



# Audit of the Bureau of Justice Assistance's National Sexual Assault Kit Initiative



AUDIT DIVISION

22-092

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**JULY 2022**

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# EXECUTIVE SUMMARY

## Audit of the Bureau of Justice Assistance's National Sexual Assault Kit Initiative

### Objective

The objectives of this audit were to: (1) assess the Bureau of Justice Assistance's (BJA) management and oversight of its National Sexual Assault Kit Initiative (SAK Initiative), (2) review BJA's methodology in awarding grant funds, and (3) evaluate BJA's approach to and progress in accomplishing BJA's goals for the SAK Initiative.

### Results in Brief

The SAK Initiative provides grants to local, state, and tribal law enforcement agencies and prosecutors' offices to inventory, track, and test previously collected but unprocessed SAKs. Testing forensic evidence in a SAK potentially extracts DNA profiles that can be uploaded into the Federal Bureau of Investigation's (FBI) Combined DNA Index System (CODIS) to identify the potential sexual assailant and establish links to serial sex offenders.

We found that the SAK Initiative has resulted in the identification of kits that have languished untested for decades and helped law enforcement provide justice to sexual assault victims. We further found that BJA's methodology for awarding SAK Initiative funds was adequate because it documented each step of the award selection process, identified high-risk grantees, and applied special conditions to high-risk grantees. However, we identified several areas where BJA can improve its management and oversight of the SAK Initiative, including increasing small agency participation, ensuring grantees provide accurate documentation, and ensuring BJA's grant monitoring is identifying problematic and struggling grantees. Additionally, BJA should ensure its performance measures are accurately capturing key metrics of the SAK Initiative, including the number of investigative leads generated and data regarding rural and tribal communities' involvement in the SAK Initiative.

### Recommendations

We identified seven recommendations for OJP to improve the management and oversight of the SAK Initiative.

### Audit Results

Between 2015, when the SAK Initiative began, and 2021, BJA has provided more than \$266 million in funding to 75 grantees in 40 states and Washington, D.C. Grant recipients, other than small agencies, are required to implement a comprehensive sexual assault response program, which includes three main elements: (1) identifying and inventorying all unsubmitted SAKs; (2) creating a working group to assess the causes of the SAK backlog; and (3) designating a site coordinator to serve as the working group's central point of contact.

We found that the SAK Initiative has resulted in grantees identifying 136,060 unsubmitted SAKs and testing 81,563 of them. Further, as of June 2021, grantees have uploaded 29,207 DNA profiles into CODIS and received 13,531 CODIS hits, including 1,875 hits to serial sex offenders. The SAK Initiative also has resulted in 189 convictions and 795 guilty pleas.

Yet, more than 50,000 SAKs still await testing by these grantees. Indeed, a 2020 study found that, between 2014 and 2018, upward of 400,000 SAKs sat unprocessed in storage facilities across the nation. We identified several actions that BJA can take to better ensure that grantees more effectively address the three main elements, improve participation in the program, and effect the goals of the initiative.

### BJA Should Establish a Process to Ensure Completeness and Accuracy of the SAK Inventory Form

We found that BJA does not have a quality assurance process in place to ensure the information being reported by grantees on the SAK inventory form is accurate and complete. As a result, grantees are reporting to BJA inaccurate numbers of unsubmitted SAKs. We also determined that grantees are not tracking all the SAK required data elements. Without accurate and complete information, it is difficult for BJA to determine the total

number of unsubmitted SAKs that need to be processed and entered into CODIS, as well as the future funding and resource needs of the grantees.

### **Improving Small Agency Participation in the SAK Initiative**

We found that BJA has awarded only \$1.6 million (0.7 percent) of SAK Initiative funds to four small agencies, and that no tribal agencies have applied for or received grant funding. We determined that small agencies, including rural and tribal agencies, often face many barriers to applying for and receiving federal grants, including lack of technology, staff resources, and logistical requirements needed to obtain a federal grant. Additionally, tribal agencies often face cultural differences that create barriers to seeking SAK Initiative funding. Providing grants to tribal agencies is particularly important since studies have shown American Indian and Alaska Native women are three times as likely to experience sexual assault compared to white, African American, or Asian American women. We also determined that BJA should ensure the number of SAKs inventoried and processed from rural and tribal communities is tracked by the BJA.

### **Challenges in the Collection of Lawfully Owed DNA from Convicted Offenders**

Persons convicted of certain crimes are required by state and federal laws to provide a DNA sample for inclusion in CODIS. This DNA is often referred to as “lawfully owed DNA.” Across the nation, lawfully owed DNA has gone uncollected from thousands of convicted offenders, preventing the identification of potential perpetrators in unsolved crimes. To address this issue, the SAK Initiative also funds the identification, collection, and processing of DNA samples from offenders convicted under state law, prioritizing the collection from offenders with a high likelihood of being linked to sexual assaults.

Between 2016 and 2021, 12 grantees identified 266,768 convicted offenders whose DNA should have been collected and uploaded into CODIS. However, only 8,732 offender DNA samples (3 percent) have been collected and tested. BJA should develop and implement a plan to address the challenges in the collection and testing of the more than 258,000 convicted offenders identified as lawfully owing DNA samples under state law.

### **BJA Should Improve Violent Crime Apprehension Program (ViCAP) Performance Metrics Captured**

According to BJA data, only approximately 50 percent of SAKs that are tested result in case resolution through DNA analysis and CODIS hits, leaving many cases unsolved. To address this issue, the BJA has partnered

with the FBI to enter sexual assault cases into the ViCAP database. Grantees may upload case information such as a perpetrator description, criminal pattern, and behavioral aspects. ViCAP performs searches automatically, or manually by a grantee or FBI crime analyst, linking cases and identifying potential perpetrators.

Since 2018, grantees have entered more than 3,000 cases into ViCAP but reported generating only 10 investigative leads. We determined that BJA’s method for tracking investigative leads from grant recipients was not an accurate indicator of the number of leads being generated and potential suspects identified. In fact, the FBI confirmed that more than 150 investigative leads have been generated from SAK Initiative cases.

### **BJA Should Ensure Site Coordinators Receive Adequate Training**

As one of the main program requirements for the SAK Initiative, grantees are required to designate a site coordinator, who serves as the central point of contact and is responsible for coordinating communication among team members and ensuring that grantees are meeting the program’s goals and objectives. We determined that BJA does not require coordinators to complete SAK-related training prior to assuming the positions. We also found that when there is high turnover in the position, without providing adequate training, BJA is at greater risk of grantees not meeting the goals and objectives of the SAK Initiative.

### **Improving Grantee Performance Reporting**

In January and July of each calendar year, grantees are required to report to BJA qualitative data on the goals and objectives over the previous 6 months. We found instances in which grantees could not support reported data on the number of SAKs sent for testing, cases entered into ViCAP, and CODIS hits.

### **Ensuring Adequate Monitoring of SAK Initiative Grantees**

Between 2019 and 2020, BJA had one grant manager overseeing the SAK Initiative, which included more than 100 grants. In June 2020, BJA added a second grant manager to assist in the administration and oversight of the program. We found instances in which BJA’s grant monitoring did not properly identify grant-related issues. We also found instances in which BJA did not adequately document grant related-information and activities, such as grantees struggling to spend funding in accordance with established budgets and project timelines.

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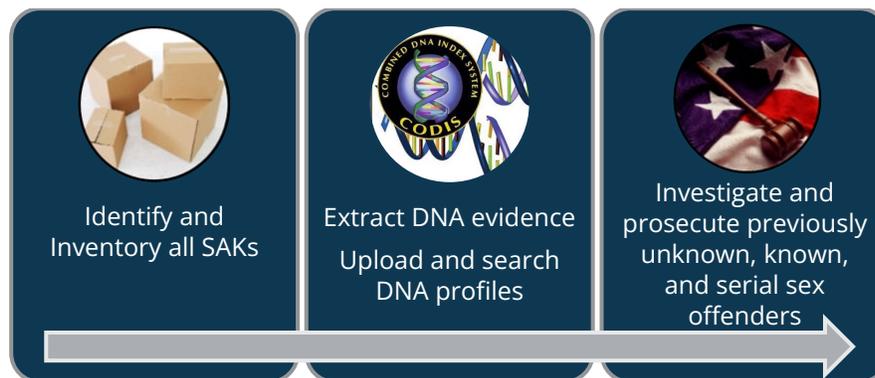
## Introduction

Across the nation, thousands of sexual assault kits (SAKs) have languished in law enforcement custody, some sitting for decades unanalyzed. SAKs are created when a victim reports an assault to law enforcement and consents to allowing a trained nurse or physician to gather physical evidence that may contain the perpetrator's DNA from his or her body and clothing. According to the National Institute of Justice, it is unknown just how many unanalyzed SAKs there are nationwide. Barriers to accurately count these kits include flawed systems for tracking and storing kits (including antiquated systems and non-electronic processes), poor retention policies to ensure SAKs are maintained, as well as the fact that many SAKs are located in places other than law enforcement agencies, such as in hospitals, clinics, and rape crisis centers. Additionally, according to the U.S. Government Accountability Office, there has been a lack of awareness or reluctance from law enforcement agencies to provide counts of unsubmitted SAKs, which could be viewed as poor performance or expose them to legal action.<sup>1</sup> SAKs left unanalyzed leave victims of sexual assault without justice, and untested kits cannot be used to identify perpetrators or as evidence to prevent sex offenders from victimizing others.

In 2020, the Research Triangle Institute (RTI) International conducted a study that found that between 2014 and 2018, an upward of 400,000 unsubmitted SAKs were sitting in storage facilities across the nation.<sup>2</sup> Testing forensic evidence within a SAK allows for the potential extraction of DNA profiles that may then be uploaded into the Federal Bureau of Investigation's (FBI) Combined DNA Index System (CODIS) to identify previously unknown offenders and establish links to serial sex offenders.<sup>3</sup> The benefits of testing unsubmitted SAKs can be far reaching. For example, a serial rapist in Detroit victimized women for over a decade before being caught, while the offender's DNA profile sat in 11 different unsubmitted SAKs.

Figure 1

### Road to Testing the SAK Backlog



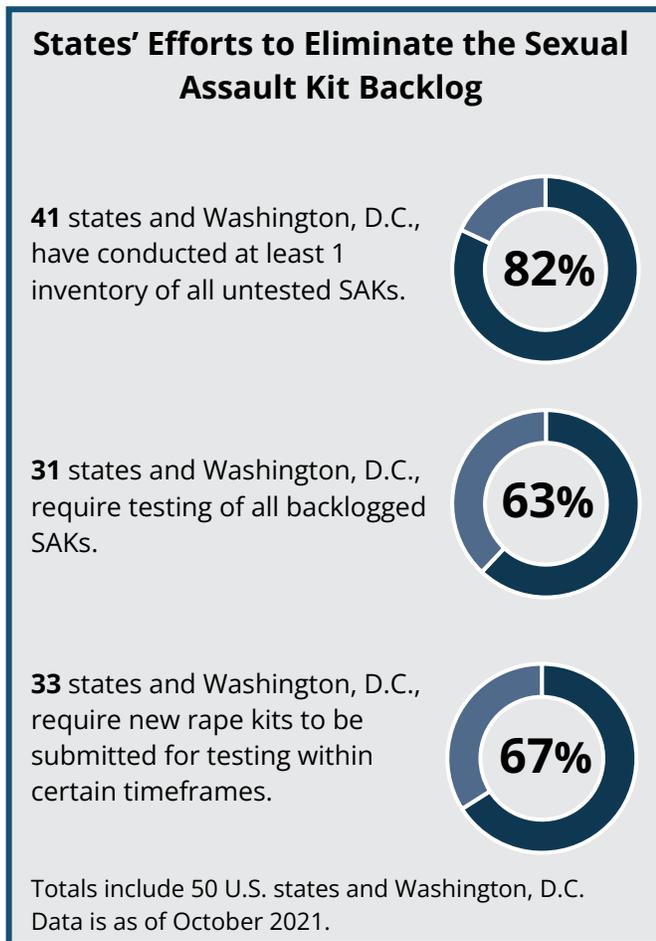
Source: OIG and FBI

<sup>1</sup> U.S. Government Accountability Office (GAO), [DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design Controls for Nationwide Grant Program](https://www.gao.gov/assets/gao-19-216.pdf), GAO-19-216 (March 2019), www.gao.gov/assets/gao-19-216.pdf (accessed October 22, 2020), 22.

