's authority over practice and procedure, it may refuse to adopt the changes in the bill as a rule.[11]

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[11] *See, e.g., In re Florida Evidence Code*, 782 So.2d 339 (Fla. 2000) (Florida Supreme Court adopting Evidence Code to the extent it is procedural and rejecting hearsay exception as a rule of court); *compare In re Florida Evidence Code*, 372 So.2d 1369 (Fla. 1979) (Florida Supreme Court adopting Florida Evidence Code to the extent it is procedural), clarified, *In re Florida Evidence Code*, 376 So.2d 1161 (Fla. 1979).

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to self-authentication of documents;
3 amending s. 90.902, F.S.; allowing certified copies of
4 official public documents to be filed electronically;
5 providing a method for authenticating public documents
6 other than by certified copies; amending s. 90.803,
7 F.S.; conforming a cross-reference; providing an
8 effective date.
9
10 Be It Enacted by the Legislature of the State of Florida:
11
12 Section 1. Subsection (4) of section 90.902, Florida
13 Statutes, is amended, subsections (5) through (11) are
14 renumbered as subsections (6) through (12), respectively, and a
15 new subsection (5) is added to that section, to read:
16 90.902 Self-authentication.—Extrinsic evidence of
17 authenticity as a condition precedent to admissibility is not
18 required for:
19 (4) A copy of an official public record, report, or entry,
20 or of a document authorized by law to be recorded or filed and
21 actually recorded or filed in a public office, including data
22 compilations in any form, certified as correct by the custodian
23 or other person authorized to make the certification by
24 certificate complying with subsection (1), subsection (2), or
25 subsection (3) or complying with any act of the Legislature or
26 rule adopted by the Supreme Court, which certified copy may be

27 filed electronically pursuant to s. 28.22205. An electronically
28 filed certified copy is admissible to the same extent as the
29 original would be if it complies with this subsection.
30 (5) A copy of any pleading, order, or other filing in any
31 court sitting in the United States or a United States territory,
32 or a document or record entry filed with or retained by the
33 United States or any state, municipality, district,
34 commonwealth, territory, or governmental department or agency of
35 such an entity which is available to the public from an Internet
36 website operated by a governmental agency or authorized by a
37 governmental agency.
38 (a) The party seeking authentication of a document
39 pursuant to this subsection must:
40 1. File a Notice of Reliance on Electronic Records which
41 attaches a copy of the document to be authenticated and
42 discloses the website and web address where the document can be
43 located.
44 2. Serve the written Notice of Reliance on Electronic
45 Records at least 20 days before a hearing at which the
46 authenticity of the document or its acceptance by a court as an
47 authentic document is at issue. The court may waive or shorten
48 the time period for filing the notice set forth in this
49 subparagraph.
50 (b) A party may object to the authenticity of a document
51 that is the subject of a Notice of Reliance on Electronic
52 Records by filing and serving on every other party an affidavit

53 at least 5 days before a hearing, unless such time period is
54 waived or shortened by the court. The affidavit must challenge
55 either the authenticity of the document by attaching a copy of
56 what the challenging party asserts is the true, correct, and
57 authentic document, and detailing in writing the portion of the
58 document that is not authentic; or assert that the document does
59 not exist on the website or web address as specified in the
60 Notice of Reliance on Electronic Records.
61 (c) After review and consideration by the court, the court
62 shall deem authentic the document that is the subject of the
63 Notice of Reliance on Electronic Records unless:
64 1. The party seeking authentication of the document does
65 not satisfy the requirements of paragraph (a);
66 2. An affidavit objecting to the authenticity of the
67 document is filed pursuant to paragraph (b) and the court
68 sustains the objection;
69 3. The document does not have the same content or text, in
70 all material respects, as the document that appears on the
71 website identified in the Notice of Reliance on Electronic
72 Records; or
73 4. The court otherwise determines the document is not
74 authentic.
75
76 This subsection does not prohibit a party from authenticating a
77 document under s. 90.901 or as otherwise provided in subsection
78 (4), all of which are alternative methods of authentication.

79 Section 2. Paragraph (a) of subsection (6) of section
80 90.803, Florida Statutes, is amended to read:
81 90.803 Hearsay exceptions; availability of declarant
82 immaterial.—The provision of s. 90.802 to the contrary
83 notwithstanding, the following are not inadmissible as evidence,
84 even though the declarant is available as a witness:
85 (6) RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY.—
86 (a) A memorandum, report, record, or data compilation, in
87 any form, of acts, events, conditions, opinion, or diagnosis,
88 made at or near the time by, or from information transmitted by,
89 a person with knowledge, if kept in the course of a regularly
90 conducted business activity and if it was the regular practice
91 of that business activity to make such memorandum, report,
92 record, or data compilation, all as shown by the testimony of
93 the custodian or other qualified witness, or as shown by a
94 certification or declaration that complies with paragraph (c)
95 and s. 90.902(12) ~~90.902(11)~~, unless the sources of information
96 or other circumstances show lack of trustworthiness. The term
97 "business" as used in this paragraph includes a business,
98 institution, association, profession, occupation, and calling of
99 every kind, whether or not conducted for profit.
100 Section 3. This act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee
3 Representative Fitzenhagen offered the following:
4
5 **Amendment (with directory and title amendments)**
6 Remove lines 29-99 and insert:
7 original.
8
9 ----------
10 **D I R E C T O R Y A M E N D M E N T**
11 Remove lines 13-15 and insert:
12 Statutes, is amended to read:
13
14 ----------
15 **T I T L E A M E N D M E N T**
16 Remove lines 5-7 and insert:
17 providing an

HB 815

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 815 Courts
SPONSOR(S): Harrison
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	11 Y, 2 N	King	Bond
2) Justice Appropriations Subcommittee		Smith	Lloyd
3) Judiciary Committee			

SUMMARY ANALYSIS

The Second District Court of Appeal (2nd DCA) is currently headquartered in Lakeland, Florida. The court has long since outgrown its building in Lakeland and has been renting additional space in the Tampa area for over 35 years. Today, most of the judges of the court have their office in the Tampa branch.

The bill moves the headquarters of the 2nd DCA to Tampa. It also provides for more flexibility to all of the state's appellate court clerks regarding where the court's records may be kept.

This bill has no fiscal impact on state or local government expenditures.

This bill becomes effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Second District Court of Appeal

The state's judicial landscape is split into counties, circuits, and districts. Counties are the smallest judicial unit. County judges have jurisdiction over civil claims under $15,000 and criminal cases dealing with misdemeanors.[1] There are 67 counties in Florida. Judicial circuits are made up of between one[2] and seven[3] counties and serve as the trial courts for civil claims over $15,000, criminal cases dealing with felony charges, and are the first intermediate court of appeal for decisions of county courts.[4] Florida has 20 circuits. Florida's circuits are divided into five appellate districts. These five districts serve as the intermediate and final appeal of right for many cases in Florida.[5] These districts can be comprised of as few as two counties (3rd DCA) or as many as 32 counties (1st DCA).

The 2nd DCA is comprised of 12 counties and serves 28% of Florida's citizens. It is currently headquartered in Lakeland, Florida, 40 minutes east of Tampa, but the Court has had a branch in Tampa since 1980.[6] Currently, 11 of the 16 judges and six of the 11 central staff attorneys have their offices at the Tampa branch[7] in Stetson University's Tampa Law Center.[8] It leases this space for $513,324 per year.[9]

The Second District's geographical jurisdiction stretches from Pasco County in the north to Collier County in the South and over to Polk and Highlands Counties in the east. But, almost half of its cases come from Hillsborough and Pinellas Counties.

This bill moves the headquarters of the 2nd DCA from Lakeland to Tampa, which is more geographically central for the majority of the citizen's using the Court. This bill does not affect the court's ability to keep a branch office in Lakeland, and, because the bill no longer requires the clerk's office to be in the headquarters, the records could remain in Lakeland.

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[1] s. 34.01, F.S.
[2] 3rd circuit.
[3] 11th, 13th, 15th, 16th, and 17th circuits.
[4] s. 26.012, F.S.
[5] s. 35.01, F.S.
[6] District Court of Appeal, Second District, *Facility Needs Assessment* 3 (July 2015) (on file with the Civil Justice Subcommittee).
[7] *Id.* at 1.
[8] Stetson University, *About Tampa Law Center* (last visited Dec. 22, 2015) http://www.stetson.edu/law/about/home/tampa-law-center.php; Second District Court of Appeal, *Tampa Branch* (last visited Dec. 22, 2015) http://www.2dca.org/Directions/tampa.shtml.
[9] *Id.* at 5, n.3. The lease is designed to gradually increase the price of rent until it reaches $634,317 in FY 2022-23.

Figure 1 below shows the 2nd district by county with shading to illustrate the concentration of geographical origination of cases filed in the district.

Figure 2 below shows the counties in the 2nd DCA ranked by the percentage of the districts filings that come from that county.

Counties of the 2nd DCA Ranked by Percentage of Filings Made in That County		
Rank	**County**	**%**
1	Hillsborough	30.1
2	Pinellas	19.3
3	Polk	12.2
4	Lee	8.7
5	Pasco	6.1
6	Manatee	6.1
7	Sarasota	5.6
8	Collier	4.6
9	Charlotte	2.6
10	Highlands	2.3
11	DeSoto	1.1
12	Hendry	0.7
13	Hardee	0.5
14	Glades	0.2

Clerks of the Court

Background

Appellate court clerks are constitutional officers.[10] However, the constitution says nothing about their duties. It only states that they serve at the pleasure of the Court they are attached to.[11] The duties of an appellate clerk are set forth in the Florida Judicial Rules of Administration.[12] The clerk collects filing fees, maintains the records of the Court, and issues mandates of the Court.[13]

[10] FLA. CONST. art. V, ss. 3(c), 4(c).
[11] *Id.*
[12] FLA. R. J. ADMIN. 2.205(b), 2.210(b).
[13] *Id.*

Current law provides that the clerk of the Supreme Court must maintain an office and keep custody of all the court's records in the Supreme Court building,[14] while the clerk of a District Court must maintain an office and keep custody of all the court's records at the headquarters of the Court.[15]

Effect of the Bill

This bill removes the requirement that the clerks of the DCAs keep custody of the court's records at the headquarters. The bill provides that an appellate clerk should maintain the records of the court as directed by the Supreme Court but deletes the requirement that the clerk keep custody of the records in his or her office. The clerk of a district court is still required to have an office at the Court's headquarters, but it likewise deletes the requirement that the clerk keep custody of the Court's records in his or her office.

B. SECTION DIRECTORY:

Section 1 amends s. 25.221, F.S., regarding books and records of the Florida Supreme Court.

Section 2 amends s. 25.301, F.S., regarding decisions of the Florida Supreme Court.

Section 3 amends s. 35.05, F.S., regarding the headquarters of district courts of appeal.

Section 4 amends s. 35.15, F.S., regarding decisions of a district court of appeal.

Section 5 amends s. 35.23, F.S., regarding the location of the clerk's office of a district court of appeal.

Section 6 amends s. 35.24, F.S., regarding books and records of the district courts of appeal.

Section 7 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   This bill does not appear to have any impact on state revenues.

2. Expenditures:

   The bill only changes the statute defined headquarters of the 2nd DCA from Lakeland to Tampa, where there is an existing branch location. The bill also removes the provision that all records must be located in the office of the Clerk of Court, and allows the records to be kept offsite under the control and maintenance of said Clerk.
   This bill does not appear to have any impact on state expenditures.[16]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   This bill does not appear to have any impact on local government revenues.

2. Expenditures:

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[14] ss. 25.221, 25.211, 25.301, F.S.
[15] ss. 35.15, 35.23, 35.24, F.S.
[16] Office of State Courts Administrator, 2016 Judicial Impact Statement: House Bill 815, January 14, 2016 (on file with Justice Appropriations Subcommittee).

This bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

The Florida Rules of Judicial Administration require that the clerk of the Supreme Court and the clerk of a district court of appeal keep the court's records in the clerk's office, which office must be at the Court's headquarters.[17] The Supreme Court may wish to amend its rules to allow the flexibility accorded by this bill. The court has sufficient rulemaking power to accomplish this.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

[17] FLA. R. J. ADMIN. 2.205(b)(3), 2.210(b)(1).

