

# MEMORANDUM

Agenda Item No. 11(A)(14)

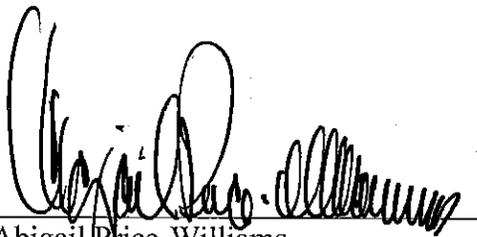
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** March 8, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact SB 636,  
HB 179 or similar legislation  
that would require law  
enforcement to promptly submit  
sexual assault evidence to an  
accredited forensic laboratory  
for DNA analysis

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(14)

3-8-16

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 636, HB 179 OR SIMILAR LEGISLATION THAT WOULD REQUIRE LAW ENFORCEMENT TO PROMPTLY SUBMIT SEXUAL ASSAULT EVIDENCE TO AN ACCREDITED FORENSIC LABORATORY FOR DNA ANALYSIS

**WHEREAS**, sexual offense evidence kits (“SOEKs”), also referred to as rape kits, are medical kits used to collect evidence from the body and clothing of a victim of rape or other sexual offense during a forensic investigation; and

**WHEREAS**, law enforcement agencies retain SOEKs and evidence collected during an investigation of a sexual assault in accordance with the policies of the law enforcement agency; and

**WHEREAS**, Florida statute does not specify requirements regarding the timeframe for submission of SOEKs and other sexual assault evidence to crime laboratories for DNA analysis; and

**WHEREAS**, the Florida Department of Law Enforcement (“FDLE”) reports that there are very few standards that govern when evidence must be submitted to a crime laboratory; and

**WHEREAS**, law enforcement agencies may retain SOEKs in evidence storage and opt not to submit a SOEK for DNA analysis in certain instances when the need to test the evidence no longer exists, such as cases when the victim opts not to proceed with an investigation or prosecution, the state attorney elects not to prosecute, or the suspect has previously pled guilty or nolo contendere; and

**WHEREAS**, SOEKs submitted to crime laboratories for DNA analysis result in the creation of a DNA profile when the genetic material collected is sufficient to render a result; and

**WHEREAS**, when a DNA profile is created, it is uploaded to the Federal Bureau of Investigation's Combined DNA Index System ("CODIS"), a hierarchical system of local, state, and national DNA databases; and

**WHEREAS**, new DNA profiles are searched and compared against existing CODIS DNA profiles to determine whether a match identifying the perpetrator exists; and

**WHEREAS**, DNA matching through CODIS is a valuable and effective investigative tool for local, state, and federal law enforcement agencies investigating sexual assault crimes; and

**WHEREAS**, untested SOEKs may contain DNA profiles that could identify serial rapists, assist in investigations of other offenses, and identify suspects of other crimes; and

**WHEREAS**, law enforcement officials, including the Office of the Attorney General, are urging the State to analyze untested sexual assault evidence; and

**WHEREAS**, the Florida Legislature allocated \$300,000.00 to FDLE to conduct a statewide assessment of SOEKs that were not submitted to crime laboratories for DNA analysis; and

**WHEREAS**, in August 2015, FDLE conducted a survey of Florida's sheriff and police agencies and found that there are 13,435 SOEKs retained by law enforcement that have not been submitted to crime laboratories for DNA analysis; and

**WHEREAS**, law enforcement agencies in Miami-Dade County presently possess more than 3,700 of the unsubmitted SOEKs; and

**WHEREAS**, Miami-Dade County received approximately \$2 million in grant funds from the 2015 New York County District Attorney's Sexual Assault Kit Backlog Elimination Program to test approximately 2,900 SOEKs; and

**WHEREAS**, Senate Bill (SB) 636 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Lizbeth Benacquisto (R – Ft. Myers); and

**WHEREAS**, House Bill (HB) 179 has been filed for consideration during the 2016 session of the Florida Legislature by Representative Janet Adkins (R – Fernandina Beach); and

**WHEREAS**, SB 636 and HB 179 would require submission of a SOEK, or other DNA evidence if a kit is not collected, to a statewide criminal analysis laboratory for forensic testing within 30 days after receipt of such evidence by a law enforcement agency if a report of the sexual offense is made to the law enforcement agency or the victim or victim's parent, guardian or legal representative, if the alleged victim is a minor, or the alleged victim's personal representative, if the alleged victim is deceased, requests testing of the evidence; and

**WHEREAS**, SB 636 and HB 179 would additionally require each law enforcement laboratory to adopt and disseminate guidelines and procedures for the collection, submission, and testing of DNA evidence that is obtained in connection with an alleged sexual assault; and

**WHEREAS**, SB 636 would require testing of SOEKs to be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system; and

**WHEREAS**, SB 636 and HB 179 do not contain provisions to increase funding for crime laboratories that analyze sexual assault evidence; and

**WHEREAS**, SB 636 and HB 179 have been recommended favorably by all of the committees to which these bills were referred; and

**WHEREAS**, because formal policies concerning the submission and testing of sexual assault evidence would result in the prompt testing of evidence and help solve crimes in Miami-Dade County, this Board supports SB 636, HB 179 or similar legislation that would require testing SOEKs within an established timeframe,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact SB 636, HB 179 or similar legislation that would require law enforcement to promptly submit sexual assault evidence to an accredited forensic laboratory for DNA analysis.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Lizbeth Benacquisto, Representative Janet Adkins, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of March, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Suzanne Villano-Charif