<sup>2</sup> RTI International, [How much justice is denied? An estimate of unsubmitted sexual assault kits in the United States](https://www.sciencedirect.com/science/article/abs/pii/S0047235220302403?via%3Dihub), Journal of Criminal Justice Volume 73 Article 101785(2021), https://www.sciencedirect.com/science/article/abs/pii/S0047235220302403?via%3Dihub, (accessed March 18, 2022), 1.

<sup>3</sup> The FBI operates and maintains a national DNA database where DNA profiles can be compared to generate leads in criminal investigations. Local, state, and federal laboratories upload and compare DNA profiles using CODIS.

There are several contributing factors to the volume of unanalyzed SAKs. SAKs remain untested due to limited resources of laboratories, such as staffing shortages and the price to process SAKs, which costs approximately \$1,300 per kit. Additionally, law enforcement agencies may choose not to process a SAK, and thus potentially lose the opportunity to hit to other DNA profiles when the victim knows the suspect and the suspect has admitted to sexual contact or when a victim recants their statement to law enforcement. Further, older SAKs may not have been submitted if the technology at the time was unlikely to result in meaningful findings. Some law enforcement agencies have acknowledged that SAKs were also left unsubmitted because of victim blaming or skepticism about the claims of the sexual assault.<sup>4</sup>



Eliminating the SAK backlog requires coordination between local, state, and federal partners. Many states have passed executive directives, crime laboratory policies, and legislation to help end the SAK backlog.<sup>5</sup> Also, 29 states and Washington, D.C., have passed victim rights laws, which require notification to victims when their SAK has been submitted for testing, if a DNA profile is obtained from the kit, when the kit is entered into CODIS, and when a CODIS hit occurs.

In 2015, the New York County District Attorney's Office (DANY) created its own Sexual Assault Kit Backlog Elimination program, which awarded nearly \$38 million to law enforcement agencies in 20 states to help analyze SAKs.<sup>6</sup> After the program ended in 2018, it reported: (1) 55,252 SAKs had been sent to laboratories for testing; (2) 18,803 DNA profiles had been uploaded into CODIS; (3) 9,228 CODIS hits had occurred; and (4) 165 prosecutions had commenced. DANY's program demonstrated the potential value of a nationwide SAK backlog reduction program.

Source: OIG and Joyful Heart Foundation

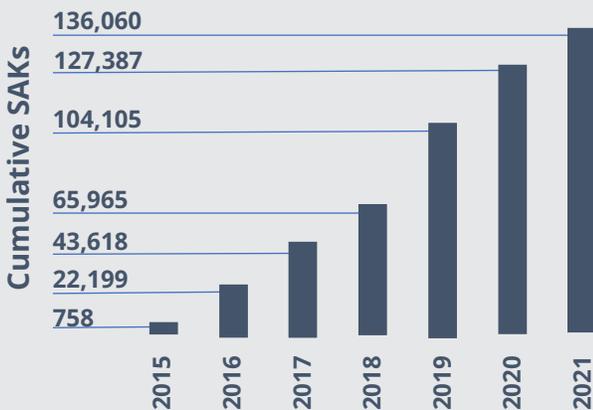
<sup>4</sup> Victim blaming is the assigning of responsibility for harm, injury, or other misfortune to the victim.

<sup>5</sup> Colorado, Connecticut, Montana, Oregon, and Washington, D.C., have reported testing all identified backlogged SAKs.

<sup>6</sup> On March 31, 2015, BJA signed a Memorandum of Understanding with the New York County District Attorney's Office (DANY) to share information, avoid duplication, and coordinate efforts related to SAK funding. As a result, BJA and DANY collaborated on the selection of applicants for recommended awards.

## Sexual Assault Kit Initiative Accomplishments

Between October 2015 and June 2021, the SAK Initiative has resulted in the identification of **136,060** unsubmitted SAKs and testing **81,563** of them.



Grantees have entered **29,207** DNA profiles into CODIS and received **13,531** CODIS hits.

The SAK Initiative has resulted in **189** convictions and **795** guilty pleas.



In 2015, in response to the nationwide backlog of untested SAKs, the Bureau of Justice Assistance (BJA) launched the National Sexual Assault Kit Initiative (SAK Initiative) to provide local, state, and tribal law enforcement agencies, and prosecutors' offices, funding to inventory, track, and test previously unsubmitted SAKs.<sup>7</sup> The goal of the program is to create a coordinated community response to provide resolution to sexual assault cases by: (1) establishing or strengthening a comprehensive and victim-centered approach to sexual assault evidence collection, testing, investigation, and prosecution; (2) capacity building to prevent high numbers of unsubmitted SAKs in the future; and (3) supporting the criminal justice system through the investigation and prosecution of cases resulting from SAK evidence and the collection of lawfully owed DNA from offenders convicted under state law.<sup>8</sup> BJA also funds the SAK Initiative National Training and Technical Assistance (TTA) program to assist agencies in creating sustainable change in the practices, protocols, and policies for untested SAKs and sexual assault response.

### SAK Initiative Funding

From 2015 through 2021, BJA has provided more than \$266 million in competitive grant funding to 75 grantees in 40 states and Washington, D.C. To qualify for funding, applicants are required to develop a plan to inventory all unsubmitted SAKs. For example, in 2013, the Cuyahoga County, Ohio, Prosecutor's Office (Cuyahoga County) began to inventory and test its nearly 7,000 backlogged SAKs. By 2018, after receiving

Source: OIG and Office of Justice Programs

almost \$7 million in SAK Initiative funding, Cuyahoga County had mostly eliminated its backlog of SAKs.<sup>9</sup> In 2016, the New Mexico Department of Public Safety (NMDPS) received almost \$2 million in SAK Initiative

<sup>7</sup> Unsubmitted kits are SAKs in a jurisdiction's possession that have never been submitted to a crime laboratory for testing; untested kits are SAKs that have been submitted to a crime laboratory, but testing has been delayed for longer than 30 days. The SAK Initiative focuses on unsubmitted kits. A separate federal program, the DNA Capacity Enhancement for Backlog Reduction Program, focuses on laboratory backlogs and capacity.

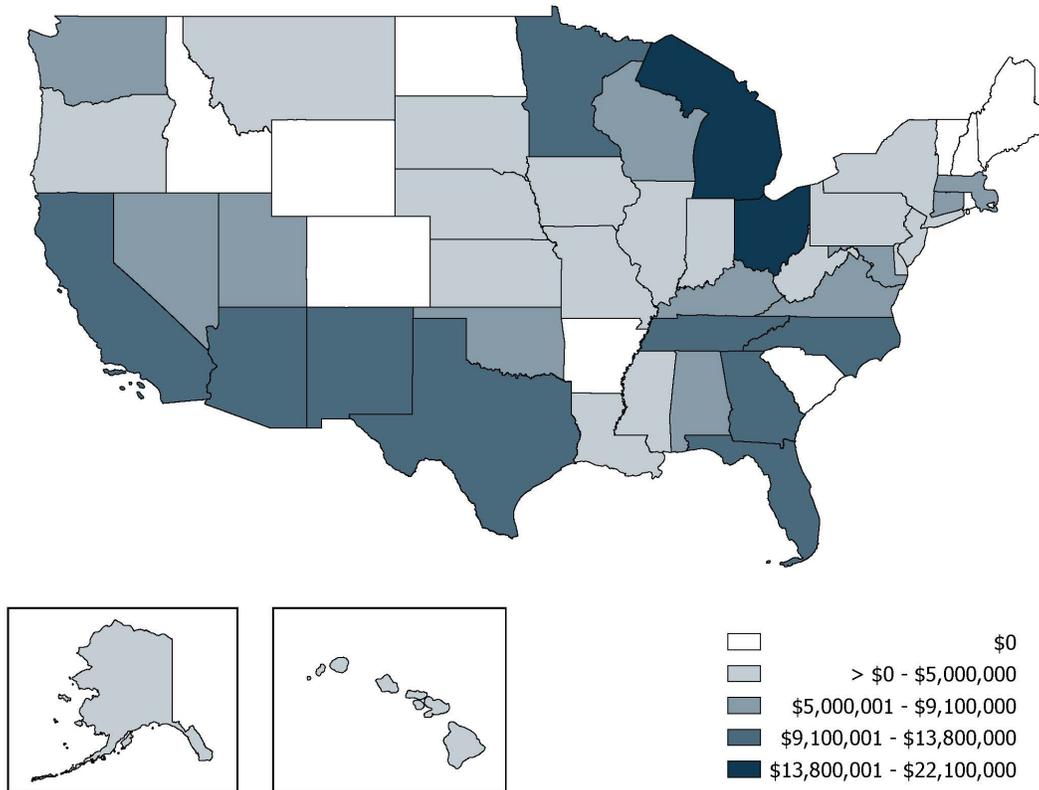
<sup>8</sup> "Lawfully owed DNA" is a DNA sample from a qualifying offender who should have their sample in CODIS but from whom a sample has never been collected or submitted to a laboratory for testing. Eligible convicted offenders from whom a DNA sample can lawfully be collected include those arrested, facing charges, or convicted of murder, sexual abuse, kidnapping, or other qualifying state offenses.

<sup>9</sup> SAK Initiative funding has assisted in testing approximately 17 percent of the Cuyahoga County's SAK backlog. Between 2015 and 2021, Cuyahoga County received 8 grants totaling \$12,388,819 (5 percent of all SAK Initiative funding).

funding to test its 1,500 backlogged SAKs and develop a statewide SAK tracking system.<sup>10</sup> By June 2020, the NMDPS had tested 924 backlogged SAKs (62 percent of its original backlog).

**Figure 2**

**SAK Initiative Funding  
Fiscal Years 2015 – 2021**



Source: OIG Analysis and Office of Justice Programs

The number of backlogged DNA requests sitting at laboratories continues to increase because of scientific advancements (DNA profiles can now be obtained from smaller amounts of biological evidence), an increased number of DNA requests by law enforcement due to faster DNA processing turnaround time, and

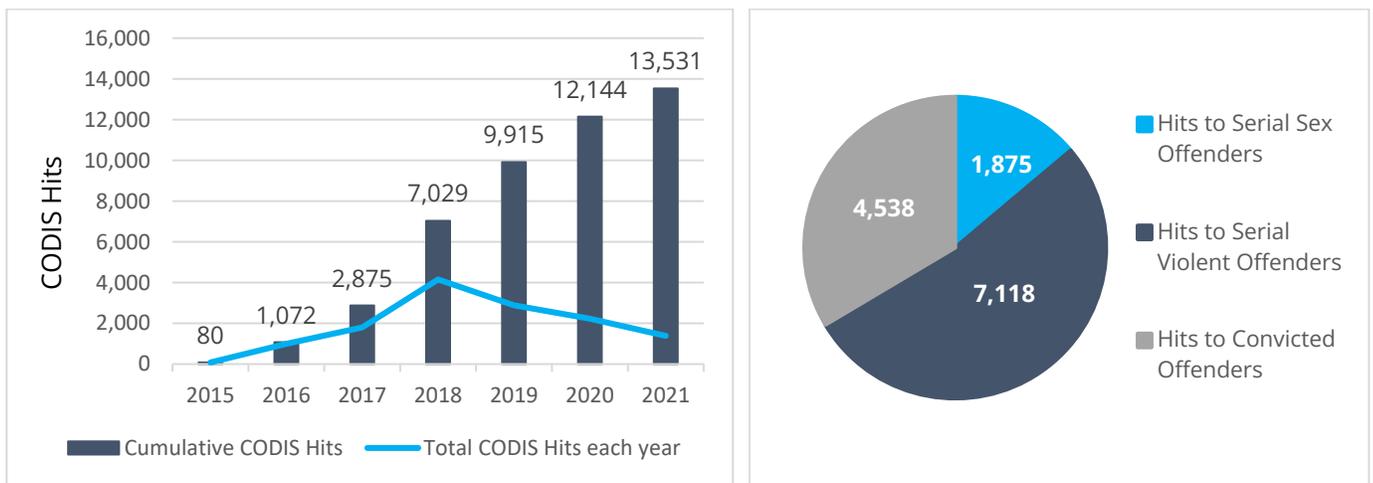
<sup>10</sup> Case Western Reserve University, *Outcomes from Efforts to Swab Offenders Who Lawfully “Owe” DNA in Cuyahoga County*, (January 2019), [https://case.edu/socialwork/begun/sites/case.edu.begun/files/2019-02/Swabbing\\_Outcomes\\_CWRU\\_FINAL.pdf](https://case.edu/socialwork/begun/sites/case.edu.begun/files/2019-02/Swabbing_Outcomes_CWRU_FINAL.pdf), (accessed February 25, 2022), 16. According to the report, research conducted has shown that having a DNA tracking system can help prevent crime and provide cost savings to communities.

increased awareness among law enforcement of the value of DNA analysis.<sup>11</sup> Continued SAK Initiative funding plays an important role for law enforcement and laboratories to process backlogged SAKs while addressing current requests for DNA analysis.