1 A bill to be entitled
2 An act relating to courts; amending s. 25.221, F.S.;
3 revising provisions concerning books, records, and
4 other materials of the Supreme Court; amending s.
5 25.301, F.S.; revising provisions concerning the
6 filing of decisions of the Supreme Court; amending s.
7 35.05, F.S.; transferring the headquarters of the
8 Second Appellate District; amending s. 35.15, F.S.;
9 revising provisions concerning the filing of decisions
10 of the district courts of appeal and their judges;
11 amending s. 35.23, F.S.; deleting a requirement that
12 the clerk of a district court of appeal keep records
13 at the headquarters office; requiring such clerk to
14 have an office at the headquarters; amending s. 35.24,
15 F.S.; revising provisions concerning books, records,
16 and other materials of the district courts of appeal;
17 providing an effective date.
18
19 Be It Enacted by the Legislature of the State of Florida:
20
21 Section 1. Section 25.221, Florida Statutes, is amended to
22 read:
23 25.221 Maintenance ~~Custody~~ of books, records, etc.—All
24 books, papers, records, files, and the seal of the Supreme Court
25 shall be maintained by ~~kept in the office of~~ the clerk of said
26 court and in the clerk's control, as prescribed by the Supreme

27 Court ~~custody~~.
28 Section 2. Section 25.301, Florida Statutes, is amended to
29 read:
30 25.301 Decisions to be filed; copies to be furnished.—All
31 decisions and opinions delivered by said court or any justice
32 thereof in relation to any action or proceeding pending in said
33 court shall be filed ~~and remain~~ in the office of the clerk and
34 maintained in the control of the clerk, as prescribed by the
35 Supreme Court. Such decisions or opinions~~, and~~ shall not be
36 taken out except by order of the court; but said clerk shall at
37 all times be required to furnish to any person who may desire
38 the same certified copies of such opinions and decisions, upon
39 receiving his or her fees therefor.
40 Section 3. Subsection (1) of section 35.05, Florida
41 Statutes, is amended to read:
42 35.05 Headquarters.—
43 (1) The headquarters of the First Appellate District shall
44 be in the Second Judicial Circuit, Tallahassee, Leon County; of
45 the Second Appellate District in the Thirteenth ~~Tenth~~ Judicial
46 Circuit, Tampa ~~Lakeland~~, Hillsborough ~~Polk~~ County; of the Third
47 Appellate District in the Eleventh Judicial Circuit, Miami-Dade
48 County; of the Fourth Appellate District in the Fifteenth
49 Judicial Circuit, Palm Beach County; and the Fifth Appellate
50 District in the Seventh Judicial Circuit, Daytona Beach, Volusia
51 County.
52 Section 4. Section 35.15, Florida Statutes, is amended to

53 read:
54 35.15 Decisions to be filed; copies to be furnished.—All
55 decisions and opinions delivered by the district courts of
56 appeal or any judge thereof in relation to any action or
57 proceeding pending in said court shall be filed ~~and remain~~ in
58 the office of the clerk and maintained in the control of the
59 clerk. Such decisions or opinions~~, and~~ shall not be taken
60 therefrom except by order of the court; but said clerk shall at
61 all times be required to furnish to any person who may desire
62 the same certified copies of such opinions and decisions, upon
63 receiving his or her fees therefor.
64 Section 5. Section 35.23, Florida Statutes, is amended to
65 read:
66 35.23 Location of clerk's office.—Each clerk shall have an
67 office ~~keep his or her records~~ at the headquarters of the
68 district court of appeal.
69 Section 6. Section 35.24, Florida Statutes, is amended to
70 read:
71 35.24 Maintenance ~~Custody~~ of books, records, etc.—All
72 books, papers, records, files, and the seal of each district
73 court of appeal shall be maintained by, and in the control ~~kept~~
74 ~~in the office~~ of, the clerk of said court.
75 Section 7. This act shall take effect July 1, 2016.

FDLE Report on
Statewide Rape Kit
Assessment

Florida Department of Law Enforcement
Assessment of Unsubmitted Sexual Assault Kits
Executive Summary

The 2015 Legislature allocated the Florida Department of Law Enforcement (FDLE) $300,000 to conduct a statewide assessment of sexual assault kits (SAKs) that have not been submitted for analysis. It also required the department to submit a report of its findings, including reasons for delays or deferment of analysis, to the Governor, President of the Senate and Speaker of the House of Representatives by January 1, 2016. This document provides the findings requested, information on DNA casework, and a business plan proposal for the testing of unsubmitted SAKs from reporting victims. This summary is a snapshot of significant findings included in the full report:

- Response rate to the survey was exceptional and included 279 local law enforcement agencies representing 89 percent of Florida's population.
- Agencies that responded to the survey accounted for 91 percent of the rapes reported in 2014, according to FDLE's Uniform Crime Report statistics.
- Responding agencies indicated there were approximately 13,435 unsubmitted SAKs within their inventories and approximately 9,484 of them should be submitted.
- Of this overall total, 6,774 kits are housed in jurisdictions served by county forensic laboratories and 6,661 are housed in jurisdictions served by FDLE crime laboratories.
- Agencies identified several appropriate investigative and legal reasons for not submitting kits for testing.
- Biology/DNA casework by FDLE labs is increasing about five percent per year.
- In 2015, the department received approximately 13,400 incoming Biology/DNA cases statewide.
- SAKs received by FDLE labs have increased by nearly 141 percent in the past four years and most significantly in the past year (approximately 83 percent).
- Biology/DNA casework on sexual assault cases generally requires more man-hours than other types of cases.
- Proposals to test unsubmitted SAKs (defined as new backlog) are dependent upon additional funding for outsourcing, technology, overtime and a stabilized workforce of crime laboratory analysts.
- The most cost efficient and timely way to manage this backlog is through outsourcing a portion of SAKs, obtaining additional robotics through federal funding, and utilizing overtime funds to allow scientists to conduct technical review of these cases and upload them to the FBI's National Combined DNA Indexing System.
- Proposals for managing the backlog range from approximately $9 to $32 million (FDLE funding – not local laboratories) with timeframes ranging from three to nine years.
- Other states and municipalities that have engaged in or are in the process of testing of unsubmitted SAKs have similar cost/time estimates.
- FDLE recommends continuing to seek funding, like the New York County District Attorney grant, to offset the cost associated with working unsubmitted SAKs.
- FDLE recommends testing all SAKs from reporting victims in the interest of public safety.
- FDLE recommends reverting the $300,000 appropriated for this assessment into overtime for Biology or contracted services to outsource SAKs.

Florida Department of Law Enforcement
Assessment of Unsubmitted Sexual Assault Kits

A sexual assault kit (SAK) is a package that contains items collected from the body of a sexual assault victim. The items, including swabs from the body, are collected by a medical professional and documented on accompanying forms. The kit can be processed by a laboratory and the results used to aid law enforcement investigations and the courts in the pursuit of criminal prosecution.

Introduction

Increased awareness of the potential of DNA evidence to exonerate the falsely accused or to solve cases, even beyond the case for which the evidence was collected, has grown exponentially in recent years, not just among criminal justice professionals but also among the general public. Through laws requiring the submission of DNA samples from those arrested, charged or adjudicated for felonies, local, state and national DNA databases have grown significantly thereby enhancing the potential for matches or "hits" of offenders to other unsolved crimes.

DNA awareness and enhanced federal funding have highlighted the issue of unsubmitted SAKs throughout the nation. Unsubmitted SAKs contain evidence pertaining to an allegation of sexual assault that was collected and preserved but never submitted to a forensic laboratory. Additionally, national media outlets have begun reporting on the experiences of municipalities and states that initiated the process of inventorying and testing previously unsubmitted SAKs.

The urgency to test all SAKs is due to the development of the FBI's National Combined DNA Indexing System (CODIS), which provides laboratories the ability to compare and search DNA case results submitted by a state or local DNA laboratory against national records. This has, in general, proven the public safety value for testing all kits.

For example, in the case of a sexual assault where a SAK is collected from the victim and submitted to FDLE, a DNA sample of the suspected perpetrator is developed from the swabs in the kit. The profile attributed to the perpetrator is entered into FDLE's DNA Database and searched against convicted offender and arrestee profiles through CODIS. If there is a "hit", the laboratory will go through procedures to confirm the match and, if confirmed, will obtain the identity of the suspected perpetrator. The DNA profile is also searched against the database of crime scene profiles in an attempt to link two or more crimes. The law enforcement agencies involved in these cases are then able to share the information obtained on each of the cases and possibly develop additional leads.

In 2000, the City of New York initiated the process of inventorying and testing all previously unsubmitted SAKs without regard to the status or facts of the case (forklift approach). Testing of 17,000 SAKs resulted in over 2,000 DNA matches and 200 cold case prosecutions across New York City. Those offenders are now serving more than 900 years in prison. Similar results have been reported in Michigan where the Wayne County Prosecutor's Office identified 188 potential serial rapists and obtained 15 convictions. In Houston, Texas, testing of 6,663 untested SAKs resulted in 850 matches in the federal DNA database and the prosecution of 29

offenders.[1] In each of these cases, the testing took several years to accomplish and outsourcing was a major contributing factor in the ability of these entities to continue working their daily caseload while managing the testing and processing of backlogged untested SAKs.

Law enforcement agencies have an obligation to every crime victim – first and foremost to respond to reports of criminal activity and to handle the investigation and evidence collection and submission in a professional and timely manner. They also have an obligation to communicate with victims and be responsive regarding case status and any forensic results which might provide value to the investigation. There are very few "standards" that dictate when evidence must be submitted to a crime laboratory. Florida does not have a statute requiring the submission of SAKs. Unsubmitted SAKs are retained in law enforcement evidence rooms in accordance with the policies of the local law enforcement agency. The decision to submit a kit for testing rests with the local law enforcement agency. Several states including California, Illinois, Michigan, Ohio and Texas have recently passed laws requiring submission of SAKs regardless of the status of the investigation. None of these laws address the submission of kits taken from victims who wish to remain anonymous (non-reporting victims).

In August 2015, in cooperation with the Florida Sheriffs Association and the Florida Police Chiefs Association, FDLE developed and launched a survey of Florida's sheriff and police agencies to determine the number of unsubmitted SAKs and the reasons the kits had not been submitted to a forensic laboratory for testing (survey questions are included in the Appendix). The online survey instrument allowed law enforcement agencies in Florida to self-report the number of kits in their inventory and reasons that factor into their agency's decision not to submit a SAK. The survey was live from August 15 – December 15, 2015 and included responses from 69 percent of Florida's police departments and 100 percent of the state's sheriff's offices. These agencies represent 89 percent of Florida's population. According to FDLE's Uniform Crime Report statistics, agencies that responded to the survey reported 91 percent of the total number of rapes reported in 2014.

Survey results indicate there are 13,435 unsubmitted SAKs held in local law enforcement evidence rooms statewide. Summary results by type of agency are presented below. Detailed responses and the list of responding agencies can be found in the Appendix to this report.

Agency Type	Agencies who Responded	Unsubmitted SAK	Should be Submitted SAK
Police Departments	212	6,168	4,147
Sheriffs' Offices	67	7,267	5,337
Totals	279	13,435	9,484

Of this total, 6,774 kits are housed in jurisdictions served by county forensic laboratories and 6,661 are housed in jurisdictions served by FDLE crime laboratories. As noted later in this report, FDLE has utilized the total unsubmitted kits estimates rather than the "should be submitted" estimates in formulating a business plan for testing SAKs.

[1] The New York County District Attorney's Sexual Assault Kit Backlog Elimination Program, 2015.

The number of SAKs reported in the "Should be Submitted" column above represents the number of kits that, under agency guidelines, should be submitted to a crime laboratory for testing. As part of the survey, responding agencies were asked to identify from several possible reasons why a SAK in their evidence room may not have been submitted. The survey instrument did not specifically ask agencies to examine all case files associated with SAKs that had not been submitted. The department presumes agencies performed some form of case review or evidence log review to complete their responses. Respondents were allowed to choose more than one answer to this question. A summary of agency responses to this question is provided below:

- 41% - Victim decided not to proceed with the investigation. This category includes victims who after first reporting the crime did not participate in the investigation or prosecution of the case.
- 31% - State Attorney's Office declined to prosecute.
- 20% - Suspect pled guilty.
- 18% - SAK collected from non-reporting victim. A non-reporting victim is someone who has a kit collected pursuant to an alleged assault but does not wish to file a police report. The kit may be held by local law enforcement or by a rape crisis center for a period of time in the event the victim decides to report. Only if a report is filed, and the victim consents to testing, is the kit forwarded to a laboratory for testing.
- Additional reasons were provided:
    - Allegation was unfounded;
    - Case cleared by exception (victim deceased);
    - Collection preceded analysis technology;
    - Sexual contact is admitted by perpetrator and the case hinges on consent;
    - Suspect convicted on other charges, SAK not needed;
    - Environmental damage to packaging; and
    - Crime laboratory restrictions[2].

Although not specifically cited as reasons by Florida agencies responding to this survey, other national research such as the 2011 National Center for Victims of Crime publication entitled *Sexual Assault Kit Testing: What Victims Need to Know*, lists the following possible reasons a SAK may not be submitted for analysis:

- Lack of funding for DNA analysis;
- A decision by law enforcement that the results of the kit would not be significant to the investigation;
- Backlogged crime laboratories;
- Law enforcement not prioritizing sexual assault cases; and
- Lack of victim credibility.

[2] This reason was cited by an agency and refers to an incorrect interpretation of FDLE's Case Acceptance Policy for Biology/DNA discipline; the department will accept any SAK submitted for testing. This policy is part of the FDLE's Crime Laboratory Submission Manual.

Biology/DNA Casework

FDLE's crime laboratories are part of the state's crime laboratory system. Section 943.35, Florida Statutes, identifies county forensic laboratories in Broward, Miami-Dade, Palm Beach and Pinellas counties as areas within the state primarily served by a county forensic laboratory. The Indian River Regional County Laboratory is also a part of the state's crime laboratory system and provides primary forensic services to Indian River, Martin, Okeechobee and St. Lucie counties. FDLE has primary responsibility for forensic services to local law enforcement agencies in the 59 remaining Florida counties. FDLE's laboratory system consists of six facilities that offer forensic analysis service in a variety of disciplines including Chemistry, Digital Evidence, Firearms, Trace Evidence, Latent Prints, Toxicology, Questioned Documents, Crime Scene and Biology/DNA. Each discipline is staffed according to workload within the discipline and crime laboratory analysts are not usually qualified to work in multiple sections. There are 95 analysts assigned to the Biology/DNA discipline.

The FDLE laboratory system utilizes several tracking metrics to measure the forensic workload received, including the number of cases, submissions or service requests/tasks received by the laboratory system, a particular forensic section or an individual:

- Cases: Represents the number of unique cases received from a criminal justice agency. One case can have multiple submissions of evidence items and it can require testing in one or more of the forensic sections within the laboratory system.
- Submissions: A delivery of evidence packages containing one or more items for a particular case. All case evidence can be delivered in one submission or could have multiple submissions as the investigation progresses.
- Service Requests/Tasks: Represents the types of forensic services requested or required to complete the analysis for a submission of evidence. There are routinely multiple service requests per case and/or submission. Multiple service requests can exist within a section and can involve multiple sections.