Upon receiving CODIS hit information from a laboratory, law enforcement officials are responsible for investigating cases and, as appropriate, prosecuting sexual assault perpetrators. As of June 2021, grantees have uploaded 29,207 DNA profiles into CODIS and received 13,531 CODIS hits (46 percent hit rate), including 1,875 hits to serial sex offenders. The SAK Initiative has also resulted in 189 convictions and 795 guilty pleas.<sup>12</sup> When the Cuyahoga County tested its 7,000 backlogged SAKs, it resulted in identifying 804 serial sex offenders.<sup>13</sup>

**Figure 3**

**SAK Initiative CODIS Hits  
Calendar Years 2015 – 2021**



Note: BJA defines a serial sex offender as an individual who commits sexual assault of two or more victims in separate events. A serial violent offender is an individual who is charged or convicted of crimes unrelated to sexual assault, such as a robbery or homicide, and who may also be responsible for one or more sexual assaults. Calendar year data is from October 2015 through June 2021.

Source: OIG Analysis and BJA

<sup>11</sup> GAO, *DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design Controls for Nationwide Grant Program*, 22. According to the GAO report, between 2011 and 2017, the number of requests for DNA processing at laboratories increased 85 percent from approximately 91,000 to 169,000 DNA processing requests.

<sup>12</sup> A plea bargain is an arrangement between the prosecutor and the defendant, whereby the defendant pleads guilty to a lesser charge in exchange for a more lenient sentence or an agreement to drop other charges.

<sup>13</sup> As of June 2021, Cuyahoga County reported identifying 212 serial sex offenders utilizing SAK Initiative funding.

## **Lawfully Owed Convicted Offender DNA**

According to the SAK Initiative solicitation, across the nation, lawfully owed DNA has gone uncollected from thousands of convicted offenders. In 2009, after discovering the bodies of 11 women in the Cleveland home of a serial rapist and murderer, officials discovered that the offender's DNA should have been submitted for upload in the late 1990s, while serving a 15-year prison sentence for rape. The offender's DNA swab was taken, but it went unprocessed for over a decade.

SAK Initiative funding may be used for the collection and testing of lawfully owed DNA from offenders convicted under state law. In Cuyahoga County, 15,370 individuals were identified as lawfully owing DNA. Since identifying its lawfully owed DNA, the county has tested 1,503 DNA profiles, resulting in 63 CODIS hits (4 percent hit rate). Three-fourths of the hits were to individuals that were not previously identified as a suspect in the crime. As of June 2021, grantees have identified 266,768 offenders who lawfully owe DNA, tested to completion 8,732 lawfully owed DNA samples, and reported 173 CODIS hits from the DNA profiles.

## **FBI's Violent Crime Apprehension Program**

BJA also partners with the FBI's Violent Crime Apprehension Program (ViCAP), requiring grantees to enter criteria cases, such as homicides, sexual assaults, missing persons, and unidentified human remains, into ViCAP to increase the chance of identifying and apprehending violent serial offenders who pose a serious threat to public safety.<sup>14</sup> When utilized, ViCAP can be an important tool for law enforcement agencies when they are unable to obtain DNA evidence.

## **OIG Audit Approach**

Our objectives were to: (1) assess the BJA's management and oversight of the SAK Initiative, (2) review BJA's methodology in awarding grant funds, and (3) evaluate BJA's approach to and progress in accomplishing BJA's goals for the SAK Initiative. The scope of our audit generally covers the BJA's SAK Initiative activities from Fiscal Years (FYs) 2015 through 2021.

To accomplish our objectives, we interviewed BJA personnel, including Associate Deputy Directors, a Division Chief, a Supervisory Grant Management Specialist, a Senior Performance Management Analyst, and Grant Managers. We also spoke to grant funded personnel at RTI International, the SAK Initiative training and technical assistance provider. Specifically, we interviewed RTI International's Director, a Senior Project Manager, a Site Liaison Coordinator, and Site Liaisons providing training and technical assistance to grantees. We also spoke to an RTI International Senior Contracting Officer. Lastly, we spoke to five SAK Initiative grantees and an FBI Crime Analyst working on the FBI's ViCAP.

We also examined grant documentation, including solicitations, award documents, monitoring documentation, and grantee reporting. SAK Initiative statistics presented in this report were obtained from

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<sup>14</sup> The FBI's ViCAP facilitates communication and coordination between law enforcement agencies that investigate, track, and apprehend violent serial offenders. ViCAP maintains a nationwide data information center that collects, collates, and analyzes crimes of violence. ViCAP analysts examine crime data and patterns to identify potential similarities among crimes, create investigative matrices, develop timelines, and identify homicide and sexual assault trends and patterns.

the Office of Justice Programs (OJP) Performance Measurement Tool (PMT) database. The information contained in the PMT is self-reported by grantees. Due to the COVID-19 pandemic, this audit was conducted remotely. Appendix 1 contains further details on our audit objectives, scope, and methodology.

## Audit Results

The SAK Initiative has resulted in the identification of kits that have languished untested for decades and helped law enforcement agencies provide justice to victims of sexual assault. We found that the BJA's methodology for awarding SAK Initiative funds was adequate because it documented each step of the award selection process, identified high-risk grantees, and applied special conditions to high-risk grantees. However, we identified several areas where BJA can improve its management and oversight of the SAK Initiative. Specifically, we found that BJA does not have a quality assurance process in place to ensure the information being reported by grantees on the SAK inventory certification form is accurate and complete. We also determined that BJA should increase its outreach efforts to include small agencies, such as rural and tribal agencies, in the SAK Initiative. Additionally, BJA's performance measures for assessing tribal agencies' involvement in the SAK Initiative are inadequate and BJA does not separately track the number of SAKs inventoried or tested in rural and tribal communities.

We also determined that grantees are unlikely to meet one of the goals and objectives of the SAK Initiative. Specifically, more than 258,000 convicted offenders have been identified as lawfully owing DNA under state law but not yet had that DNA collected, tested, and uploaded into CODIS. Additionally, BJA's current method of tracking investigative leads in the Federal Bureau of Investigation's (FBI) Violent Crime Apprehension Program (ViCAP) is not an accurate indicator of the number of ViCAP leads being generated by the database. Further, BJA should ensure site coordinators receive adequate training to understand the roles and responsibilities of the position. Finally, we found instances in which BJA's grant monitoring did not properly identify and document grant-related issues, such as grantees struggling to spend funding in accordance with established budgets and project timelines.

### SAK Initiative Goals and Objectives

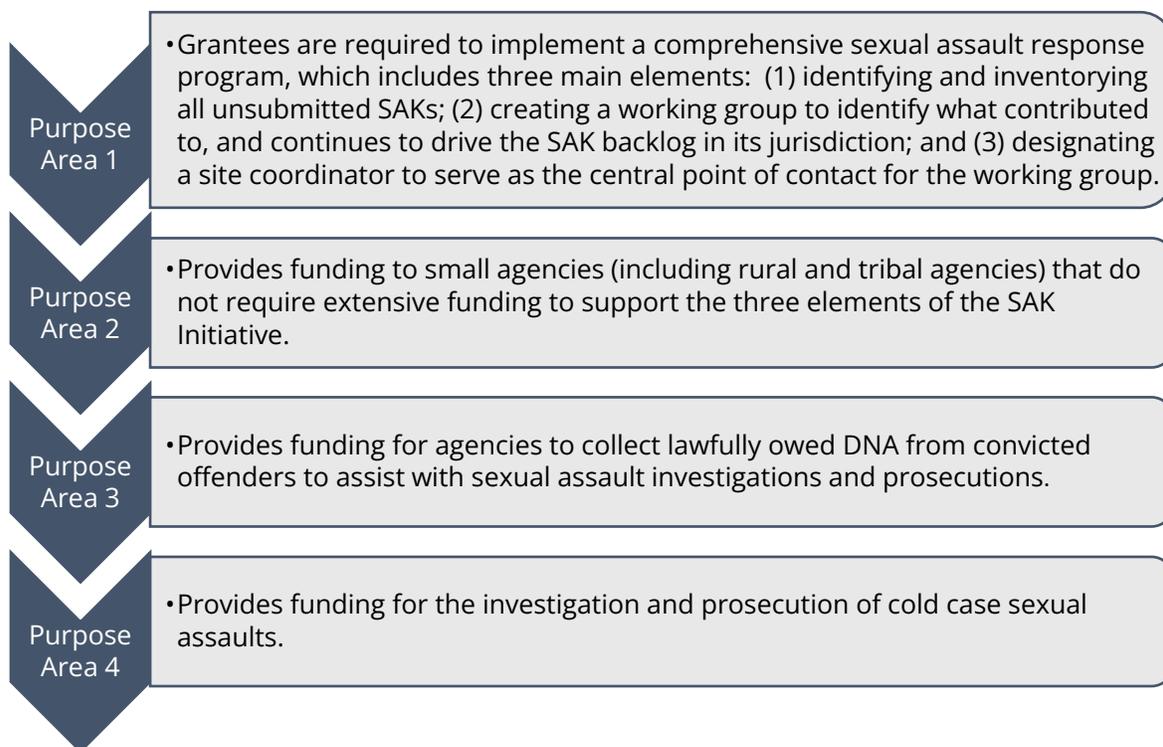
The SAK Initiative's goal is to assist law enforcement agencies and prosecutors in addressing all of the challenges associated with unsubmitted SAKs. The program aims to reduce the number of SAKs in each jurisdiction and give grantees the tools to solve and reduce violent crimes associated with sexual assault, while achieving the long-term goal of improving the criminal justice response to sexual assault offenses. As shown in Figure 4, the SAK Initiative has four main purpose areas under which applicants may apply for funding.<sup>15</sup>

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<sup>15</sup> Recipients may apply for and receive multiple SAK Initiative grants to address the challenges in each of the purpose areas.

**Figure 4**

**SAK Initiative Purpose Areas**



Source: OIG and OJP

To assess the overall program goals and objectives of the SAK Initiative, we reviewed program requirements under each purpose area and performance reporting submitted by the grantees.

**BJA Should Establish a Process to Ensure Completeness and Accuracy of the SAK Inventory Certification Form**

A grantee (under Purpose Areas 1 and 2) is required to inventory all unsubmitted SAKs in its jurisdiction.<sup>16</sup> Specifically, applicants are required to include for each SAK, the age of the victim, offense date, SAK collection date, and the law enforcement incident or case number associated with the SAK. Grantees have access to up to 25 percent of SAK Initiative funding during the initial grant period to complete the SAK inventory. Once the grantee certifies that its inventory is accurate and complete, the remaining funds are released. We judgmentally selected five grantees to determine if the information reported on the SAK inventory certification form was accurate, complete, and matched the metrics reported in OJP's Performance Measurement Tool (PMT).

<sup>16</sup> BJA defines a completed inventory as a census of all unsubmitted SAKs that were collected prior to the date the grantee applied for SAK Initiative funding.

We found that four of the five grantees indicated on the certification form that the required SAK-related information was included in its inventory. However, one of these grantees (Recipient D) could not provide evidence to support that the age of the victim, offense date, and SAK collection date were being tracked. In addition, one grantee (Recipient A) reported on the certification form that the incident number was included in its inventory, but it did not certify that any other required data elements were being tracked. When we asked Recipient A if it tracked all the required data elements, it provided evidence that each data element except the SAK collection date was being tracked. We asked a BJA official if grantees are required to provide source documentation (spreadsheet or database query) along with inventory certification forms submitted to BJA. A BJA official stated that source documentation is not required with the inventory certification form and that, per OJP financial guidelines, checking source data that contains sensitive victim information is not deemed appropriate. However, during our review, we identified grantees that were able to utilize unique identification numbers instead of some personally identifiable information, which allowed for the review of documentation, to ensure the information provided was accurate and SAK-required data elements were being tracked as required by BJA. Without checking source documentation, BJA does not know if grantees are properly tracking the data elements required by BJA. In addition, incorrect SAK inventories can result in inaccurate data being reported in the PMT, and BJA officials not having an accurate indication of the number of SAKs needing to be processed in a grantee's backlog.

Grantees are also required to report the total number of unsubmitted SAKs identified through their inventory. We found that for three of the five grantees we selected, the total number of unsubmitted SAKs reported on their inventory certification form did not match the total number of unsubmitted SAKs reported in the PMT for the quarters that the inventory was completed. However, a BJA official stated that the inventory certification form is a snapshot of the grantee's SAK inventory at the start of the grant project, and therefore, a comparison to the same information in the PMT may not match. Additionally, if a grantee is conducting a phased inventory, the PMT will be updated quarterly while the inventory is being performed, and the information in the PMT will be different than the information reported on its certification form. Further, the same BJA official stated that grantees may identify unsubmitted SAKs after submitting the inventory certification form, which would be reported in the PMT and not on the inventory form if the grantee failed to submit a revised inventory form. We asked BJA if the SAK inventory certification form was required to be updated to ensure the information reported on the form was accurate. The BJA official stated that a TTA provider or BJA official may ask a grantee to update the SAK inventory certification form when conducting a phased inventory, if the grantee identifies an error that should be corrected, or if the TTA provider identifies an error that should be corrected, but BJA does not have a formal requirement for the SAK inventory certification form to be updated. Without a formal requirement and process for grantees to update the SAK inventory certification form, BJA cannot ensure the form accurately reflects the number of unsubmitted SAKs identified by each grantee. We make a recommendation to address this issue in the [BJA Should Update the SAK Inventory Certification Form](#) section of this report.

### **BJA Should Update the SAK Inventory Certification Form**

At the inception of the SAK Initiative, BJA provided an inventory checklist to help guide recipients through the inventory process and report on the number of unsubmitted SAKs identified. In 2016, BJA created a formal inventory certification form, which required grantees to attest that an inventory of unsubmitted SAKs had been performed and that all previously unsubmitted SAKs in its jurisdiction had been inventoried and included in the data provided on the certification form.

We noted that the form did not require the grantee to identify the grant award number with the inventory being conducted and did not require the grantee to provide a signature and date, attesting to the accuracy and completeness of the form. Additionally, the form did not include a signature, date, and acknowledgement by BJA, indicating the inventory certification form was received and approved. In April 2021, after bringing this issue to BJA's attention, the inventory certification form was updated to include a signature line for the grantee and BJA officials. However, we determined that the updated form did not include a date for any of the signature lines added, and it did not identify BJA's signature as an attestation that the inventory certification form was approved. To determine when the remaining grant funds (75 percent) should be released, BJA must ensure SAK inventories are certified as completed by the grantee and approved by a BJA official. Therefore, we recommend BJA develop and implement guidelines for grantees to update SAK inventories to ensure grantees are submitting accurate and complete SAK inventory certification forms.

### Improving Small Agency Participation in the SAK Initiative

According to BJA's Fiscal Year (FY) 2021 solicitation, the SAK Initiative supports the DOJ's priorities of reducing violent crime by providing jurisdictions, including rural and tribal agencies, with resources to address SAKs in their custody that have not been submitted to a forensic laboratory for testing. Small agencies, including rural and tribal agencies, may apply for funding (under Purpose Area 2) to implement a sexual assault response program.<sup>17</sup> SAK Initiative funding may be used to support the three main elements of the program, or for a discrete element as determined by the applicant's needs. Regardless of the proposed use of funds, small agency applicants are required to describe in its program plan how the project will include all three SAK Initiative elements.<sup>18</sup>

Between 2017 and 2021, a total of seven small agencies applied for SAK Initiative funding. Of the seven, BJA awarded grants to four small agencies. The remaining three applicants were denied because of low peer review scores, an in-depth monitoring review, grantees' past performance (where applicable), available funding, and BJA's pre-award risk assessment identifying areas of high-risk. As shown in Table 1, BJA has awarded approximately \$1.6 million (0.7 percent) in SAK Initiative funds to small agencies. As of June 2021, three of the four small agencies (Recipients 2, 3, and 4) were in the process of conducting SAK inventories. We found that Recipient 4 was awarded a SAK Initiative grant in FY 2020 but has not yet reported its number of backlogged SAKs in the PMT. As of December 2021, the grantee is awaiting BJA's approval of its SAK inventory form. We also found that Recipient 1 has begun to test its SAK backlog, testing more than 90 percent of its reported SAKs and receiving seven CODIS hits.

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<sup>17</sup> Purpose Area 2 was first included in the FY 2017 SAK Initiative solicitation. BJA previously defined small law enforcement agencies as "those with fewer than 250 sworn officers." BJA removed this definition in its FY 2020 SAK Initiative solicitation and updated its solicitation to state, "The following entities are eligible to apply for purpose area 2: small law enforcement agencies or consortia of small law enforcement agencies. Metropolitan statistical areas and divisions may be considered. However, priority will be given to rural and tribal law enforcement agencies (especially those who are not currently receiving assistance under an existing statewide or countywide SAK Initiative grant held by another agency)."

<sup>18</sup> As previously discussed in the [SAK Initiative Goals and Objectives](#) section.

**Table 1**

**SAK Initiative for Small Agencies  
Fiscal Years 2017 - 2021**

<b>Grantee</b>	<b>Award Amount</b>	<b>SAKs Inventoried</b>	<b>SAKs Tested</b>	<b>CODIS Hits</b>
Recipient 1	\$499,890	810	734	7
Recipient 2	493,227	28	0	0
Recipient 3	498,332	17	0	0
Recipient 4	79,902	0	0	0
<b>Total</b>	<b>\$1,571,351</b>	<b>855</b>	<b>734</b>	<b>7</b>

Source: OIG Analysis and BJA

We determined that no federally recognized tribal agencies have applied for or received a SAK Initiative grant.<sup>19</sup> We find this concerning because according to the Bureau of Justice Statistics, American Indian and Alaska Native women are almost 3 times as likely to experience sexual assault compared to white, African American, or Asian American women. We asked BJA about the barriers small agencies face when applying for funding and what type of outreach has been conducted to involve small agencies, such as rural and tribal agencies, in the SAK Initiative. A BJA official stated that there are many barriers for small agencies, including rural and tribal agencies, to apply for and receive funding. For example, small agencies may lack the technology (computer and internet access), staffing resources, and logistical requirements needed to obtain and administer a federal grant. Victims who reside in very rural areas and isolated reservations must travel great distances (sometimes over 150 miles) to reach a facility where a forensic examination can be performed by a qualified medical examiner. A small agency may also not have someone capable of writing the grant application that is needed to receive funding. Additionally, a BJA official stated that outreach efforts to tribal agencies have revealed cultural and other barriers to tribal agencies seeking SAK Initiative funding. In small rural and tribal communities, perpetrators are often known, and therefore, victims fear retaliation from the perpetrator, or members of the community, if the assault is reported to law enforcement. In tribal communities, religious beliefs may prevent victims and consensual partners from allowing DNA to be taken. To increase tribal agencies' participation in the SAK Initiative, BJA had partnered with Operation Lady Justice to provide tribal agencies information and education on the benefits of sexual

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<sup>19</sup> Federal Register Vol. 85 No. 20, dated January 2020, states there are 574 tribal entities recognized by and eligible for services from the Bureau of Indian Affairs by virtue of their status as Indian Tribes. Enumerated in Public Law 280, six states (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin) were obligated to assume criminal, as well as civil, jurisdiction in matters involving Indians on reservation land. States that have assumed at least some jurisdiction since the enactment of Public Law 280 include: Nevada, South Dakota, Washington, Florida, Idaho, Montana, North Dakota, Arizona, Iowa, and Utah.

assault victims providing DNA for analysis and testing to identify potential perpetrators.<sup>20</sup> That initiative ended in November 2021 and the BJA plans to continue this work under a new presidential executive order aimed at improving public safety and criminal justice for Native Americans and addressing the issues of missing or murdered Indigenous people.<sup>21</sup>

We also determined that the BJA does not require grantees to identify whether they have tribal agencies that fall within their jurisdiction, even though SAK Initiative recipients are required to develop a comprehensive strategy to address the backlog and provide uniform assistance to all agencies that fall within a grantee's jurisdiction, including those in rural and tribal areas in statewide and countywide sites. We identified 16 SAK Initiative recipients that are likely to have tribal agencies that fall within their jurisdictions.<sup>22</sup> We identified one grantee that stated in its application, "the state is home to nine sovereign tribal nations. We have purposely included sexual assault midwives from tribal areas to aid in collecting the inventory on tribal lands." By identifying tribal agencies within a grantee's jurisdiction, BJA can glean a better understanding of the resources needed to address the backlog of SAKs on tribal land and to ensure grantees are providing uniform assistance to all agencies that fall within a grantee's jurisdiction.

SAK Initiative recipients are also required to report on how actively tribal criminal justice agencies are involved in the program. BJA has two performance-related questions that ask about tribal agencies' participation in the SAK Initiative. Specifically, when completing the quarterly progress report in the PMT, recipients are asked to report on both "state/tribal leadership" and "tribal criminal justice agencies" active involvement in the SAK Initiative. Recipients can rate each question as: (1) strongly disagree; (2) disagree; (3) neither agree nor disagree; (4) agree; (5) strongly agree; and (6) not applicable or not tracked. We selected each of the 16 SAK Initiative recipients that have tribal criminal justice agencies that fall within its jurisdiction to determine the level of participation being reported by grantees. As shown in Figure 5, 14 of the 16 grantees (88 percent) reported that the question was not applicable to its jurisdiction or not tracked and the 2 remaining grantees reported that they disagree or strongly disagree that tribal criminal justice agencies are actively involved with the SAK Initiative. Without clarifying the performance-related question, it is unclear whether grantees are reporting no active involvement with tribal criminal justice agencies or active involvement with tribal criminal justice agencies that is not being tracked (i.e., the number of SAKs received from tribal agencies). Without clarifying the performance metric, BJA cannot accurately determine the number of grantees actively involved with tribal criminal justice agencies.