As an example, when a robbery occurs at a drug store, the law enforcement agency submits evidence for latent print analysis, a gun to compare to a cartridge casing at the scene, swabbings from the crime scene for DNA analysis and Latent Print standards from a suspect. The evidence was submitted in three submissions. In this one case, there were three submissions and five service requests across three forensic sections.

The chart below shows the relationship between the three metrics as well as sexual assault case submissions to FDLE laboratories over a four year period. Statistics in this report refer to the number of cases metric because a sexual assault investigation for a single victim will only have one SAK. For this reason, using case numbers to estimate workload and costs is more accurate than other measures.

Sex Assault Cases Received

	Cases	Submissions	Tasks
2012	1,779	2,239	4,160
2013	1,933	2,454	4,784
2014	2,349	2,926	5,663
2015	4,290+	4,829	7,782

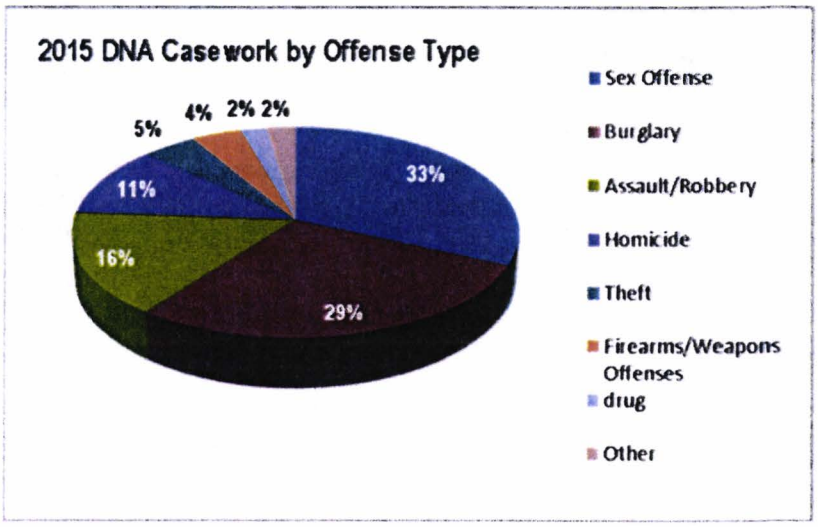
Projected total cases received by FDLE labs based on 2015 monthly average

SAK contents are typically very standardized and, because they are collected directly from the victim's person, generally represent the most probative evidence. Over the past five years, FDLE has received and processed an average of 2,412 SAKs. This volume is expected to grow to an estimated 3,500 kits per year. An analysis of the number of forcible rape offenses reported in Uniform Crime Reports (2011-2014) as well as information provided by the Florida Council Against Sexual Violence, leads FDLE to believe that approximately 71 percent of reported forcible rapes result in the production of a SAK. However, SAKs may not be the only evidence collected during a sexual assault investigation. Other biological evidence might include bedding, clothing, or other articles collected at the crime scene.

Biology/DNA forensic processing requires multi-step analysis. Several laboratory members, numerous consumables and an array of equipment and software are involved before data interpretation begins, quality reviews are completed and a report of the analysis released. The process begins with a screening phase to identify samples most likely to produce probative evidence, inventorying and documenting each sample and placing the samples in tubes which are then sent for DNA testing.

DNA testing involves multiple steps that can vary in time requirements based on the type of case. For example, the processing of samples from a burglary is generally less time consuming that those from sexual assault cases. The nature of sexual assault often leads to mixtures of DNA from more than one individual. Separation of male DNA is often not perfect and the mixed DNA profiles must be examined to see if a foreign donor profile can be resolved. Training, experience and mathematical calculations are used in making these determinations. To ensure quality and accuracy, the results of the analysis of all DNA samples are reviewed by a second qualified analyst. The process of screening through data interpretation can take three to five working days per item submitted. The various levels of technical and peer review can add weeks per case submission. A summary of the steps to process Biology/DNA evidence is included in the Appendix to this report.

In 2015, the department estimates receiving 13,400 incoming Biology/DNA cases statewide. Approximately one-third are related to sexual assault cases. In 2013 and 2014, burglary cases represented the majority of Biology/DNA requests totaling 36 and 35 percent, respectively. For the same period, sexual assaults represented about 22 percent. This reversal in trend reflects the increase in SAKs received during 2015.



A comprehensive business plan that considers current incoming casework as well as the recent bulk submission of older SAKs must include a combination of short and long term

strategies that have proven successful in overcoming backlogs while maintaining current case load. This requires consideration of the following *assumptions*:

- FDLE currently has 95 crime laboratory analysts assigned to Biology/DNA; however, the discipline typically operates at about 80 percent capacity due to vacancies and new analysts in training, giving an effective capacity of 76 crime laboratory analysts.
- The survey identified 6,661 unsubmitted SAKs reported by local law enforcement within FDLE laboratory jurisdictions. Additionally, an estimated 2,000 kits with offenses prior to October 1, 2014 have recently been submitted to an FDLE lab. These approximately 8,600 SAKs are defined as the FDLE SAK backlog.
- This plan does not address the 6,674 unsubmitted SAKs identified through the survey that will be handled by the five non-FDLE laboratories. FDLE suggests funding requests from these entities should be handled as appropriate at the county, state or federal level to handle the backlog in these jurisdictions.
- There are an estimated 3,500 SAKs incoming annually to FDLE.
- Total Biology/DNA incoming cases are estimated at 13,400 in 2015, increasing at an average annual rate of 5 percent.

The use of state and federal funding, as well as asset forfeiture funds such as the DANY grant, to obtain technology to enhance SAK processing and the use of outsourcing will allow the department to effectively and efficiently process the previously unsubmitted SAKs, increase production throughout the Biology/DNA discipline and maintain appropriate staffing to manage the growing demand for services:

1. **Funding for Purchasing Technology**
   - Six additional extraction robots (QIAcubes) designed to separate sperm cell DNA from non-sperm DNA. The QIAcubes increase the speed of the extraction step of the DNA process, producing a cleaner DNA sample, and making data interpretation easier and quicker.
   - Three additional instruments (EZ1) used in the purification process to maximize the benefit of the QIAcube and allow for more rapid processing.
   - Software programs (probabilistic genotyping) to enhance the speed of difficult mixture interpretation and allow interpretation of multi-donor samples common to SAK cases.

The new QIAcube technology has enabled FDLE to streamline screening processes to allow all male on female SAKs to be screened by differential extraction and quantitation, dropping samples that do not contain male DNA. Between 30-50 percent of SAK cases (1,000 – 1,750 cases) are now complete after the second step in the process, increasing efficiency and saving time. This strategy is credited with enabling FDLE to absorb the increase in sexual assault workload from 2,412 to 3,500 annually.

To maximize the use of the QIAcube, six-person teams will be dedicated to each robot (nine total robots). This strategy requires a commitment of 54 of FDLE's total Biology/DNA FTE (71 percent of the total effective FTE) whose primary assignment will be processing SAKs (35 percent of the workload). The remaining 22 effective FTE will have primary responsibility for the balance (65 percent) of Biology/DNA workload.

At maximum capacity, nine QIAcubes and the dedicated 54-person team could process approximately 6,500 SAKs per year. However, other considerations including total staffing, vacancies, training, court requirements, rush and priority cases will reduce the number of SAKs that can be completed to an estimated 4,500 SAKs per year. This will allow FDLE to keep up with the increased annual volume of 3,500 cases and process 1,000 older SAKs each year.

2. Outsourcing of Selected Cases to Increase Laboratory Production Capacity

Outsourcing case work is a common, industry-accepted tool to help forensic laboratories manage unexpected, unplanned workload. Outsourcing means FDLE's crime laboratory packages the evidence and sends it to an accredited outsource vendor. Once completed, the vendor returns the analysis to FDLE, where each case undergoes the same rigorous technical and administrative review as a case analyzed in-house. Appropriate results are uploaded to CODIS by FDLE. Outsourcing has the potential to reduce the work hours associated with a case up to 75 percent.

The practice of outsourcing is encouraged by the National Institute of Justice through several grant programs. FDLE has successfully used it to increase productivity for more than a decade. In 2008, the Legislature provided approximately $2 million in General Revenue funding specifically earmarked for outsourcing Biology/DNA case work. As illustrated in the table below, outsourcing is a major component of the reduction plans in other states with SAK backlog challenges.

Location	# SAK	Start Date	Completion Date	Total Time	Outsourced?	CODIS Hits	Approx. Cost
NYC	17,000	1999	2003	4 years	yes	2000	12 million
Illinois	3,770	2010	2013	4 years	yes	927	3.3 million
Colorado	6,283	2012	2500 complete	4+years	yes		
Houston	6,663	2013	2015	3 years	yes	850	6 million
Detroit	11,000	2009	2015	6 years	yes	2616	
Ohio	11,400	2011	9000 complete	5+years	No		
Memphis	12,364	2013	5255 complete	3+years	yes		6.5 million
Los Angeles	12,500	2009	2011	3 years	yes	753	

**Project ongoing (+)*

FDLE utilizes one vendor, which is accredited by a national forensic accrediting organization. The vendor must additionally meet FDLE standards for testing and reporting and undergo an annual on-site inspection by FDLE. Outsourcing cases is based on several factors including cost predictability, trial status, funding restrictions and overall impact to laboratory efficiency.

Outsource Option A – 8.5 years ($32 million): FDLE will outsource a maximum 4,300 burglary cases (maximum vendor volume) per year. Burglary cases represent 30 percent of the Biology/DNA incoming workload. With 54 analysts primarily dedicated to processing SAK cases, outsourcing burglary cases will allow the remaining analysts to process the balance of incoming cases, including homicide, robbery, theft, firearms and other violent crime offenses. If only burglary cases are outsourced (no SAKs), the department would work older SAKs at a rate of 1,000 cases per year, taking approximately eight and a half years to complete the processing of the 8,600 backlogged kits.

Outsource Option B – 6.5 years ($23 million): In addition to outsourcing burglary cases, FDLE will use recently awarded grant funds from the New York District Attorney's Office (DANY) specifically earmarked to outsource 1,776 SAKs from FDLE's Jacksonville Regional Operations Center jurisdiction. These funds, totaling $1.2 million, are available for immediate use and will be reverted if not used for this purpose. This will reduce the total number of estimated older SAKs from 8,600 to 6,824 and could reduce the estimated time frame for processing these older SAKs to from eight and a half to six and a half years.

Outsource Option C – 3 years ($8.1million): **Recommended option**. FDLE will outsource a maximum 2,800 older SAKs per year, while continuing to use the QIAcube strategy to keep up with incoming volume. The maximum number of outsourced SAKs is dictated by vendor analysis capacity and the availability of FDLE analysts to package and document the outsourced cases on the front end and quality review the cases on the back end. This includes the 1,776 outsourced SAKs recommended in Option B. FDLE will work burglary cases in house.

Use overtime to encourage trained analysts to increase work hours. These hours are most efficiently used to complete technical and administrative reviews of outsourced cases. Because of the complexity of SAK evidence and the number of samples per case, three burglary cases can be worked in the same amount of time it takes to work one sexual assault case. Outsourcing SAKs will require a smaller volume of cases to be sent to the vendor so there is significantly less administrative time consumed on the front and back end of the outsourcing process. It takes approximately .5 hours to review each outsourced SAK case. It takes approximately .25 hours to review each outsourced burglary case. Outsourcing the sexual assault cases will mean fewer cases to quality review and will eliminate the older SAK backlog more quickly – approximately three years.

Additional Items to Consider

1. Retaining experienced analysts to reduce productivity lost to vacancy and training is critical to long-term success in meeting increasing DNA/Biology service requests. It takes two years to replace the productive capacity of a trained analyst. Including the productivity of trainers, every lost analyst represents an estimated 240 cases. FDLE has requested a competitive pay adjustment as part of its FY 16-17 Legislative Budget Request to slow the exodus for higher paying analyst jobs in city and county crime laboratories.

2. Add FTE to the current number of FDLE trained analysts. Using improved technology and more efficient procedures, as well as overtime and outsourcing, FDLE can process today's incoming volume of Biology/DNA cases. With a five percent annual growth rate projected over the next five years FDLE's Biology/DNA workload will reach 17,103 cases by 2020. The department plans to request a five percent per year increase in Biology FTE to keep pace with the growth, resulting in the addition of 27 FTE over the next five years (five FTE per year 2016 – 2018; six FTE in 2019 and 2020). Three crime laboratory analyst supervisors (CLAS) will also be needed to maintain the department's ratio of one CLAS per eight analyst positions.

3. Increase FDLE laboratory physical capacity. To accommodate the planned growth in FTE, renovations in five of FDLE's six facilities in Ft. Myers, Jacksonville, Orlando,

Tampa and Tallahassee will be needed. If the new Pensacola facility is built, a new laboratory is included in the design so no renovation is projected for that facility.

4. Encourage the timely submission of SAKs and limit the impact to state and county laboratories by developing:
    - Legislation to require law enforcement agencies to implement internal agency policies and/or tracking systems for SAKs;
    - Formal policy requiring the submission of all SAKs except those obtained from a non-reporting victim;
    - Standardized guidelines and procedures for collecting and submitting SAKs in connection with a sexual assault offense; and

Appendix A: FDLE Sexual Assault Kit Survey

The Florida Department of Law Enforcement (FDLE) is conducting a statewide assessment of sex assault kits (SAKs) that have not been submitted for analysis. Through this survey to all local law enforcement agencies, FDLE is attempting to identify the number of untested SAKs stored in law enforcement evidence rooms throughout Florida. The survey will also allow FDLE to prepare for the anticipated workload of processing the SAKs.

For the purpose of this survey, when a SAK is collected but a police report is not filed, the victim is considered a non-reporting victim. The SAK is stored, but the victim does not want law enforcement involvement.

The survey consists of eight (8) questions. For questions or concerns regarding the survey, please contact Marcella Scott MarcellaScott@fdle.state.fl.us.

1. Agency Contact Information

Agency Contact Information
Name of Agency

Your Name

Your Phone Number

Your Email

2. Please enter the county in which your agency is located.

Please enter the county in which your agency is located.

3. Total number of SWORN LAW ENFORCEMENT (do not include corrections) members in your agency

- Less than 100
- 100 - 299
- 300 - 499
- 500 - 699
- 700 - 899
- 900 or more

4. Please indicate how many sexual assault kits have NOT BEEN SUBMITTED for analysis:

5. Of the total number of kits which have not been submitted, please indicate the number of kits that SHOULD BE SUBMITTED for analysis:

6. Please indicate the reasons for not submitting sexual assault kits. (Mark all that apply)

- Please indicate the reasons for not submitting sexual assault kits. (Mark all that apply) Some kits are from non-reporting victims
- Victim no longer wants the investigation to proceed
- Case is not being pursued by the State Attorney's Office
- Suspect has pled guilty/no contest
- Agency does not require submission

Other (please specify)

7. Approximately how many kits does your agency anticipate submitting for analysis within a 12 month period?

- Approximately how many kits does your agency anticipate submitting for analysis within a 12 month period? Less than 25
- 25-50
- 51-100
- 101-200
- 201-300
- 301-400
- 401-500
- More than 500

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Appendix B: Responses by Agency as of December 16, 2015

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Alachua County Sheriff's Office	Alachua	0	0	24	51-100
Altamonte Springs Police Department	Seminole	27	0		Less than 25
Apopka Police Department	Orange	7	1		Less than 25
Arcadia Police Department	DeSoto	0	0	0	Less than 25
Astatula Police Department	Lake	0	0	0	Less than 25
Atlantic Beach Police Department	Duval	16	0	6	Less than 25
Atlantis Police Department	Palm Beach	3	0	3	Less than 25
Auburndale Police Department	Polk	1	0		Less than 25
Aventura Police Department	Miami-Dade	6	0		Less than 25
Baker County Sheriff's Office	Baker	6	0	2	Less than 25
Bal Harbour Police Department	Miami-Dade	0	0	0	Less than 25
Bartow Police Department	Polk	8	6		Less than 25
Bay County Sheriff's Office	Bay	28	1	1	25-50
Bay Harbor Islands Police Department	Miami-Dade	0	0	0	Less than 25
Belle Isle Police Department	Orange	0	0	0	Less than 25
Belleair Police Department	Pinellas	1	0	0	Less than 25
Blountstown Police Department	Calhoun	0	0	0	Less than 25
Boca Raton Police Services Department	Palm Beach	59	0	6	Less than 25
Bowling Green Police Department	Hardee	0	0	0	Less than 25
Bradenton Police Department	Manatee	40	2		Less than 25
Bradford County Sheriffs Office	Bradford	0	0		Less than 25
Brevard County Sheriff's Office	Brevard	168	38	11	25-50
Brevard Public Schools - Office of District and School Security	Brevard	0	0	0	Less than 25
Brooksville Police Department	Hernando	0	0	0	Less than 25
Broward Sheriff's Office	Broward	277	277	0	201-300
Calhoun County Sheriff Office	Calhoun	0	0	0	Less than 25
Cape Coral Police Department	Lee	65	0		
Casselberry Police Department	Seminole	0	0	0	Less than 25
Cedar Key Police Department	Levy	0	0	0	Less than 25
Charlotte County Sheriff's Office	Charlotte	45	83		Less than 25
Chattahoochee Police Department	Gadsden	0	0		Less than 25
Chiefland Police Dpartment	Levy	0	0	0	Less than 25
Chipley Police Department	Washington	1	0		Less than 25
Citrus County Sheriff's Office	Citrus	88	51	8	Less than 25
City of Bunnell Police Department	Flagler	0	0	0	Less than 25
City of Daytona Beach Shores Police Department	Volusia	0	0	0	Less than 25
City of Miami Police Department	Miami-Dade	2243	2243	0	25-50
City of Ocoee Police Department	Orange	2	2		Less than 25
City of Venice Police Department	Sarasota				
Clay County Sheriff's Office	Clay	2	0		25-50
Clearwater Police Department	Pinellas	10	0		25-50
Clermont Police Department	Lake	0	0	0	Less than 25
Cocoa Police Department	Brevard	0	0	0	Less than 25

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Appendix B: Responses by Agency as of December 16, 2015

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Coconut Creek Police Department	Broward	2	0		Less than 25
Collier County Sheriff's Office	Collier	40	0	10	25-50
Columbia County Sheriff's Office	Columbia	0	0	0	25-50
Coral Springs Police Department	Broward	38	0	0	Less than 25
Crestview Police Department	Okaloosa	9	0		Less than 25
Dade City Police Department	Pasco	6	1		Less than 25
Davenport Police Department	Polk	0	0	0	Less than 25
Davie Police Department	Broward	0	0		
Daytona Beach Police Department	Volusia	140	140	0	51-100
Daytona Beach Shores Department of Public safety	Volusia	3	0		Less than 25
DeFuniak Springs Police Department	Walton	3	0		Less than 25
Deland Police Department	Volusia	28	1	0	Less than 25
Desoto County Sheriff's Office	DeSoto	9	0		Less than 25
Dixie County Sheriff's Office	Dixie	0	0	0	Less than 25
Dunllon Police Department	Marion	1	0	0	Less than 25
Eatonville Police Department	Orange	0	3		Less than 25
Edgewater Police Department	Volusia	4	0		Less than 25
Edgewood Police Department	Orange	0	0	0	Less than 25
Escambia County Sheriff's Office	Escambia	8	0	8	201-300
Eustis Police Department	Lake				
Fellsmere Police Department	Indian River	0	0	0	Less than 25
Fernandina Beach Police Department	Nassau	0	0	0	Less than 25
Flagler Beach Police Department	Flagler				
Flagler County Sheriff's Office	Flagler	15	0		25-50
Florida Atlantic University Police Department	Palm Beach	1	0	1	Less than 25
Florida Gulf Coast University Police Department	Lee	0	0	0	Less than 25
Florida International University Police Department	Miami-Dade	0	0	0	Less than 25
Florida Polytechnic University Police Department	Polk	0	0	0	Less than 25
Florida School for the Deaf and the Blind Campus Police Department	St. Johns	0	0		Less than 25
Florida SouthWestern State College DPS	Lee	1	0	1	Less than 25
Florida State University Police Department	Leon	6	0		Less than 25
Fort Lauderdale Police Department	Broward	527	200		25-50
Fort Myers Police Department	Lee	92	25	25	25-50
Fort Pierce Police Department	St. Lucie	23	23		25-50
Fort Walton Beach Police Department	Okaloosa	5	5		Less than 25
Franklin County Sheriff's Office	Franklin	4	0	3	Less than 25
Frutiland Park Police Department	Lake	0	0	0	Less than 25
Gadsden County Sheriff's Office	Gadsden	0	0	0	Less than 25
Gainesville Police Department	Alachua	11	0	53	51-100
Gilchrist County Sheriff's Office	Gilchrist	6	2	3	Less than 25
Glades County Sheriff's Office	Glades	0	0	0	Less than 25
Golden Beach Police Department	Miami-Dade	0	0	0	Less than 25
Green Cove Springs Police Department	Clay	0	0	0	Less than 25

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Gretna Police Department	Gadsden	0	0	0	Less than 25
Gulf Breeze Police Department	Santa Rosa	0	0	0	Less than 25
Gulf County Sheriff's Office	Gulf	0	0	0	Less than 25
Gulf Stream Police Department	Palm Beach	0	0	0	Less than 25
Gulfport Police Department	Pinellas	0	0	0	Less than 25
Haines City Police Department	Polk	18	6		Less than 25
Hallandale Beach Police Department	Broward	0	0	0	Less than 25
Hamilton County Sheriffs Office	Hamilton	0	0	0	Less than 25
Hardee County Sheriff's Office	Hardee	4	4		Less than 25
Havana Police Department	Gadsden	0	0	0	Less than 25
Hendry County Sheriff's Office	Hendry	63	48		Less than 25
Hernando County Sheriff's Office	Hernando	30	0		Less than 25
Hialeah Police Department	Miami-Dade	102	102		25-50
High Springs Police Department	Alachua	0	0	0	Less than 25
Highlands County Sheriff's Office	Highlands	12	0		Less than 25
Hillsboro Beach Police Department	Broward	0	0	0	Less than 25
Hillsborough County Sheriff's Office	Hillsborough	108	0		51-100
Holly Hill Police Department	Volusia	14	0		Less than 25
Hollywood Police Department	Broward				
Holmes Beach Police Department	Manatee	0	0	0	Less than 25
Holmes County Sheriff's Office	Holmes	1	0		Less than 25
Howey in the Hills Police Department	Lake	0	0	0	Less than 25
Indialantic Police Department	Brevard	1	0		Less than 25
Indian Creek Village Police Department	Miami-Dade	0	0	0	Less than 25
Indian Harbour Beach Police Department	Brevard	0	0	0	Less than 25
Indian River County Sheriff's Office	Indian River	62	0	10	Less than 25
Indian River Shores Pulbic Safety	Indian River	0	0	0	Less than 25
Indian Shores Police Department	Pinellas	0	0	0	Less than 25
Jackson County Sheriff's Office	Jackson	2	0		Less than 25
Jacksonville Aviation Authority Police Department	Duval	0	0	0	Less than 25
Jacksonville Beach Police Department	Duval	21	21	0	Less than 25
Jacksonville Sheriff's Office	Duval	1302	1302	148	More than 500
Jasper Police Department	Hamilton	0	0	0	Less than 25
Jefferson County Sheriffs Office	Jefferson	0	0	0	Less than 25
Jupiter Inlet Colony Police Department	Palm Beach	0	0	0	Less than 25
Kenneth City Police Department	Pinellas	0	0	0	Less than 25
Key West Police Department	Monroe	80	0		Less than 25
Kissimmee Police Department	Osceola	31	31	0	Less than 25
Lady Lake Police Department	Lake	0	0	0	Less than 25
Lafayette County Sherif's Office	Lafayette	0	0	0	Less than 25
Lake Alfred Police Department	Polk	9	4	0	Less than 25
Lake City Police Department	Columbia	0	0	0	301-400
Lake Clarke Shores Police Department	Palm Beach	0	0	0	Less than 25

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Appendix B: Responses by Agency as of December 16, 2015

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Lake County Sheriff's Office	Lake	42	5	5	Less than 25
Lake Hamilton Police Department	Polk	0	0	0	Less than 25
Lake Helen Police Department	Volusia	0	0	0	Less than 25
Lake Mary Police Department	Seminole	0	0	0	Less than 25
Lake Placid Police Department	Highlands	0	0	0	Less than 25
Lake Wales Police Department	Polk	5	0		Less than 25
Lakeland Police Department	Polk	314	177		101-200
Largo Police Department	Pinellas	0	0		
Lee County Port Authority Police Department	Lee	0	0	0	Less than 25
Lee County Sheriff's Office	Lee	498	498	0	401-500
Leesburg Police Department	Lake	16	3		Less than 25
Leon County Sheriff's Office	Leon	18	4		51-100
Levy County Sheriff's Office	Levy	26	3		Less than 25
Liberty County Sheriffs Office	Liberty	0	0	0	Less than 25
Lighthouse Point Police Department	Broward	0	0	0	Less than 25
Longboat Key Police Department	Manatee	0	0	0	Less than 25
Longwood Police Department	Seminole	2	1	1	Less than 25
Madison County Sheriff's Office	Madison	0	0		Less than 25
Maitland Police Department	Orange	1	0		Less than 25
Manatee County Sheriff's Office	Manatee	90	90	0	51-100
Margate Police Department	Broward	13	0		Less than 25
Marianna Police Department	Jackson	1	1		Less than 25
Marion County Sheriff's Office	Marion	50	15	6	25-50
Martin County Sheriff's Office	Martin	68	0	32	Less than 25
Mascotte Police Department	Lake	0	0		Less than 25
Medley Police Department	Miami-Dade	0	0	0	Less than 25
Melbourne Airport Police Department	Brevard	0	0		Less than 25
Melbourne Beach Police Department	Brevard	0	0	0	Less than 25
Melbourne Police Department	Brevard	4	0		Less than 25
Melbourne Village Police Department	Brevard	0	0		Less than 25
Mexico Beach Police Deartment	Bay	0	0	0	Less than 25
Miami Shores Police Department	Miami-Dade	0	0	0	Less than 25
Miami-Dade Police Department	Miami-Dade	1350	1350		101-200
Miramar Police Department	Broward	8	0		Less than 25
Monroe County Sheriff's Office	Monroe	47	0		
Monticello Police Department	Jefferson	0	0	0	Less than 25
Mount Dora Police Department	Lake	0	0	0	Less than 25
Naples Police Department	Collier	6	0	2	Less than 25
Nassau County Sheriff's Office	Nassau	6	6	4	Less than 25
Neptune Beach Police Department	Duval	3	3	1	Less than 25
New College of Florida Police Department	Sarasota	0	0	0	Less than 25
New Port Richey Police Department	Pasco	9	9		Less than 25
New Smyrna Beach Police Department	Volusia	4	1		Less than 25