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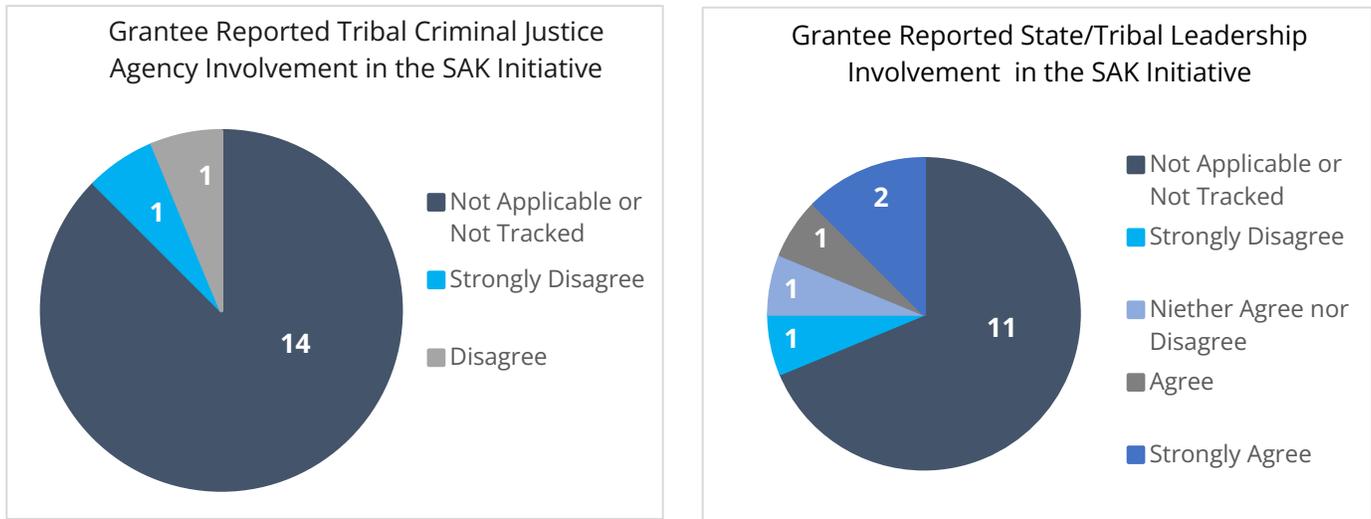
<sup>20</sup> Operation Lady Justice, under Executive Order 13898, is a presidential task force created to conduct consultations; develop protocols to apply to new and unsolved cases of missing or murdered persons in American Indian and Alaska Native communities, including best practices for law enforcement response and data sharing. It also establishes multi-disciplinary and multi-jurisdictional teams to review cold cases that involve missing and murdered American Indian and Alaska Natives; and develop education, outreach, and public awareness campaigns.

<sup>21</sup> Presidential Executive Order 14053 became effective on November 15, 2021.

<sup>22</sup> Between FYs 2015 and 2020, 16 of the 71 SAK Initiative recipients were identified as likely having tribal agencies that fall within a grantee's jurisdiction.

**Figure 5**

**Tribal Agencies Involvement in the SAK Initiative  
April through June 2021**



Source: OIG Analysis and BJA

As depicted in Figure 5, 3 of the 16 grantees (19 percent) reported that they agree or strongly agree that state/tribal leadership are involved in the SAK Initiative. We determined that BJA’s performance measurement question did not define which entities should be included when reporting “state/tribal leadership” involvement in the program. Therefore, we asked BJA if its intent was to track only tribal-related SAK Initiative activity, and if so, could the wording of the question result in grantees also reporting on non-tribal involvement in the SAK Initiative. A BJA official acknowledged that the wording could result in both tribal and non-tribal involvement in the SAK Initiative being reported in the metric, and that BJA plans to clarify the wording of the performance measurement question to better capture meaningful SAK-related information. Additionally, a BJA official stated that narrative questions provide another important means to gain information unique to each grantee, but it is thoughtful about how many questions are included within a performance questionnaire as not to overwhelm grantees. Since BJA’s first performance metric captures tribal criminal justice agency participation in the SAK Initiative, BJA should clarify its narrative questions to ensure it also captures all other tribal involvement with the SAK Initiative, such as sexual assault midwives and other tribal victim services providers.

SAK Initiative grantees are also required to report the number of SAKs reviewed and catalogued by working group members including local, state, federal, and tribal law enforcement partners. However, we determined that BJA does not require grantees, providing assistance to small agencies, to separately report the number of SAKs inventoried or tested in rural and tribal communities. A BJA official stated that this is because the number of SAKs inventoried and tested by rural and tribal agencies is low, and therefore, the data would be statistically insignificant. We spoke with an FBI official who stated that although the FBI is not yet automatically tracking such data, it is currently manually tracking it, and approximately 231 SAKs have

been submitted for DNA analysis from tribal agencies since 2019.<sup>23</sup> Without grant recipients separately reporting the number of small agency (including rural and tribal agencies) SAKs inventoried and tested, it is difficult for BJA to identify the number of unsubmitted SAKs in rural and tribal areas, and therefore, determine the needs of small agencies. Therefore, we recommend BJA enhance its efforts to increase participation of small agencies, such as tribal and rural agencies, in the SAK Initiative. We also recommend BJA update its performance metrics to align with SAK Initiative reporting requirements to better capture small agencies, including rural and tribal agencies, participation in the SAK Initiative.

### **Challenges in the Collection of Lawfully Owed DNA from Convicted Offenders**

The SAK Initiative's Purpose Area 3 addresses the identification, collection, and analysis of samples from convicted offenders who should have samples in CODIS pursuant to state and federal law, but from whom samples have never been collected or tested.<sup>24</sup> To be eligible for Purpose Area 3, applicants must provide certification that their SAK inventory has been completed and documentation that the testing of previously unsubmitted SAKs identified in their jurisdictions have been completed or are near completion.

Recipients are required to conduct a census to identify eligible convicted offenders and, in coordination with a legal advisor, must formulate a DNA collection plan that will target the collection of DNA from convicted offenders who have a high likelihood of being linked to cases associated with the jurisdiction's unsubmitted SAKs. Recipients must also designate a specific individual as the SAK Initiative convicted persons DNA collection coordinator. The collection coordinator is responsible for overseeing all aspects of the project, including the census of convicted offenders, coordinating with sexual assault investigators to prioritize convicted persons DNA collections, coordinating victim services, tracking status of CODIS hits and subsequent investigations and prosecutions that result from CODIS hits, and reporting performance measures to BJA.

Between FYs 2016 and 2020, BJA awarded 12 SAK Initiative grants under Purpose Area 3, totaling \$10,573,951. As shown in Figure 6, grantees have identified 266,768 convicted offenders who lawfully owe DNA. In total, 8,793 convicted offender DNA profiles have been collected, 9,181 convicted offender DNA profiles have been sent for testing, and 8,732 convicted offender DNA profiles have been tested to completion.<sup>25</sup> As of June 2021, 7,778 convicted offender DNA profiles were uploaded in CODIS, of which 173 profiles received a CODIS hit (2 percent hit rate). We determined that 8 of the 12 (67 percent) grantees have reported completing their census of lawfully owed convicted offender DNA. The remaining four grantees are still determining the number of convicted offenders that lawfully owe DNA in their jurisdictions.

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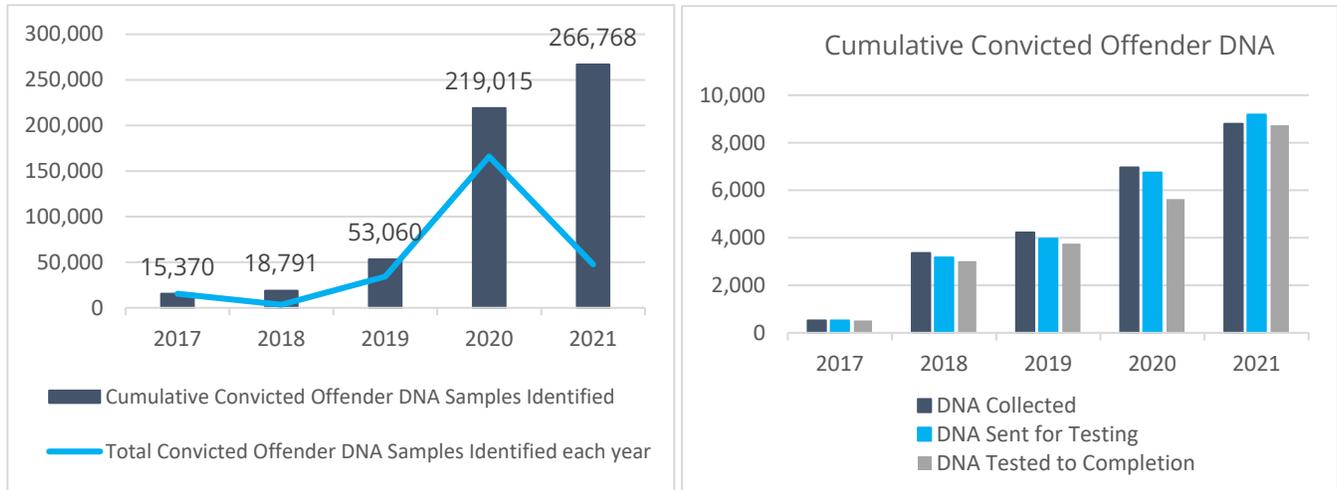
<sup>23</sup> The FBI could not identify if the SAK was related to a SAK Initiative case.

<sup>24</sup> In 2016, the SAK Initiative added the collection of lawfully owed convicted offender DNA to its solicitation. Determining if a convicted offender is required to have his or her DNA profile uploaded to CODIS hinges on the conviction date, charge, and whether a DNA sample was required from them on the date of conviction. Collection of DNA from convicted offenders under the SAK Initiative must be done in accordance with state and federal law, including any relevant state statutes of limitations on collection, and award recipients must identify an attorney from the Attorney General's Office, District Attorney's Office, or criminal justice agency familiar with the state's DNA collection laws to provide legal advice for the project.

<sup>25</sup> DNA profiles submitted to a laboratory for testing may encounter backlogs at the laboratory, which can delay testing the profile to completion and uploading DNA profiles in CODIS.

**Figure 6**

**Collection of Lawfully Owed Convicted Offender DNA Samples  
Calendar Years 2017 – 2021**



Note: Calendar year 2021 data is through June 2021.

Source: OIG Analysis and BJA

We asked BJA why only 8,793 (3 percent) of the lawfully owed DNA profiles identified have been collected. A BJA official explained that it takes grantees 1 to 2 years to complete a census of lawfully owed convicted offender DNA. Since the census takes up the bulk of the grant period of performance, DNA collections cannot begin until towards the end of the 3-year grant period. Grantees are then unable to complete collecting lawfully owed convicted offender DNA within the remaining time left on the grant. A BJA official stated that this is due to the complexities of reconciling records and ensuring that each sample is indeed lawfully owed. State and local laws are complex and change regularly, so it can take time for legal advisors to review and approve each convicted offender DNA sample for collection. With more than 258,000 convicted offenders lawfully owing DNA but not having that DNA collected, tested, and uploaded into CODIS, there is risk that delays in this collection will result in perpetrators not being identified and investigative leads not being made. Additionally, only a small portion of grantees (8 percent) have received Purpose Area 3 funding to identify, collect, and test lawfully owed DNA from convicted offenders, leaving the total number of convicted offenders owing DNA unknown, but a strong indication that many more convicted offenders will be identified as lawfully owing DNA and grantees will seek SAK Initiative funding to assist them.

A BJA official also stated that the COVID-19 pandemic has impacted Purpose Area 3 significantly. Most grantees cannot enter prisons to collect offender swabs, in-person interactions with parolees are limited, and travel to collect DNA profiles from these individuals may have been restricted. We asked BJA if it was considering extending the grant period of performance because of the limitations imposed by the COVID-19

pandemic, particularly because of the challenges with collecting lawfully owed convicted offender DNA.<sup>26</sup> A BJA official stated that all grantees are allowed one 12-month extension, and additional extensions beyond that have been considered for FYs 2020 and 2021 SAK Initiative grants. We determined that 6 of the 12 Purpose Area 3 grantees have requested and received a one-year project extension, with 4 of the 6 grantees noting the extension was due to limitations imposed by the COVID-19 pandemic. The remaining 2 grantees stated that more time was needed to complete project services and expend remaining funding. Due to the unprecedented challenges imposed by the COVID-19 pandemic, the fact that more than 30 percent of grantees are still completing their census, and that only 3 percent of lawfully owed convicted offender DNA identified has been collected, grantees are unlikely to meet all the goals and objectives of Purpose Area 3 within the 3-year grant period of performance. Therefore, we recommend that BJA develop and implement a plan to ensure grantees are achieving the goals and objectives of the SAK Initiative's Purpose Area 3, particularly regarding the large number of lawfully owed convicted offender DNA samples identified but not yet collected.

### **SAK Initiative for Advanced DNA Testing, Investigations, and Prosecution of Cold Case SAKs**

Under Purpose Area 4, applicants may apply for funding to support the investigation and prosecution of high volumes of sexual assault cases that have resulted from testing backlogs of previously unsubmitted SAKs. Funding may be used for: (1) personnel costs related to SAK investigations and prosecutions; (2) establishing cold case sexual assault units and hiring specialized victim advocates; (3) SAK Initiative-related training; (4) enhancing victim services; (5) SAK Initiative-related travel costs; and (6) the application of advanced DNA and research methodologies to help identify and apprehend violent serial offenders linked to sexual assaults and sexual assault homicides.

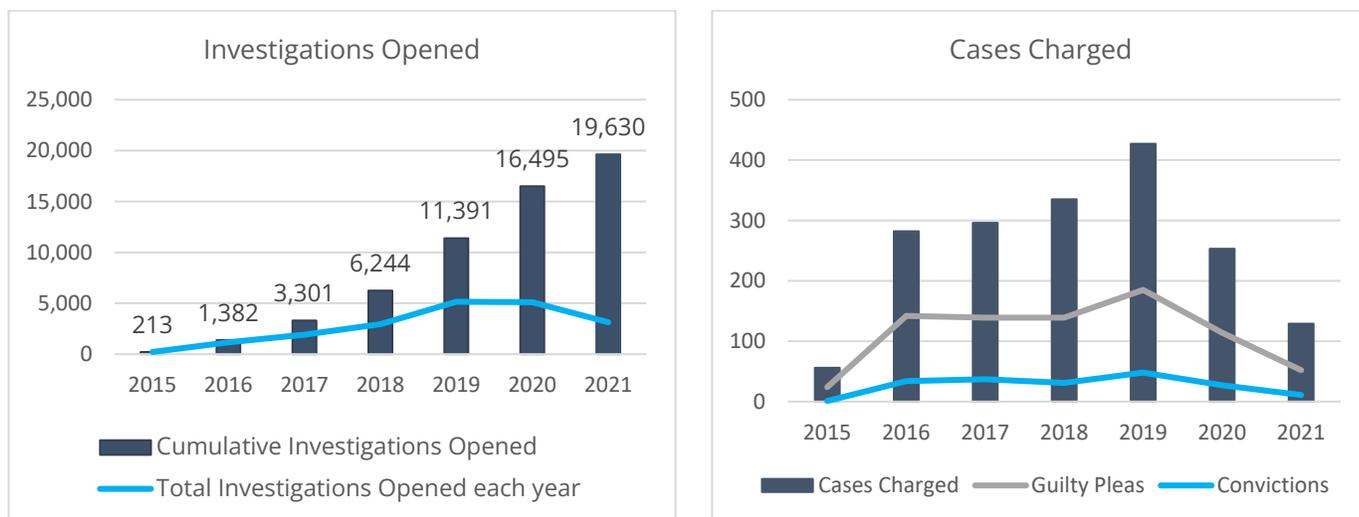
As depicted in Figure 7, grantees have opened a total of 19,630 investigations since the SAK Initiative began in 2015. As of June 2021, a total of 1,778 cases had individuals who were charged, and 189 convictions and 795 guilty pleas have been entered for SAK Initiative cases.

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<sup>26</sup> According to 2 CFR § 200.308(e)(2), grantees may request in writing a one-time extension of the period of performance by up to 12 months. The one-time extension must not be exercised merely for the purpose of using unobligated balances.

**Figure 7**

**SAK Initiative-Related Investigations Opened and Cases Charged  
Calendar Years 2015 - 2021**



Note: Calendar year data is from October 2015 through June 2021.

Source: OIG Analysis and BJA

As previously mentioned, under Purpose Area 4, grantees can use advanced DNA and research methodologies to help identify and apprehend violent serial offenders linked to sexual assaults and sexual assault homicides. One advanced DNA method is forensic genealogy testing, which is a DNA-based test that looks at specific locations of a person's genome to find or verify ancestral genealogical relationships. According to a BJA official, the SAK Initiative is the first OJP program to provide funding for forensic genealogy and other advanced DNA testing. As of June 2021, \$293,917 was provided to grantees for forensic genealogy testing, which has resulted in 83 searchable DNA profiles and 4 investigations opened. One grantee used forensic genealogy testing to identify a serial sexual offender who had committed multiple sexual assaults between 1980 and 1985.

We determined that BJA's performance-related questions for Purpose Area 4 included questions that are duplicated in other purpose areas. For example, grantees are required to report the number of criteria cases entered in the FBI's ViCAP for each of the four purpose areas. Grantees are also required to separately report on the performance measures funded by each grant, ensuring not to duplicate performance reporting. We found one grantee had submitted duplicate performance measures, thereby, overstating the number of cases entered in ViCAP. We discuss this issue further in the [Improving Grantee Performance Reporting](#) section of this report.

### **BJA Should Improve Violent Crime Apprehension Program (ViCAP) Performance Metrics Captured**

According to BJA data, approximately 50 percent of SAKs that are tested result in case resolution through DNA analysis and CODIS hits, leaving many cases unsolved. To address this issue, BJA has partnered with the FBI to enter SAK Initiative cases into ViCAP, creating investigative leads, particularly when no DNA

evidence is available. ViCAP searches and links cases by utilizing information such as perpetrator descriptions, criminal patterns, and behavioral components of the case.<sup>27</sup> ViCAP works as a national database, allowing law enforcement agencies to share case information across jurisdictions and state lines.

Award recipients (under Purpose Areas 1, 2, and 4) are required to enter certain cases, called “criteria cases,” in ViCAP.<sup>28</sup> BJA’s FY 2021 solicitation states that award recipients should budget 60 minutes for each ViCAP entry, plus additional time for personnel to conduct searches for matches and follow-up on leads. Up to 10 percent of funding may be used for such activities. BJA provides grantees annual SAK Initiative-related training, which includes topics such as how to enter and search for leads in ViCAP and to communicate the importance of searching the ViCAP database.

Grantees are required to report in the PMT the: (1) number of criteria cases entered in ViCAP and (2) number of leads generated from ViCAP entries. As of June 2021, grantees have entered 3,032 criteria cases into ViCAP and reported generating 10 investigative leads. We found between FYs 2015 and 2021, 33 grantees (46 percent) reported entering criteria cases into ViCAP. The remaining 38 grantees (54 percent) did not enter any cases into ViCAP. We also determined that 3 grantees have entered 1,777 (59 percent) of the 3,032 criteria cases into ViCAP. We asked a BJA official why three grantees make up the majority of the cases being entered into ViCAP. A BJA official stated that the three grantees have completed the majority of their testing, investigations, and prosecutions, and are now focusing on more advanced testing and investigative strategies. Additionally, although some grantees may be able to process SAKs while entering data into ViCAP, this is not always feasible. BJA views the testing of SAKs as the number one priority and does not stipulate when cases are to be entered into ViCAP. We also found one grantee reported generating two ViCAP leads in the PMT; however, the grantee also reported entering zero criteria cases into ViCAP. A BJA official stated either the leads were generated on cases entered in ViCAP before the reporting period or the grantee did not report the ViCAP entries into the PMT.

We also asked a BJA official why the number of investigative leads generated (10 cases) was low in comparison to the number of cases being entered in ViCAP (3,032 cases), particularly since BJA requires recipients to spend time entering criteria cases into ViCAP. A BJA official stated that the benefits of entering cases in ViCAP might not be immediate and that case linkages could take weeks, months, or years to be generated. Additionally, entering cases in ViCAP is just the first step. Recipients must also search the ViCAP database to obtain potential links to known suspects or other unsolved cases. The search can be conducted by a crime analyst or investigator, or a request can be made for a ViCAP crime analyst to conduct a search.

We determined that the FBI also tracks the number of investigative leads generated from ViCAP and, as of January 2022, ViCAP had produced approximately 158 investigative leads for SAK Initiative cases. We asked a BJA official why the number of investigate leads being reported by grantees is different than what is being reported by the FBI. A BJA official stated that grantees are reporting leads that are generated from an automatic search conducted after each case is entered in ViCAP. However, most of the 158 leads that were

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<sup>27</sup> ViCAP does not contain DNA-related information. In 2018, the SAK Initiative began requiring criteria cases to be entered into ViCAP.

<sup>28</sup> ViCAP criteria cases include: (1) homicides that are known or suspected to be part of a series, or random, motiveless, or sexually oriented; (2) sexual assaults that are known or suspected to be part of a series or are committed by a stranger; (3) missing persons where the circumstances indicate a strong possibility of foul play and the victim is still missing; and (4) unidentified human remains where the manner of death is unknown or suspected to be homicide.

generated occurred through crime analysis and searches, often conducted by ViCAP staff, who then notified grantees of the investigative lead and the grantees should have noted the leads in their information being collected. A BJA official acknowledged that its current method of tracking investigative leads from grantees in the PMT is not an accurate indicator of ViCAP leads being generated from the SAK Initiative.

For FY 2022, BJA will be working on capturing more detailed and accurate ViCAP performance metrics, including the number of suspects identified through ViCAP entry and analysis, and to capture more accurately the number of leads being generated by ViCAP. Additionally, a BJA official stated that it is considering utilizing the FBI's ViCAP measures to judge grantee performance in the future and become less reliant on grantee self-reports for this activity. Therefore, we recommend that BJA update its performance measures to ensure that the ViCAP performance metrics being collected are an accurate indicator of ViCAP activities.

### **BJA Should Ensure Site Coordinators Receive Adequate Training**

One of the three main elements of the SAK Initiative is for grantees to designate a site coordinator who will serve as the central point of contact for the team. The site coordinator is responsible for fostering and coordinating communication among team members and ensuring that the team is meeting its milestones. Additionally, the site coordinator must demonstrate a willingness and commitment to institutionalize systems, policies, and protocols developed by the working group to address the backlog of unsubmitted SAKs and prevent the problem from reoccurring. For Purpose Area 3, grantees must designate a SAK Initiative convicted persons DNA collection coordinator who is responsible for working with the existing working group, local Sexual Assault Response Team, and any other critical partners to ensure coordination of efforts; plan and perform DNA collections from convicted offenders to inform investigations and prosecutions of cases resulting from evidence provided by previously unsubmitted SAKs; and access criminal records and other sensitive law enforcement records.