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Niceville Police Department	Okaloosa	1	1	0	Less than 25
North Miami Police Department	Miami-Dade	4	0		Less than 25
North Palm Beach Police Department	Palm Beach	3	0	0	Less than 25
North Port Police Department	Sarasota	3	0	3	Less than 25
Oakland Police Department	Orange	0	0	0	Less than 25
Ocala Police Department	Marion	163	0	9	Less than 25
Ocean Ridge Police Department	Palm Beach	0	0		Less than 25
Office of the State Attorney, 20th Judicial Circuit	Lee	0	0	0	Less than 25
Okaloosa County Airports Police Department	Okaloosa	0	0	0	Less than 25
Okaloosa County Sheriff's Office	Okaloosa	201	10	15	25-50
Okeechobee County Sheriffs Office	Okeechobee	22	0		25-50
Orange City Police Department	Volusia	0	0	0	Less than 25
Orange County Public Schools District Police Department	Orange	0	0	0	Less than 25
Orange County Sheriff's Office	Orange	200	200	120	101-200
Orange Park Police Department	Clay	0	0	0	Less than 25
Orchid Police Department	Indian River	0	0	0	Less than 25
Orlando Police Department	Orange	751	375		51-100
Ormond Beach Police Department	Volusia	5	0		Less than 25
Osceola County Sheriff's Office	Osceola	36	1		Less than 25
Oviedo Police Deparment	Seminole	0	0	0	Less than 25
Palm Bay Police Department	Brevard	26	0		Less than 25
Palm Beach County Sheriff's Office	Palm Beach	1232	938	15	51-100
Palm Beach Gardens Police Department	Palm Beach	0	0	0	Less than 25
Palm Beach Shores Police Department	Palm Beach	0	0		Less than 25
Palmetto Police Department	Manatee	3	0		Less than 25
Panama City Police Department	Bay	7	1	0	Less than 25
Parker Police Department	Bay	0	0	0	Less than 25
Pasco Sheriff's Office	Pasco	250	200		201-300
Pembroke Pines Police Department	Broward	25	0		Less than 25
Pensacola Police Department	Escambia				
Perry Police Department	Taylor	15	5	1	Less than 25
Pinellas County Schools Police Department	Pinellas	0	0	0	Less than 25
Pinellas County Sheriff's Office	Pinellas	0	0		51-100
Plant City Police Department	Hillsborough	37	0		Less than 25
Plantation Police Department	Broward	0	0	0	Less than 25
Polk County Sheriff's Office	Polk	281	0		51-100
Ponce Inlet Police Department	Volusia	0	0	0	Less than 25
Port Orange Police Department	Volusia	7	0	7	Less than 25
Port Richey Police Department	Pasco	0	0	0	Less than 25
Port St. Lucie Police Department	St. Lucie	67	9	6	25-50
Punta Gorda Police Department	Charlotte	2	0	1	Less than 25
Putnam County Sheriff's Office	Putnam	21	0		Less than 25
Rockledge Police Department	Brevard	3	0		Less than 25

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Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Sanford Airport Police Department	Seminole	0	0	0	Less than 25
Sanford Police Department	Seminole	0	0		25-50
Santa Fe College Police Department	Alachua	0	0	0	Less than 25
Santa Rosa County Sheriff's Office	Santa Rosa	18	0		Less than 25
Sarasota County Sheriff's Office	Sarasota	89	0	7	Less than 25
Sarasota Manatee Airport Authority	Sarasota	0	0	0	Less than 25
Sarasota Police Department	Sarasota	108	0	5	Less than 25
Satellite Beach Police Department	Brevard	4	0		Less than 25
Sea Ranch Lakes Police Department	Broward	0	0	0	Less than 25
Sebastian Police Department	Indian River	0	0	0	Less than 25
Sebring Police Department	Highlands	8	0		Less than 25
Seminole County Sheriff's Office	Seminole	0	0	0	Less than 25
South Daytona Police Department	Volusia	1	0	0	Less than 25
South Miami Police Department	Miami-Dade	0	0	0	Less than 25
South Palm Beach Police Department	Palm Beach	0	0	0	Less than 25
Springfield Police Department	Bay	0	0	0	Less than 25
St. Augustine Police Department	St. Johns	4	0		Less than 25
St Lucie County Sheriff's Office	St. Lucie	123	24	2	25-50
St. Petersburg Police Department	Pinellas	0	0		101-200
St. Augustine Beach Police Department	St. Johns				
St. Cloud Police Department	Osceola	14	0		Less than 25
St. Johns County Sheriff's Office	St. Johns	76	0		Less than 25
Stuart Police Department	Martin	2	0		Less than 25
Sumter County Sheriff's Office	Sumter	7	0		Less than 25
Sunrise Police Department	Broward	0	0	0	Less than 25
Surfside Police Deaprtment	Miami-Dade	0	0	0	Less than 25
Suwannee County Sheriff's Office	Suwannee	1	0	0	Less than 25
Tallahassee Community College Police Department	Leon	0	0	0	Less than 25
Tallahassee Police Department	Leon	243	225	35	51-100
Tampa Police Department	Hillsborough	11	11		
Tavares Police Department	Lake	0	0	0	Less than 25
Taylor County Sheriff's Office	Taylor	0	0	0	Less than 25
Temple Terrace Police Department	Hillsborough	14	0		25-50
Tequesta Police Department	Palm Beach	2	2	1	Less than 25
Titusville Police Department	Brevard	8	0		25-50
Treasure Island Police Department	Pinellas	0	0	0	Less than 25
Trenton Police Department	Gilchrist	0	0	0	Less than 25
Umatilla Police Deprtment	Lake	0	0	0	Less than 25
University of North Florida Police Department	Duval	1	0		Less than 25
UnionCounty Sheriff's Office	Union	0	0	0	Less than 25
University of Central Florida Police Department	Orange	0	0	0	Less than 25
University of South Florida Police Department	Hillsborough	0	0	0	Less than 25
University of South Florida St. Petersburg Police Department	Pinellas	0	0	0	Less than 25

Name of Agency	County	# not submitted for analysis	# of kits that should be submitted	# of kits from non-reporting victims	Expect to submit within 12 months
Valparaiso Police Department	Okaloosa	0	0	0	Less than 25
Vero Beach Police Department	Indian River	1	0	0	Less than 25
Village of Pinecrest Police Department	Miami-Dade	0	0	0	Less than 25
Volusia County Beach Safety Ocean Rescue	Volusia	1	0		Less than 25
Volusia County Division of Corrections	Volusia	0	0	0	Less than 25
Volusia County Sheriff's Office	Volusia	199	187	12	101-200
Wakulla County Sheriff's Office	Wakulla	10	0		Less than 25
Walton County Sheriff's Office	Walton	26	0		Less than 25
Washington County sheriff's office	Washington	0	0	0	Less than 25
Wauchula Police Department	Hardee	3	0		Less than 25
Webster Police Dept	Sumter	0	0	0	Less than 25
West Melbourne Police Department	Brevard	1	0	0	Less than 25
West Palm Beach Police Department	Palm Beach	500	500		25-50
White Springs Police Department	Hamilton	0	0	0	Less than 25
Wildwood Police Department	Sumter	2	0	2	Less than 25
Wilton Manors Police Department	Broward	0	0	0	Less than 25
Windermere Police Department	Orange	0	0	0	Less than 25
Winter Garden Police Department	Orange	4	1		Less than 25
Winter Haven Police Department	Polk	58	6		Less than 25
Winter Park Police Department	Orange	2	0		Less than 25
Winter Springs Police Department	Seminole	3	0		Less than 25
Zephyrhills Police Department	Pasco	0	0		Less than 25

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Alachua County Sheriff's Office						It should be noted that consistency is necessary amongst agencies as it pertains to the statute of limitations for non-reporting victims. We have discovered that there is gross inconsistencies among the agencies in how long agencies hold sexual battery kits. Our investigations have shown that some agencies hold the kits for 90 days and others hold the kits for 4 years and others hold them for periods of time between the two.
Altamonte Springs Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Total Cases Not Filed: 4 - No intnent to prosecute, 4 - Unfounded, 3 - Cleared by exception, 2 - Inactive, 1- No cooperation from victim, 1 - Capias filed, 13 - No filed by SAO, 8 - Plea
Apopka Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Arcadia Police Department						We have none
Astatula Police Department						
Atlantic Beach Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Atlantis Police Department	Some kits are from non-reporting victims					
Auburndale Police Department				Suspect has pled guilty/no contest		and is also already in CODIS
Aventura Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Baker County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Bal Harbour Police Department						No incidents.
Bartow Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Bay County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Several cases were determined to be unfounded after being reported but prior to evidence being submitted for analysis.
Bay Harbor Islands Police Department						
Belle Isle Police Department						
Belleair Police Department						The case proved to be unfounded before submission was done.
Blountstown Police Department						All reported offenses have been submitted
Boca Raton Police Services Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Bowling Green Police Department						None to submit.
Bradenton Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		BPD did assist only for another agency
Bradford County Sheriffs Office					Agency does not require submission	Our local hospital, Shands of Starke, does not perform sexual assault forensic exams; therefore our agency does not receive non reporting kits. Our victim exams are completed at Shands of U.F. Any non reporting kits are held by authorities in Alachua County.
Brevard County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Brevard Public Schools - Office of District and School Security						No open criminal investigations.
Brooksville Police Department						

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Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Broward Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	All of the above, as well as different technology of the time. The SAK are being reviewed for submission
Calhoun County Sheriff Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Cape Coral Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Casselberry Police Department						N/A
Cedar Key Police Department						No sexual assualt crimes
Charlotte County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Chattahoochee Police Department		Victim no longer wants the investigation to proceed				
Chiefland Police Dpartment						We sent all we collected.
Chipley Police Department		Victim no longer wants the investigation to proceed				
Citrus County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
City of Bunnell Police Department						Anytime one is utilized it is submitted.
City of Daytona Beach Shores Police Department						If the victim is not wanting Law Enforcement assistance, the kit is stored at the Volusia County Sheriff's Ofc.
City of Miami Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Some kits are from known offender
City of Ocoee Police Department		Victim no longer wants the investigation to proceed				
City of Venice Police Department						
Clay County Sheriff's Office			Case is not being pursued by the State Attorney's Office			Suspect was arrested on one case and due to the circumstances, the kit was not needed.
Clearwater Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Incident witnessed by sworn police officer; Incident determined to be "unfounded" allegation; sexual contact between parties not in dispute, critical element was dispute over forced used.
Clermont Police Department						N/A, All kits have been submitted.
Cocoa Police Department						None apply - all kits have been submitted
Coconut Creek Police Department				Suspect has pled guilty/no contest		No supportive evidence that a sexual assault occurred. (Unfounded)
Collier County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Columbia County Sheriff's Office						N/A
Coral Springs Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Crestview Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Other jurisdiction, Unfounded Case
Dade City Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office		Agency does not require submission	
Davenport Police Department						
Davie Police Department						
Daytona Beach Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	It is a combination of all of above
Daytona Beach Shores Department of Public safety			Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Case determined not Sex Assault
DeFuniak Springs Police Department					Agency does not require submission	One case determined not to be a sexual assault after kit conducted.
Deland Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				Cases closed Unfounded or false report.
Desoto County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			

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Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Dixie County Sheriff's Office						
Dunllon Police Department						alleged victim lied about assault and was charged as such.
Eatonville Police Department		Victim no longer wants the investigation to proceed		Suspect has pled guilty/no contest		
Edgewater Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Edgewood Police Department						N/A
Escambia County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				
Eustis Police Department						
Fellsmere Police Department						We have no kits to submit
Fernandina Beach Police Department						
Flagler Beach Police Department						
Flagler County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Florida Atlantic University Police Department	Some kits are from non-reporting victims					
Florida Gulf Coast University Police Department						N/A
Florida International University Police Department						N/A
Florida Polytechnic University Police Department						We are a new start up Agency and when we do have a case involving a sexual assault Lakeland Police will assume the investigation and submission of the kit.
Florida School for the Deaf and the Blind Campus Police Department					Agency does not require submission	
Florida SouthWestern State College DPS	Some kits are from non-reporting victims					
Florida State University Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Fort Lauderdale Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Kit may have been collected, but investigation revelaed no crime occurred.
Fort Myers Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Secual Assault kit collected during Homicide Investigation wherein there was no sexual assault of the victim/ Case was unfounded/ Case involved penetration with other object (Not penis)/ crime reported several days later/ victim and suspect were in domestic relationship at time of crime/
Fort Pierce Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Fort Walton Beach Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Franklin County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				
Frutiland Park Police Department						No cases that would have required the kit
Gadsden County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Gainesville Police Department	Some kits are from non-reporting victims					Suspect and victim both admit sex act occurred but their is a question of consent
Gilchrist County Sheriff's Office	Some kits are from non-reporting victims			Suspect has pled guilty/no contest		One case is from 1985, and I can find no other information on it
Glades County Sheriff's Office						N/A
Golden Beach Police Department						N/A
Green Cove Springs Police Department						
Gretna Police Department						No active cases
Gulf Breeze Police Department						No kits in need of submission.
Gulf County Sheriff's Office						
Gulf Stream Police Department						

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Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Gulfport Police Department						
Haines City Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		consensual sex, no sex occurred
Hallandale Beach Police Department						All kits submitted
Hamilton County Sheriffs Office						NA All sexual assault kits are submitted
Hardee County Sheriff's Office			Case is not being pursued by the State Attorney's Office		Agency does not require submission	
Havana Police Department						None
Hendry County Sheriff's Office		Victim no longer wants the investigation to proceed			Agency does not require submission	
Hernando County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Hialeah Police Department						Suspect standards for submittion are not available for comparison.
High Springs Police Department						N/A
Highlands County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			False police report filed and semen was obtained from another piece of evidence
Hillsboro Beach Police Department						
Hillsborough County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Homicides (sexual battery not an issues), appeals, evidence retention, assist other agencies
Holly Hill Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Hollywood Police Department						
Holmes Beach Police Department						N/A
Holmes County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Howey in the Hills Police Department						N/A
Indialantic Police Department		Victim no longer wants the investigation to proceed				
Indian Creek Village Police Department						No reported sexual assaults in jurisdiction
Indian Harbour Beach Police Department						N/A
Indian River County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		not of probative value
Indian River Shores Pulbic Safety						Not applicable
Indian Shores Police Department						All have been submitted
Jackson County Sheriff's Office		Victim no longer wants the investigation to proceed				One victim is deceased
Jacksonville Aviation Authority Police Department						No cases for submission
Jacksonville Beach Police Department						
Jacksonville Sheriff's Office						We are in the process of submitting all of these kits
Jasper Police Department						
Jefferson County Sheriffs Office						
Jupiter Inlet Colony Police Department						N/A
Kenneth City Police Department						All submitted
Key West Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office		Agency does not require submission	
Kissimmee Police Department						N/A
Lady Lake Police Department						n/a
Lafayette County Sheriff's Office						
Lake Alfred Police Department			Case is not being pursued by the State Attorney's Office			Environmental damage to packaging
Lake City Police Department						
Lake Clarke Shores Police Department						We had no sexual assaults
Lake County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Lake Hamilton Police Department						DO NOT HAVE ANY KITS
Lake Helen Police Department						NA
Lake Mary Police Department						
Lake Placid Police Department						All kits are submitted to FDLE
Lake Wales Police Department		Victim no longer wants the investigation to proceed				