According to BJA's FY 2021 solicitation, the site coordinator does not need to be a sworn law enforcement officer, but prior experience working with law enforcement agencies, prosecutors, and victim advocates is highly advantageous. According to the training and technical assistance (TTA) provider for the SAK Initiative, a good site coordinator is key to a successful program.<sup>29</sup> A BJA official stated that high turnover in the site coordinator position is typically a factor when grantees are not meeting programs goals. For example, one recipient changed its site coordinator four times between receiving its first SAK Initiative grant in FY 2015 and FY 2020. A TTA provider stated that the site coordinator is expected to be familiar with all the stakeholders in its program. However, when there is high turnover in the position, it is difficult for the program to maintain continuity. In the case of the recipient with four different site coordinators, more than \$700,000 (32 percent) of its FY 2015 grant was returned to BJA unspent, and 58 percent of its backlogged SAKs were submitted for testing. The recipient hired a dedicated site coordinator shortly after receiving its FY 2019 SAK Initiative grant, and its program showed a marked improvement. The recipient reported 618 backlogged SAKs at the start of its FY 2019 grant and during the period of performance submitted all

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<sup>29</sup> BJA awarded two grants to RTI International in FYs 2015 and 2019, for a total of \$18,398,730, to provide training and technical assistance, as well as monitoring of, SAK Initiative grantees in their efforts to address challenges related to unsubmitted SAKs and sexual assault reform. RTI International also collaborates with BJA in the development, implementation, and dissemination of best practices, policies, and protocols for addressing systemic failures leading to large numbers of untested SAKs.

618 SAKs for testing. Additionally, as of December 2021, the recipient was on track to spend its grant funds in a timely manner.

We asked BJA if it required its site coordinators to complete SAK-related training prior to assuming the position. A BJA official stated that although its site coordinators are not required to take any SAK-specific training, BJA's TTA provider does offer a welcome packet, online toolkit, resource guide, and evidence-based practices to help all SAK Initiative recipients.<sup>30</sup> Based on our review of the TTA provider's website, online resources are offered on topics such as: (1) site coordinator roles and responsibilities, (2) implementing a SAK evidence tracking system, and (3) navigating the process of unsubmitted SAKs from inventory to adjudication. Additionally, the TTA provider offers pre-packaged trainings based on the role of the sexual assault response team including, the multidisciplinary team leader, sexual assault investigator, and sexual assault prosecutor. However, the TTA provider did not offer a pre-packaged training for the SAK Initiative site coordinator or the DNA collection coordinator. We also noted the website's training for site coordinator roles and responsibilities was a webinar of past site coordinator experiences, and not training for the site coordinator position. Additionally, we found the webinar was posted in 2017, and therefore, the information being discussed was outdated and, in some instances, no longer applicable to the SAK Initiative. Further, the TTA provider's website did not contain any convicted offender DNA collection coordinator trainings. The TTA provider stated it has discussed creating specific guidance materials for site coordinators, including an overview of the expectation of the role and a list of specific resources to assist site coordinators. BJA should ensure DNA collection coordinators and site coordinators receive adequate training to understand the roles and responsibilities of the positions and to help ensure grant recipients meet project goals and objectives. Additionally, BJA should ensure new and existing coordinators receive adequate training. Therefore, we recommend that BJA work with its TTA provider to develop and implement coordinator-specific trainings to ensure new and existing coordinators have access to trainings and understand the expectations and responsibilities of the positions.

### **Improving Grantee Performance Reporting**

In January and July of each calendar year, grantees are required to report qualitative data on the goals and objectives over the previous 6 months into the PMT. The semi-annual performance metrics must also be uploaded into JustGrants.<sup>31</sup> We judgmentally selected 5 of 71 grantees (7 percent) to determine if the performance metrics reported in the PMT were accurate and supported and the grantees were achieving the goals and objectives of the SAK Initiative.<sup>32</sup> Specifically, we reviewed three performance measurement questions from the most recently submitted semi-annual reports.

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<sup>30</sup> BJA's TTA provider established SAK Initiative toolkits and briefcases in April 2018.

<sup>31</sup> On October 15, 2020, the DOJ transitioned to the grant management system called JustGrants. JustGrants replaced OJP's and the Office on Violence Against Women's Grant Management System (GMS). Prior to October 2020, grantees uploaded semi-annual reports from the PMT into GMS.

<sup>32</sup> The 71 SAK Initiative grants were awarded between FYs 2015 and 2020.

**Table 2**

**SAK Initiative Grantee Semi-annual Performance Measures Reported  
Fiscal Years 2019 - 2020**

Performance Metric	Recipient A	Recipient B	Recipient C	Recipient D	Recipient E
1. Number of criteria cases entered into ViCAP	384	0	24	0	1
Grantee Supporting Documentation	260	0	0	0	1
<b>Difference</b>	<b>124</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>0</b>
2. Number of SAKs sent for testing	13	0	620	94	0
Grantee Supporting Documentation	13	0	0	0	0
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>620</b>	<b>94</b>	<b>0</b>
3. CODIS Hits	6	0	0	72	0
Grantee Supporting Documentation	6	0	0	36	0
<b>Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>36</b>	<b>0</b>

Source: OIG Analysis and BJA

We found that two of the five grantees could not fully support the number of criteria cases entered into ViCAP for its most recent semi-annual report. Specifically, Recipient A stated that, in reviewing the data reported in the PMT compared to its ViCAP tracking spreadsheet, it identified incorrect duplicate reporting among its SAK Initiative grants and cases listed on its spreadsheet. Specifically, Recipient A identified 115 criteria cases as duplicates and 9 cases which it could not find evidence to support. Recipient A stated that it reached out to BJA to alert them of the double counting and to correct the PMT data. Recipient C was not able to provide evidence of the 24 cases it had reported in the PMT and stated it had identified more than 100 criteria cases that should have been entered into ViCAP and reported in the PMT. Recipient C stated that the employee that was previously entering ViCAP cases no longer works there, so they were unable to determine why the cases were not being entered. Recipient C stated that it has notified the TTA provider and the BJA grant manager of the issue and is in the process of correcting the information in PMT and determining which cases need to be added to ViCAP. A BJA official stated that when grantees receive multiple SAK Initiative awards, grantees must ensure that the performance metrics submitted in the PMT are not double counted and based on which grant was funding the activity.

Further, for the number of SAKs sent for testing, we found that two of the five grantees were unable to support the data reported in the PMT. Specifically, Recipient C was unable to obtain supporting documentation from the laboratory for the 620 SAKs it had reported testing in the PMT. Recipient C stated that it had outsourced the testing of its SAKs to a private company that had recently changed ownership. Recipient D provided a tracking spreadsheet of the number of SAKs sent for testing but was unable to

identify which kits were paid for by the SAK Initiative. Specifically, the spreadsheet contained kits paid for by the DANY program and the SAK Initiative, with no unique identification as to which program had paid for the testing. Additionally, we found one of the five grantees was unable to support the number of CODIS hits reported in its most recent semi-annual report. We determined that Recipient D reported the total amount of CODIS hits in each grant performance report, essentially double counting the data among its SAK Initiative grants.

We also determined that Recipient B did not report entering any cases in ViCAP for the period we reviewed (January through June 2020). This is a concern because Recipient B budgeted for and expended \$409,435 in personnel and fringe benefit costs for the entry of criteria cases into ViCAP and for investigative overtime to work on sexual assault and sexual assault homicide cold cases. Additionally, the recipient is located in a densely populated metropolitan area, increasing the likelihood that criteria cases are awaiting entry into ViCAP. However, since Recipient B did not separate the costs between the time worked on ViCAP entries and cold case investigations, we were unable to determine what percentage of SAK Initiative funds were charged to entering ViCAP cases. Therefore, the number of criteria cases that should have been entered in ViCAP is unknown. Since entering criteria cases into ViCAP is a requirement of the SAK Initiative, Recipient B is not in compliance with the terms and conditions of the award. BJA officials we spoke to stated that monitoring of Recipient B has identified significant grant non-compliance, and that coupled with additional weaknesses noted in its grant application, Recipient B was denied additional SAK Initiative funding for FY 2021.

We asked BJA how it ensures that the information being reported in the PMT is accurate and supported. A BJA official stated that its Planning, Performance, and Impact (PPI) team provides assistance to grantees with performance reporting requirements to ensure accurate data reporting. PPI's responsibilities include identifying anomalies and red flags in the data and reaching out to grantees to update incorrect data in the system. A BJA official stated that although data in the PMT is locked after a grantee enters the data, the PMT helpdesk can unlock the data for it to be updated by grantees at any time. This allows grantees to correct errors that have been identified and improve both quarterly and cumulative data in the PMT. A BJA official stated that the information ultimately reported in the PMT is self-reported by grantees and the PMT is only as accurate as what is entered by grantees.

BJA also conducts in-depth monitoring, which includes grant managers determining "Does the grantee maintain records to support performance measurement data submitted to OJP? If the grantee is reporting performance measurement data, review data reported in recent progress reports, the monitoring system of records, or other performance measurement tools and select a sample of data for verification." Based on our review of three in-depth reviews conducted, we could not find documentation that the grant manager had selected a sample of SAK Initiative performance metrics for verification. A BJA official explained that grant managers are expected to verify a sample of performance measures to ensure grantees are accurately reporting data in the PMT. Additionally, BJA has addressed the issue of grant managers not verifying samples of performance measures during in-depth monitoring, as this was observed during an on-going OIG review in March 2021. As a result, OJP's in-depth monitoring checklist was updated to remove Appendix F: Supporting Documentation for Verifying a Service Activity from Progress Reports, and Appendix G: Supporting Documentation for Verifying a Reported Performance Measurement Data and incorporated these activities into the site visit checklist to improve compliance. In July 2021, BJA implemented the updated in-depth monitoring and site visit checklists. BJA also provided a reminder to its Program Office Division Chiefs, who are responsible for reviewing and approving all grant manager in-depth monitoring packages, not to approve monitoring packages that leave required sections relating to performance data

verification blank. Based on the BJA's efforts to update its checklists, implement new processes, and communicate monitoring expectations to Program Office Division Chiefs as described above, we do not make a recommendation.

## **Ensuring Adequate Monitoring of SAK Initiative Grantees**

BJA grant managers and the Office of the Chief Financial Officer are responsible for monitoring grantees and for reporting on the results of monitoring. Grant monitoring involves activities to verify project progress and ensure funds are being used for the purposes of the award. It includes activities such as telephone communications, annual desk reviews, site visits, and in-depth monitoring. To assess BJA's grant monitoring, we reviewed desk reviews conducted, including enhanced programmatic desk reviews (EPDR), monitoring communications documented in the grant file, and grantee supporting documentation provided to BJA.

### **Improving Desk Review Monitoring**

OJP's Grant Management Manual requires that for each open and active grant, a grant manager should conduct a desk review approximately once every 6 months, but not less than once annually. A desk review should include a comprehensive review of materials available in the grant file to determine administrative, financial, and programmatic compliance, as well as recipient performance. Based on our review of the desk reviews conducted between FYs 2018 and 2020, we found that each SAK Initiative recipient received a desk review not less than once annually as required by OJP.<sup>33</sup>

We also judgmentally selected 18 desk reviews completed for 5 grantees to determine if the reviews were accurate, complete, and provided an indication of a grantee's administrative, financial, and programmatic compliance, as well as recipient performance. Based on our review, we found several questions in the desk review form answered as "not applicable" by BJA grant managers. For example, one desk review question asks, "Have all outstanding issues from past programmatic desk reviews been resolved?" For one grantee, we found that the BJA grant manager stated "not applicable" but the grantee had past issues such as: (1) significant program delays; and (2) incomplete award documentation (including the budget narrative and environmental compliances). We asked BJA why "not applicable" would be selected as a response when past issues had been identified in prior desk reviews. A BJA official stated "not applicable" may be selected if the grant has never had a desk review completed. However, a BJA official stated that in this instance the responses selected by the grant manager do not align with OJP's guidance and the grant manager should have indicated "yes" or "no" as appropriate. Additionally, an Office of Audit, Assessment, and Management (OAAM) official stated that it has updated its annual desk review form from 32 questions to a 7-question qualitative assessment, to avoid duplicating questions that are already covered in the risk assessment process. The questions will feed into the risk assessment process for development of OJP's FY 2023 monitoring plan. OJP began utilizing the 7-question assessment in FY 2022. An OAAM official also stated the change will streamline grant managers' work and reduce duplicative activities. Between June 2019 and June 2020, BJA only had one grant manager overseeing the SAK Initiative, which included more than 100 grants. In addition to the SAK Initiative, the SAK Initiative grant manager also oversaw other BJA awards. A BJA Division Chief acknowledged that having one grant manager overseeing this many grants is a struggle

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<sup>33</sup> In FY 2021, grant managers conducted targeted checks on awards with open and active status to serve as the annual desk reviews required by OJP policy. The objective of these targeted checks was to identify and follow-up on awards with holds, suspensions, delinquent federal financial reports, and delinquent performance reports.

for the grant manager to handle alone. In June 2020, BJA added a second grant manager to assist in the oversight of its SAK Initiative grants.