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Lakeland Police Department		Victim no longer wants the investigation to proceed				Arrest made, Charges filed, outside agency kit, case unfouned by investigation, waiver signed
Largo Police Department						
Lee County Port Authority Police Department						N/A - Airport have not had any reported sexual assault cases
Lee County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		All untested kits are submitted to FDLE for analysis once a purge letter is received from the case detective.
Leesburg Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Leon County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Levy County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Homicide victims, investigation did not call for submission
Liberty County Sheriffs Office						NONE
Lighthouse Point Police Department						N/A
Longboat Key Police Department						All kits have been submitted
Longwood Police Department	Some kits are from non-reporting victims		Case is not being pursued by the State Attorney's Office			
Madison County Sheriff's Office		Victim no longer wants the investigation to proceed		Suspect has pled guilty/no contest		
Maitland Police Department		Victim no longer wants the investigation to proceed				
Manatee County Sheriff's Office						Expunged
Margate Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Marianna Police Department				Suspect has pled guilty/no contest		
Marion County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Martin County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed			Agency does not require submission	
Mascotte Police Department		Victim no longer wants the investigation to proceed				
Medley Police Department						
Melbourne Airport Police Department					Agency does not require submission	Agency does not have any rape kits to submit
Melbourne Beach Police Department						We have no Sexual Assault kits in evidence
Melbourne Police Department		Victim no longer wants the investigation to proceed				
Melbourne Village Police Department					Agency does not require submission	
Mexico Beach Police Deartment						No cases for this year for submission
Miami Shores Police Department						
Miami-Dade Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Forensic testing not required; consensual sex
Miramar Police Department			Case is not being pursued by the State Attorney's Office			sak normal protocol for dna collection in homicide investigations.
Monroe County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office		Agency does not require submission	
Monticello Police Department						not applicable
Mount Dora Police Department						
Naples Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Case Unfounded/False report by victim
Nassau County Sheriff's Office	Some kits are from non-reporting victims		Case is not being pursued by the State Attorney's Office			

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Neptune Beach Police Department	Some kits are from non-reporting victims					The suspect admitted to having sex with the victim. We already knew that the suspects DNA was going to be present and did not want to use funds that maybe needed for a kit without any suspect information.
New College of Florida Police Department						No cases to test
New Port Richey Police Department		Victim no longer wants the investigation to proceed				Some cases were unfounded.
New Smyrna Beach Police Department		Victim no longer wants the investigation to proceed				One kit is a homicide case and we are waiting on State Attorney instructions on how to proceed
Niceville Police Department						Recent case - in process of submission
North Miami Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
North Palm Beach Police Department						CASES WERE UNFOUNDED
North Port Police Department	Some kits are from non-reporting victims					all 3 are from non-reporting victims
Oakland Police Department						
Ocala Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Ocean Ridge Police Department					Agency does not require submission	
Office of the State Attorney, 20th Judicial Circuit						No pending cases that apply
Okaloosa County Airports Police Department						n/a
Okaloosa County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Crime occurred in other jurisdiction
Okeechobee County Sheriffs Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			0
Orange City Police Department						
Orange County Public Schools District Police Department						OCPS District Police is a new agency, and is not currently investigating any sexual assaults; thus, we have no sexual assault kits.
Orange County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Orange Park Police Department						
Orchid Police Department						No cases of sexual assault in the Town.
Orlando Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		The allegation was unfounded.
Ormond Beach Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office		Agency does not require submission	Was collected by Medical Examiner's Office involved in a Murder / Suicide investigation.
Osceola County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Unfounded
Oviedo Police Deparment						none were not submitted
Palm Bay Police Department					Agency does not require submission	
Palm Beach County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Palm Beach Gardens Police Department						NA
Palm Beach Shores Police Department					Agency does not require submission	
Palmetto Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Panama City Police Department						One was transferred to agency having jurisdiction, 5 were false reports and no evidence found at time SAK was performed by medical staff.
Parker Police Department						We submit all rape kits to FDLE
Pasco Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
Pembroke Pines Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Victim uncooperative, AOA to other agencies, unfounded cases,
Pensacola Police Department						
Perry Police Department	Some kits are from non-reporting victims					known offenders there is a question on consent and not who the offender was
Pinellas County Schools Police Department						We contract with the larger agencies to handle these types of cases
Pinellas County Sheriff's Office		Victim no longer wants the investigation to proceed				We do not subit if the suspect is known to the victim and the victim decides he/she does not want the matter investigated further.
Plant City Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office		Agency does not require submission	
Plantation Police Department						n/a
Polk County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		FDLE customs and practices for submission
Ponce Inlet Police Department						
Port Orange Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				
Port Richey Police Department						All sexual assault kits have been submitted.
Port St. Lucie Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		False Allegations / Unfounded through investigation
Punta Gorda Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				
Putnam County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Rockledge Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Sanford Airport Police Department						
Sanford Police Department		Victim no longer wants the investigation to proceed				
Santa Fe College Police Department						
Santa Rosa County Sheriff's Office		Victim no longer wants the investigation to proceed			Agency does not require submission	
Sarasota County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed		Suspect has pled guilty/no contest		
Sarasota Manatee Airport Authority						
Sarasota Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	
Satellite Beach Police Department		Victim no longer wants the investigation to proceed				
Sea Ranch Lakes Police Department						no sexual offenses reported
Sebastian Police Department						
Sebring Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			Case pending with confession/Records no longer available and don't know results of complaint
Seminole County Sheriff's Office						none
South Daytona Police Department						
South Miami Police Department						Primary responsibility of investigation is by Miami Dade Police Dept. in Sexual battery cases
South Palm Beach Police Department						No report cases
Springfield Police Department						n/a - we submit immediately on each case
St. Augustine Police Department		Victim no longer wants the investigation to proceed				Taken at scene of suspicious death, processing not needed
St Lucie County Sheriff's Office	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
St. Petersburg Police Department		Victim no longer wants the investigation to proceed				
St. Augustine Beach Police Department						

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
St. Cloud Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		Sexual assault was falsely reported.
St. Johns County Sheriff's Office		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		case determined to be unfounded
Stuart Police Department		Victim no longer wants the investigation to proceed				
Sumter County Sheriff's Office			Case is not being pursued by the State Attorney's Office			Collected for other jurisdiction, suspect claims consensual encounter, victim recanted allegation
Sunrise Police Department						N/A
Surfside Police Deaprtment						No sex crimes have been reported
Suwannee County Sheriff's Office						Victim's story was unfounded
Tallahassee Community College Police Department						have not investigated a sexual battery on campus nor collected any kits
Tallahassee Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Kit impounded, but incident happened in another jurisdiction
Tampa Police Department		Victim no longer wants the investigation to proceed		Suspect has pled guilty/no contest	Agency does not require submission	
Tavares Police Department						
Taylor County Sheriff's Office						
Temple Terrace Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Tequesta Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed				
Titusville Police Department		Victim no longer wants the investigation to proceed				Cases Unfounded
Treasure Island Police Department						
Trenton Police Department						No kits to submit
Umatilla Police Deprtment						n/a
University of North Florida Police Department		Victim no longer wants the investigation to proceed				
UnionCounty Sheriff's Office						N/A
University of Central Florida Police Department						
University of South Florida Police Department						
University of South Florida St. Petersburg Police Department						no cases in past 12 months
Valparaiso Police Department						
Vero Beach Police Department						Subject convicted on other charges, but SA has instructed to hold indefinitely until cleared completely.
Village of Pinecrest Police Department						Miami-Dade Police investigate all sexual battery cases for Pinecrest and MDPD collects all evidence related to the case.
Volusia County Beach Safety Ocean Rescue		Victim no longer wants the investigation to proceed				
Volusia County Division of Corrections						Not applicable-Jail is independet of Sheriff and does not submit sexaul assault kits. We only do DNA swabs.
Volusia County Sheriff's Office	Some kits are from non-reporting victims					
Wakulla County Sheriff's Office		Victim no longer wants the investigation to proceed		Suspect has pled guilty/no contest		False Report to LEO
Walton County Sheriff's Office		Victim no longer wants the investigation to proceed			Agency does not require submission	
Washington County sheriff's office						
Wauchula Police Department		Victim no longer wants the investigation to proceed				
Webster Police Dept						N/A
West Melbourne Police Department						Kit was for Orlando PD, OPD never requested kit sent. Holding in evidence.

Florida Department of Law Enforcement
Assessment of Florida's Unsubmitted Sexual Assault Kits
Responses to Reasons for Not Submitting a Sexual Assault Kit by Agency

Name of Agency	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Other (please specify)
West Palm Beach Police Department	Some kits are from non-reporting victims	Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest	Agency does not require submission	Historical labratory restrictions/requirements for processing cases
White Springs Police Department						AGENCY HAS NO SEXUAL ASSAULT KITS TO SUBMIT/NO OCCURANCES
Wildwood Police Department	Some kits are from non-reporting victims					
Wilton Manors Police Department			Case is not being pursued by the State Attorney's Office			
Windermere Police Department						N/A no cases on file
Winter Garden Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		
Winter Haven Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office	Suspect has pled guilty/no contest		kit taken as an assist for other agency, false report, report unfounded
Winter Park Police Department		Victim no longer wants the investigation to proceed				
Winter Springs Police Department		Victim no longer wants the investigation to proceed	Case is not being pursued by the State Attorney's Office			
Zephyrhills Police Department					Agency does not require submission	Does not apply

Appendix C: Summary of Biology/DNA Process

Biology/DNA forensic processing requires multi-step analysis. Several laboratory members, numerous consumables and an array of equipment and software are involved before data interpretation begins, quality reviews are completed and a report of the analysis released. The process begins with a screening phase to identify samples most likely to produce probative evidence, inventorying and documenting each sample and placing the samples in tubes which are then sent for DNA testing.

The first step of DNA testing is called extraction, whereby the cellular material is separated from the cotton swab or cutting of evidence and the DNA released from the cells. Extraction involves several stages of washing and purifying the samples and can be done manually, but automated versions of this process require less time and sample manipulation. A differential extraction is required to separate DNA from sperm cells from that of non-sperm cells. It is laborious, yet imperative, to processing sexual assault evidence. Clean DNA samples provide the best possible opportunity to obtain interpretable DNA profiles later in the process.

The next step, quantitation, determines the amount of total human and male-specific DNA present in each sample. If too little male DNA or no human DNA is contained in the sample, testing can be discontinued.

The third step, amplification, creates millions of copies of the specific DNA types (alleles) found in each sample. The copies of fluorescently-labeled DNA fragments undergo separation and detection through a process referred to as capillary electrophoresis conducted on a genetic analyzer instrument. By differentiating between the colored dyes, the genetic analyzer prepares a graph of peaks that represent the DNA types present and their relative amounts.

During data analysis and interpretation, the peaks are assigned numbers and transferred to a table for comparisons. The nature of sexual assault often leads to mixtures of DNA from more than one individual. Separation of male DNA is often not perfect and the mixed DNA profiles must be examined to see if a foreign donor profile can be resolved. Training, experience and mathematical calculations are used in making these determinations. To ensure quality and accuracy, the results of the analysis of all DNA samples are reviewed by a second qualified analyst.

DNA profiles developed as a result of the analysis will be entered into appropriate CODIS in accordance with database criteria. CODIS is a three-tiered system consisting of local (LDIS), state (SDIS) and national (NDIS) databases. Criteria for entering and searching data become increasingly restrictive as the levels progress. Some profiles can be entered at the local and state levels but are not eligible for upload to NDIS. For example, a profile developed from a non-reporting victim's SAK can be entered into Florida's DNA Database, but is not eligible, under FBI guidelines, to be entered into the national database.

Finally, all of the results, interpretations and conclusions from the case documentation are transferred to a final report. The file, which contains any CODIS entries, and report are then submitted for technical review by an additional qualified analyst, followed by an administrative review. Once both reviews are complete, the report is released and evidence returned to the contributing agency. The process from screening through data interpretation can take three to five working days per item submitted. The various levels of review can add two to four weeks per case submission.

Appendix D

Sexual Assault Kit Reduction Plan Option A

8.5 years - $32,057,598

Assumes no outsourcing of sexual assault kits. Includes 6661 reported from survey, 2000 received in lab Jan-Oct 2015 = 8600 (rounded) backlog
Assumes outsourcing 4300 burglary cases annually
Assumes processing 1000 older SAKs in house annually for 8.5 years
Assumes processing 3500 new volume SAKs in house annually [including typical incoming + 1,000 projected annual increase]
*Assumes effective productive capacity at 76 FTE (80%*95 CLA)*

	Funded	2016	2017	2018	2019	2020	2021	2022	2023	2024 (6 mos)	
Expense											
OT to review 4300 outsourced burglary cases @ .25 hrs/case = 1075 hrs* $66/hr		70,950	70,950	70,950	70,950	70,950	70,950	70,950	70,950	35,475	
GMID-X full install software @$2,334/CLA		9,336	18,672	18,672	18,672						
GMID-X analysis software 9342/CLA		37,368	74,736	74,736	74,736						
SAK, reagents & consumables for processing additional 2000 sex assault kits / year @$400/SAK		800,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000	400,000	
Probabilistic Genotyping Software ($400,000)	NIJ grant										
OCO											
6 QIAcubes @17,200 ea; TOTAL 103,200)	NIJ grant										
EZ1 robot @45,100 (3 first yr + 1/yr)		135,300	45,100	45,100	45,100						
thermal shaker (1,414 per 4 CLA)		1,414	2,828	2,828	2,828						
QIAgility, pre-amp (4,125 per CLA)		16,500	33,000	33,000	33,000						
AB 7500 SDS (qPCR) (5,313 per CLA)		21,252	42,504	42,504	42,504						
AB 9700 thermal cycler (913 per CLA)		3,652	7,304	7,304	7,304						
centrifuge (245 per CLA)		980	1,960	1,960	1,960						
pipette set (4 volumes) (per 4 CLA)		1,333	2,666	2,666	2,666						
Contract Services											
Outsource 4300 burglary cases/year @$646/case		2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	1,388,900	
EZ1 annual maintenance		3,068	3,068	3,068	3,068	3,068	3,068	3,068	3,068	1,534	
QIAcube annual maintenance		3,564	3,564	3,564	3,564	3,564	3,564	3,564	3,564	1,782	
QIAgility annual maintenance		5,113	5,113	5,113	5,113	5,113	5,113	5,113	5,113	2,557	
AB 7500 annual maintenance		3,523	3,523	3,523	3,523	3,523	3,523	3,523	3,523	1,762	
Total		3,891,153	3,892,788	3,892,788	3,892,788	3,664,018	3,664,018	3,664,018	3,664,018	1,832,009	**32,057,598**

Sexual Assault Kit Reduction Plan Option B
6.5 years - $23,014,769

Assumes Use of DANY funds to outsource 1776 SAKs, reducing number of old kits from 8,600 to 6600 (rounded) SAKs
Assumes outsourcing 4300 burglary cases annually
Assumes processing 1000 older SAKs in house annually
Assumes processing 3500 new volume SAKs in house annually [including typical incoming + 1,000 projected annual increase]
*Assumes effective productive capacity at 76 FTE (80%*95 CLA)*

	Funded	2016	2017	2018	2019	2020	2021	2022 (6 mos)	
Expense									
OT to review 4300 outsourced burglary cases @ .25 hrs/case = 1075 hrs* $66/hr		70,950	70,950	70,950	70,950	70,950	70,950	35,475	
OT to review 1776 outsourced SAK@.5hrs/case = 888 hrs/case @ $66/hr		71,280	45,936						
GMID-X full install software @$2,334/CLA		9,336	18,672	18,672	18,672				
GMID-X analysis software 9342/CLA		37,368	74,736	74,736	74,736				
SAK, reagents & consumables for processing additional 2000 sex assault kits / year @$400/SAK		800,000	800,000	800,000	800,000	800,000	800,000	400,000	
Probabilistic Genotyping Software ($400,000)	NIJ grant								
OCO									
6 QIAcubes @17,200 ea; TOTAL $103,200	NIJ grant								
EZ1 robot @45,100 (3 first yr + 1/yr)		135,300	45,100	45,100	45,100				
thermal shaker per 4 CLA)		1,414	2,828	2,828	2,828				
QIAgility, pre-amp (per 8 CLA)		16,500	33,000	33,000	33,000				
AB 7500 SDS (qPCR) (per 8 CLA)		21,252	42,504	42,504	42,504				
AB 9700 thermal cycler (per 8 CLA)		3,652	7,304	7,304	7,304				
centrifuge (per 8 CLA)		980	1,960	1,960	1,960				
pipette set (4 volumes) (per 4 CLA)		1,333	2,666	2,666	2,666				
Contract Services									
Outsource 4300 burglary cases/year @$646/case		2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	2,777,800	1,388,900	
EZ1 annual maintenance		3,068	3,068	3,068	3,068	3,068	3,068	1,534	
QIAcube annual maintenance		3,564	3,564	3,564	3,564	3,564	3,564	1,782	
QIAgility annual maintenance		5,113	5,113	5,113	5,113	5,113	5,113	2,557	
AB 7500 annual maintenance		3,523	3,523	3,523	3,523	3,523	3,523	1,762	
Total		3,962,433	3,938,724	3,892,788	3,892,788	3,664,018	3,664,018	1,832,009	23,014,769

Sexual Assault Kit Reduction Plan Option C - RECOMMENDED

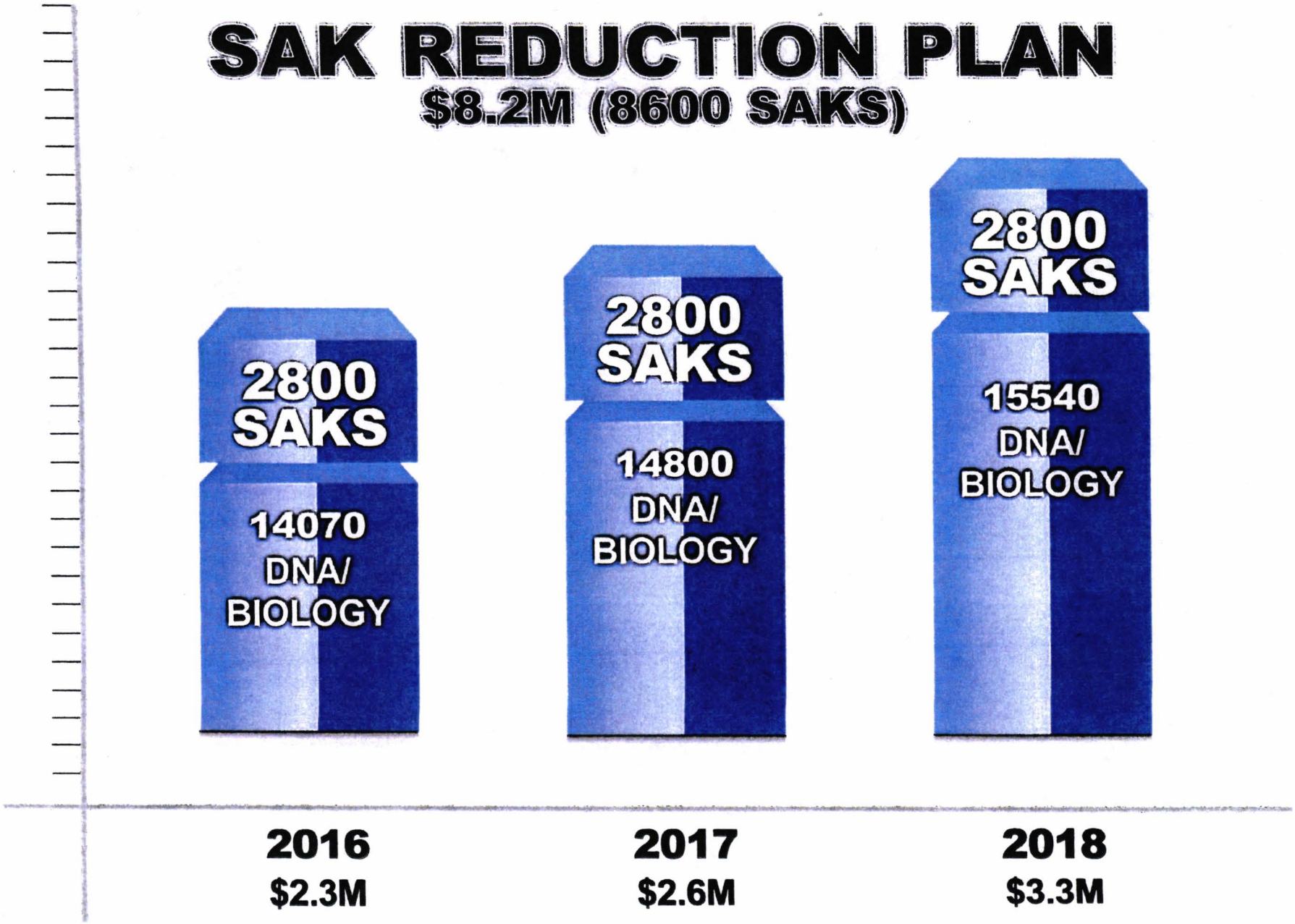
3 years - $8,169,279

Assumes outsourcing 2800 of the approximately 8600 older SAKs per year
Assumes processing 4300 burglary cases in house
Assumes processing 3500 new volume SAKs in house annually (including typical incoming + 1,000 projected annual increase)
*Assumes effective productive capacity at 76 FTE (80%*95 CLA)*

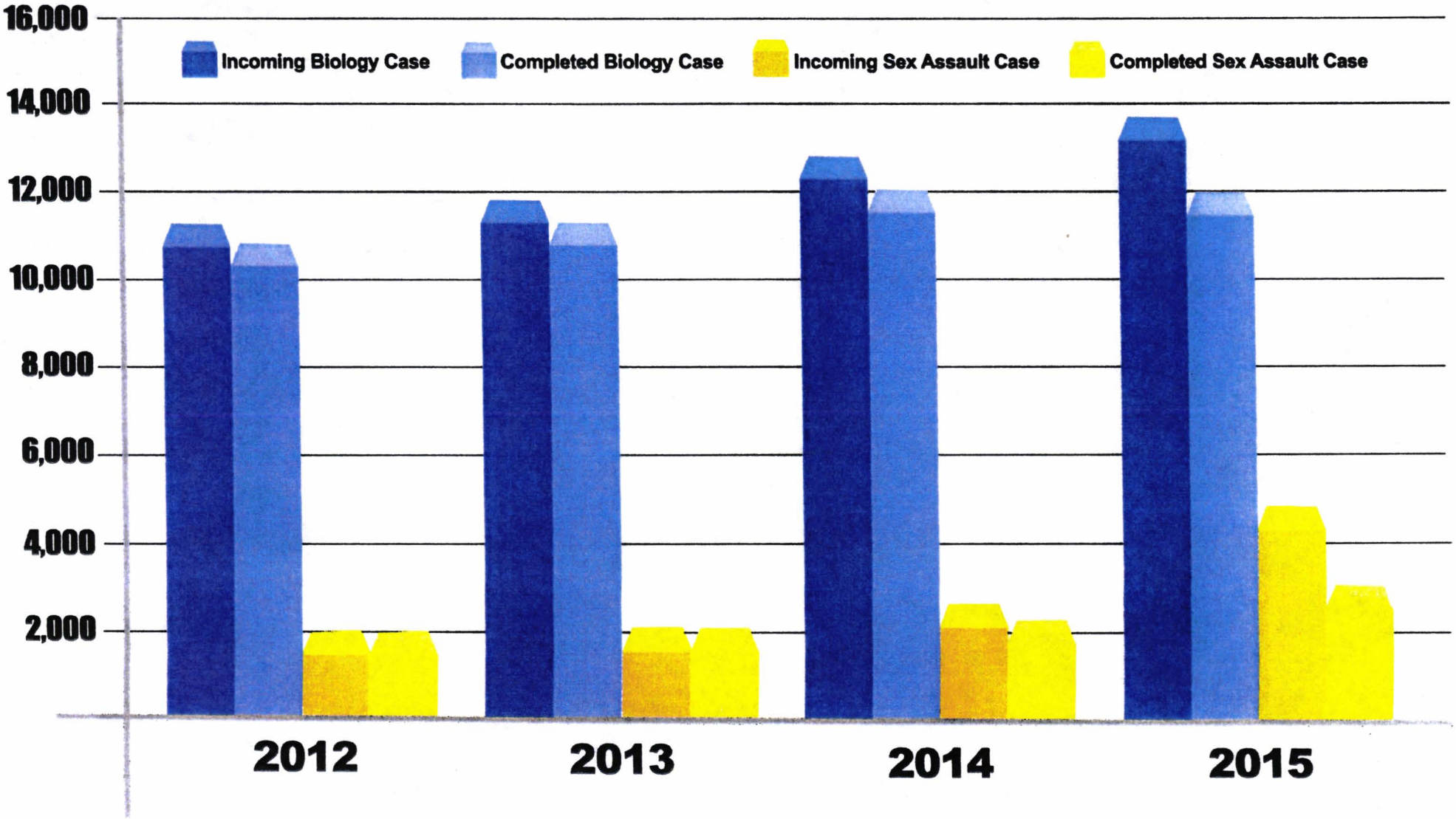
	Funded	2016	2017	2018	
Expense					
OT to review 2800 outsourced SAK per year @.5hrs/case = 1400 hrs*$66/hr		92,400	92,400	92,400	
GMID-X full install software @$2,334/CLA		9,336	18,672	18,672	
GMID-X analysis software @ $9,342/CLA		37,368	74,736	74,736	
SAKs, reagents & consumables for processing additional 1000 SAKs / year @ $400/SAK		400,000	400,000	400,000	
Probabilistic Genotyping Software ($400,000)	NIJ grant				
OCO					
6 QIAcubes @ $17,200 ea (Total $103,200)	NIJ grant				
EZ1 robot @ $45,100 (3 first yr + 1/yr)		135,300	45,100	45,100	
thermal shaker (per 4 CLA)		1,414	2,828	2,828	
QIAgility, pre-amp (per 8 CLA)		16,500	33,000	33,000	
AB 7500 SDS (qPCR) (per 8 CLA)		21,252	42,504	42,504	
AB 9700 thermal cycler (per 8 CLA)		3,652	7,304	7,304	
centrifuge (per 8 CLA)		980	1,960	1,960	
pipette set (4 volumes) (per 4 CLA)		1,333	2,666	2,666	
Contract Services					
Outsource 2800 older SAKs/year; 1776 kits @ $675/ea over 2 years; remainder @ $900/kit	$1.2 M DANY	1,548,000	1,893,600	2,520,000	
EZ1 annual maintenance		3,068	3,068	3,068	
QIAcube annual maintenance		3,564	3,564	3,564	
QIAgility annual maintenance		5,113	5,113	5,113	
AB 7500 annual maintenance		3,523	3,523	3,523	
Total		2,282,803	2,630,038	3,256,438	**8,169,279**

SAK REDUCTION PLAN

$8.2M (8600 SAKS)



FDLE BIOLOGY AND SEXUAL ASSAULT CASES



FDLE In-Custody
Investigation

Florida Department of Law Enforcement

DOC Use of Force / Death Investigations
House Justice Appropriations Committee
January 19, 2016

MOU

- Effective Feb 5, 2015
- FDLE Mandatory Response and DOC Mandatory Notification

1. Any homicide, suicide, or death of an inmate which occurs as a result of anything other than natural causes
   - No longer response to death attended by a physician
2. Any homicide, suicide, or death of any person other than an inmate, who dies on institutional property or in connection with DOC care, custody and control of an inmate while off institutional property
3. Any incident that results in life threatening injuries to any person

Case Status

Cases Prior to Revised MOU

Incident Type	#
DOC Use of Force	1
Homicide	2
Inmate on Inmate	3
Inmate Overdose	2
Medical	2
N/A	1
Natural Death	102
Suicide	10
Total	123

Cases Since Revised MOU

Incident Type	#
Accidental	3
Attempted Suicide	9
DOC Use of Force	3
Homicide	11
Inmate vs DOC Staff	1
Inmate on Inmate	42
Inmate Overdose	2
Medical	21
Natural Death	36
Suicide	10
Undetermined	6
Total	144

267 Cases Opened Aug 1, 2014 to Dec 31, 2015

FDLE/DOC IG Joint Training

- Nine training classes within 90 days of MOU
- Statewide locations
- Intent: Train both DOC Inspectors and FDLE Special Agents on properly understanding the procedures and legal issues that regulate a joint investigation involving in-custody death or serious life-threatening injury at D0C and private-run contract facilities
- 250 FDLE SA and 112 DOC Inspectors

Investigative Principles

- Treat every unattended death as a homicide
- Documentation
  - Initial response
  - Scene
  - Evidence collection & analysis
  - Evidence of injury
  - Manner & cause of death
  - Canvassing
  - Interviews of witnesses and suspects
- Preservation
  - Scene
  - Body
  - Evidence

Response / Crime Scene

- Arrive / contact with DOC Inspector or Officer in Charge
  - Incident briefing / case assignments
  - Type of event
  - Number of victims / suspects (may include officers)
  - Scene location
- Primary / secondary crime scene
  - Scope
  - Documentation and evidence collection
  - Canvas cells and dorms
  - Collection and review of surveillance footage

Interviews / DOC Records / Autopsy

- Interviews
  - Correction officers and inmate witnesses
  - Special considerations
- Review of records
- Autopsy
  - Investigative team attend
  - Determine manner / cause of death
  - Collect evidence
  - Investigator and medical examiner share findings
  - Toxicology

Case Management

- 72-hour brief for use of force investigations
- Documenting the investigation
- Autopsy report
- Lab analysis and reports
- Transcription of interviews
- Case file presentment to State Attorney
- Grand Jury, criminal charges or justifiable use of force

Lessons Learned

- Communication with DOC IG staff is key
- Coordination on response, including private facilities
- Initial response is extremely resource intensive even for assist cases
- Crime scene management is difficult
- Inmates as witnesses, especially those with mental illness, present interview and corroboration challenges
- Medical examiner/autopsy reports are critical
- Impact to FDLE operational cases
- Events inside a facility with potential links to other cases; value of intelligence sharing – ex gang hit

Division of Development: Improvement and Readiness

Provide a Continuous Level of Programming, Treatment and Services with a Seamless Handoff to Community

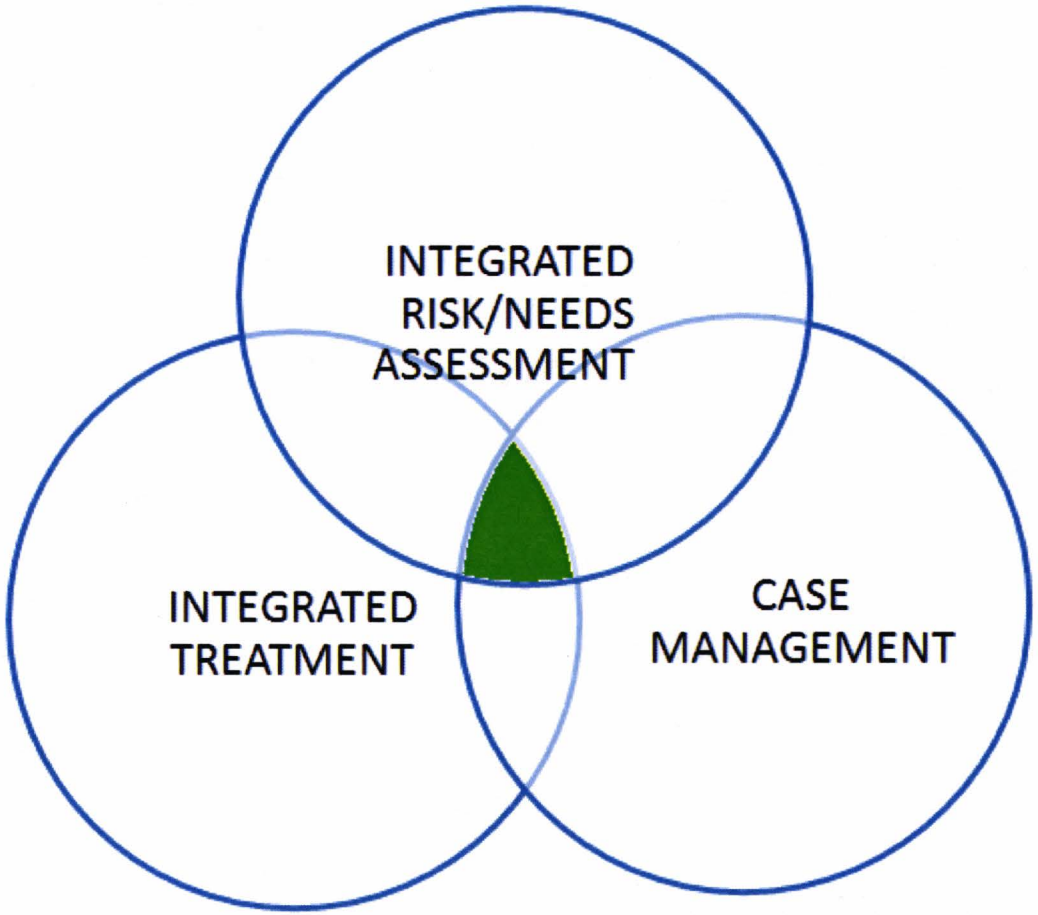
Today

- Enterprise wide, people and data operate in separate silos
- Communication gaps internally and intra-agency leave unidentified, critical data assets and resources
  - Results in operational inefficiency that limits program participation
- Program incompletion results in increased recidivism, increased crime…yet, an opportunity to improve release outcomes…

SOLUTION: CONTINUUM PROJECT

A Series of Pilot Programs That Provide a Continuous Level of Programming, Treatment and Services with a Seamless Handoff to Community

Community to Incarceration to Community SPECTRUM



THE FUTURE IS HERE

http://www.dc.state.fl.us/pub/needs/countyneeds.html

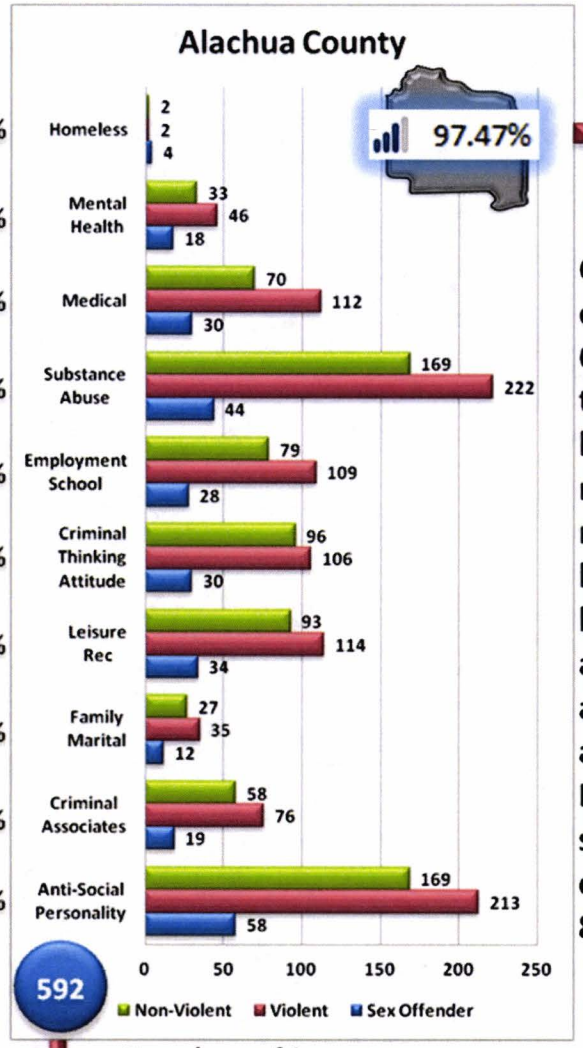
Intelligent Data, Performance Dashboard

Sex Offender:
Any inmate who was designated as a sex offender according to the FDC custody system while incarcerated. The system takes into account specific sex offense convictions as well as convictions whose circumstances indicate a sex offense was attempted or completed but the inmate was ultimately charged and convicted of a non-sex offense related offense such as murder, burglary or battery.

Violent:
Current or prior sentence to Florida prison or state supervision for a violent offense, excluding those designated as sex offenders.

Non-Violent:
Current or prior sentence to Florida prison or state supervision for non-violent offenses such as burglary, theft, and drugs, excluding those designated as Sex Offenders or violent.

Rate of Return:
Percentage of inmates admitted from that county that have previously been in prison.



Overall rating comparing all 67 counties together. The bars represent a range between below average to above average. Lowest scoring county was 89.06%.

% of needs based on total # of released inmates in blue circle.

Number of inmates releases to the county in FY 2014/2015.

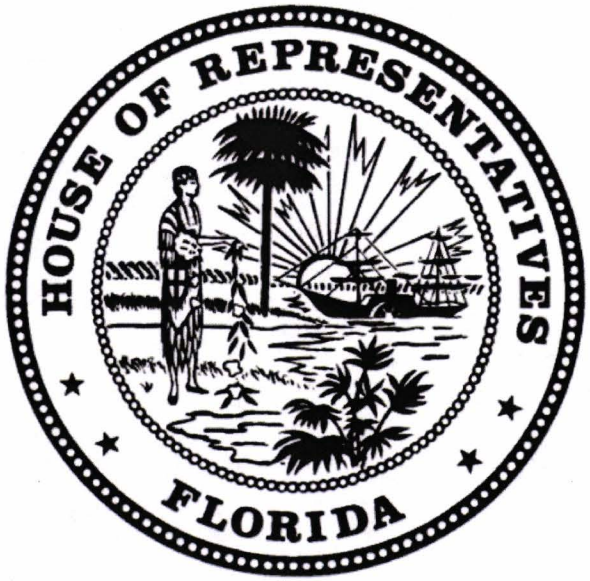
Increased Value and ROI

The correct assessment →

effective treatment →

successful re-integration →

less crime, lower costs



Prisoner Re-entry

Other State's Reentry Structure

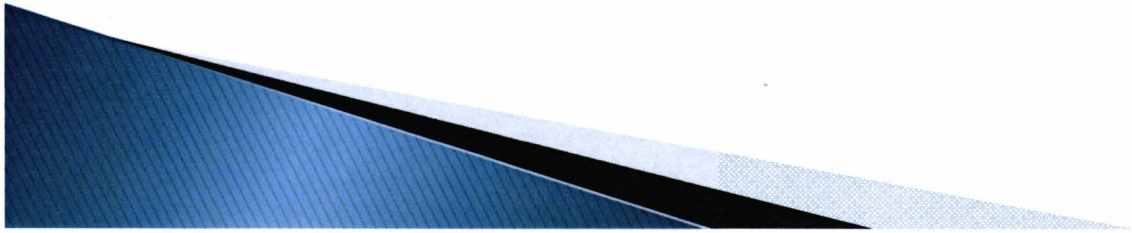
- Statewide Coordinated Programs
  - Top down policy initiatives
- Regionalized Reentry Councils
  - Independent Regional Councils implement state law
- County Level Councils
  - Locally funded and controlled

What Works?

- Comprehensive risk/needs assessment testing (targeted interventions)
- Starts during institutional placement, but takes place mostly in the community
- Are intensive in nature, lasting typically at least six months
- Multi-disciplinary approach
- State-wide or regional coordination with other state agencies and local communities
- Adoption of evidence-based reentry programs

2015-16 GAA Proviso

- Re-entry Centers Must Provide DOC the Following Information:
  - Population Served
  - Services Provided
  - Cost per ex-inmate
  - Recidivism Rates
  - Matching Funds and Contributions



Rate of Return

Ex-Inmates Served	1,000
Cost ($3,000 each)	$3,000,000
Rec. Rate 26%	260
Cost to return to Prison	$4,901,780
Savings	($1,901,780)

Ex-Inmates Served	1,000
Cost ($3,000 each)	$3,000,000
Rec. Rate 15%	150
Cost to Return to Prison	$2,827,950
Savings	$172,050

No Reduction in Recidivism Rates

Break Even at 15%

Recommendations

- Centrally track recidivism rates for each program using control groups
- Hold State funded programs accountable
- Ensure no duplication of effort
- Provide Proviso validating the efficacy of funded reentry centers.
- Requests for funding should demonstrate that the program is evidenced based and has community support.