Additionally, we found two instances where the BJA grant manager stated on the desk review forms that all outstanding issues from past programmatic desk reviews had been resolved, but added notes on both desk review forms, such as identifying repeat deficiencies by the grantees and indicating past issues had not been resolved. Specifically, the grant manager noted for one grantee, that narrative responses were not provided in the grantee's progress reports and financial reports were late, and for the other grantee, OJP's required training had not been completed. Failure by grantees to abide by the terms and conditions of the awards, including completing progress reports and required training, can result in a withholding of grant funds until the issue is resolved.

We also found that one grantee had multiple "not applicable" answers reported on two desk review forms. Specifically, the desk review questions which the grant manager indicated were not applicable included: (1) is the grantee currently implementing the program according to plan without any significant obstacles or delays; (2) do the grantee's activities and/or deliverables support the project goals and objectives; (3) has the grantee submitted deliverables and work products in the past year that have been of acceptable quality; and (4) based on the most recent federal financial report, does it appear that the grantee will expend all grant funds by the end of the current award period. A BJA official stated that in retrospect, the grant manager should have indicated "no" to each of these desk review questions. Additionally, a BJA official stated that the grantee struggled the first 2 years to be in compliance with grant requirements. This resulted in BJA withholding grant funds because of project scope changes and budget modifications (including unallowable expenses in the budget). We determined that the grantee continued throughout the project period to be in non-compliance with critical elements of the SAK Initiative, including failing to: (1) attend the SAK Initiative conference; (2) enter criteria cases into the FBI's ViCAP; and (3) regularly convene a multi-disciplinary working group. Without accurate and meaningful information being reported when conducting grant monitoring, it is difficult for BJA to assess whether grant activities are consistent with program implementation plans, grantees are adhering to the terms and conditions of the awards, and problematic and struggling grantees are identified.

## Unspent SAK Initiative Funds

According to the DOJ Grants Financial Guide, any unobligated or unexpended grant funds are de-obligated within 120 days of the end date of the award.<sup>34</sup> Grantees are encouraged to drawdown funds for allowable expenses prior to the award end date. Based on our review, we found that 23 grantees returned approximately \$6.7 million in unspent SAK Initiative funding. We judgmentally selected 7 of the 23 grantees that returned a total of \$4.8 million (72 percent) in unspent funds to determine why the funding went unspent and if BJA took adequate steps to identify and assist the SAK Initiative grantees.

When conducting desk review monitoring, grant managers are required to determine, "Based on the most recent federal financial report, does it appear that the grantee will expend all grant funds by the end of the current award period?" We determined that for 4 of the 7 grantees, the grant manager reported on each of

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<sup>34</sup> The Office of Management and Budget recently updated Title 2 of the Code of Federal Regulations Subtitle A: Office of Management and Budget Guidance for Grant and Agreements, which provides guidance to federal agencies on government-wide policies and procedures for managing grants and agreements. As of March 2022, the DOJ Grants Financial Guide is being updated to reflect these changes. The prior grant closeout period was 90 days.

the 18 desk review forms that “yes,” it appeared the grantee will expend all grant funds by the end of the current award period. However, as shown in Table 3, these 4 grantees returned approximately 33 percent of the SAK Initiative funds awarded to them. We asked BJA under what circumstances would a grant manager document that a grantee was on track to expend funds by the end of the award period when large amounts of funds have gone unspent. A BJA official stated that a grantee may request a project extension, to provide more time and allow the grantee to spend its remaining funds. In such an instance, a budget modification can be submitted to BJA, showing it will expend the remaining funding, during which time a grant manager is very likely to select “yes” it appears the grantee will expend all grant funds by the end of the award period. However, we determined that for only 3 of the 18 desk reviews the grant manager stated “yes” it appears the grantee will expend all grant funds by the end of the award period, after receiving a grant extension from BJA.

**Table 3**

**SAK Initiative Funds Returned**

Grantee	SAK Initiative Award	Funds De-obligated	Percent of Funds De-obligated
Recipient 1	\$1,999,940	\$838,406	42
Recipient 2	2,000,000	817,148	41
Recipient 3	2,162,652	702,747	33
Recipient 4	1,909,124	310,979	16
<b>Total</b>	<b>\$8,071,716</b>	<b>\$2,669,280</b>	<b>33</b>

Source: OIG Analysis and OJP

We also determined that BJA conducted in-depth monitoring for three of the four grantees listed in Table 3.<sup>35</sup> However, only one in-depth review noted that the grantee was having significant delays on the project, and therefore, may be unable to spend the remaining SAK Initiative funding. It is important for BJA to identify grantees that are struggling to achieve the goals and objectives of the SAK Initiative, including failing to spend funds in a timely and judicious manner and in accordance with established budgets. Therefore, we recommend that BJA ensure that its grant monitoring, including desk review and in-depth monitoring, accurately document grant-related information and activities; to include the identification of grantees that are struggling to expend grant funds in a timely manner.

**Awarding SAK Initiative Funds**

OJP announces funding opportunities and solicitations on the JustGrants website and Grants.gov. Once grant applications are received, OJP reviews and processes all received applications with the expectation to

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<sup>35</sup> In-depth monitoring consists of site visits or enhanced programmatic desk reviews that allow grant managers to follow-up on any issues identified during the desk review, verify recipient activities, validate reported information, and assess the status of project implementation.

make an award or issue a denial letter within 180 calendar days from the application deadline. The SAK Initiative is a competitive grant program that provides funding to government entities within state, local, and tribal jurisdictions.<sup>36</sup> Between 2015 and 2021, BJA has provided more than \$266 million in competitive SAK Initiative grants to 75 grantees in 40 states and Washington, D.C.

First, grant applications are reviewed to ensure the basic minimum requirements (BMR), such as submitting a complete grant application and not submitting duplicate applications, are met. As shown in Table 4, between 2018 and 2020, three applications did not meet the BMR to be considered for SAK Initiative funding. Each of the three applications were found to be duplicate applications. Secondly, a peer review panel, consisting of individuals with law enforcement, victim advocacy, prosecution, and crime laboratory experience are chosen to review and score each application based on established criteria and point assignment stated in the solicitation. Individual peer review scores are averaged to create one final score for each applicant, with 0 being least qualified and 100 being most qualified. As shown in Table 4, with the exception of applications that did not meet the BMR and those that were not recommended by the peer review panel, BJA awarded grant funds for each application.

**Table 4**

**SAK Initiative Applications  
Fiscal Years 2018 – 2020**

FY	Applications Received	Applications not meeting BMR	Applications Not Recommended	Pre-Award Risk Rating: High <sup>a</sup>	Total Grants Awarded
2018	38	0	6	13	32
2019	36	1	3	3	32
2020	42	2	4	4	36
<b>Total</b>	<b>116</b>	<b>3</b>	<b>13</b>	<b>20</b>	<b>100</b>

<sup>a</sup> Any applicant recommended for funding with a high pre-award risk rating is subject to additional award special conditions addressing the identified risks.

Source: OIG Analysis and OJP

Prior to awarding funds, BJA conducts an in-depth internal review to ensure the quality and diversity of the applications received and to assign a pre-award risk rating.<sup>37</sup> The pre-award risk rating is dependent on an

<sup>36</sup> Between FYs 2015 and 2017, the SAK Initiative was a cooperative agreement program, utilized when substantial involvement is anticipated between the awarding agency and the recipient during the period of performance of the contemplated activity.

<sup>37</sup> OJP's pre-award risk assessment process considers a variety of factors including an applicant's financial capability and past performance. If an applicant is an existing OJP grantee, a pre-award risk rating will be calculated using the average Grant Assessment Tool (GAT) risk criteria. At the time of our review, each applicant was classified as a low, medium, or

*Continued*

applicant's financial stability, quality of management systems, history of performance, prior audit findings, and the applicant's ability to effectively implement and follow statutory, regulatory, and other requirements imposed. As shown in Table 4, between 2018 and 2020, BJA rated 20 applications (18 percent) as high-risk. Of the 20 high-risk applications, BJA awarded SAK Initiative funding to 16 applicants.

We judgmentally selected seven applications funded, including two high-risk applications, to determine if BJA's methodology for awarding SAK Initiative funds was adequate, to include properly documenting its award selection process and identifying high-risk grantees. We reviewed BJA's funding recommendation memorandum, pre-risk assessments, peer review documentation, financial review documentation, and other award documentation in the Grants Management System. Based on our review, we found that BJA's methodology for awarding SAK Initiative funds was adequate, to include documenting each step of the award selection process, identifying high-risk grantees, and applying special conditions to high-risk grantees.

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high pre-award risk based upon their score. For applicants that are not existing OJP grantees, the pre-award risk score will be calculated by using an imputed GAT score, responses from the Financial Management and System of Internal Controls Questionnaire, and data from USAspending.gov to determine whether they are a recipient of other federal awards.

## Conclusion and Recommendations

The SAK Initiative has resulted in the identification of kits that have languished untested for decades and helped law enforcement agencies provide justice to victims of sexual assault. Grant recipients, other than small agencies, are required to implement a comprehensive sexual assault response program, which includes three main elements: (1) identifying and inventorying all unsubmitted SAKs; (2) creating a working group to identify what contributed to, and continues to drive the SAK backlog in its jurisdiction; and (3) designating a site coordinator to serve as the central point of contact for the working group. The SAK Initiative has helped grantees identify 136,060 unsubmitted SAKs across the nation. As of June 2021, grantees have uploaded 29,207 DNA profiles into the FBI's CODIS and received 13,531 CODIS hits (46 percent hit rate), potentially identifying unknown, known, and serial sex offenders. The SAK Initiative has also resulted in 189 convictions and 795 guilty pleas. Yet, more than 50,000 SAKs still await testing by these grantees. We identified several actions that BJA can take to better ensure that grantees more effectively address the three main elements, improve participation in the program, and effect the goals of the initiative.

First, we determined that BJA does not have a quality assurance process in place to ensure the information being reported by grantees on the SAK inventory certification form is accurate and complete. As a result, grantees are reporting to BJA inaccurate numbers of unsubmitted SAKs. We also determined that grantees are not tracking all the SAK required data elements. Further, we determined that BJA has awarded only \$1.6 million (0.7 percent) of SAK Initiative funds to four small agencies, and that no tribal agencies have applied for or received grant funding. Therefore, BJA should increase its outreach efforts to include small agencies, such as rural and tribal agencies, in the SAK Initiative. Additionally, BJA's performance measures for assessing tribal agencies' involvement in the SAK Initiative are inadequate and BJA does not separately track the number of SAKs inventoried or tested in rural and tribal communities.

The SAK Initiative also funds the identification, collection, and processing of DNA samples from offenders convicted under state law, prioritizing the collection from offenders with a high likelihood of being linked to sexual assaults. BJA should develop a plan to ensure the more than 258,000 offender DNA profiles that have been identified by grantees are collected, tested, and uploaded into CODIS. Delaying this collection will likely result in potential perpetrators not being identified in unsolved crimes. We also found BJA's current method of tracking investigative leads in the Federal Bureau of Investigation's (FBI) Violent Crime Apprehension Program (ViCAP) is not an accurate indicator of the number of ViCAP leads being generated by the database. Further, BJA should ensure SAK Initiative coordinators receive adequate training to understand the roles and responsibilities of the position. Lastly, we found instances in which BJA's grant monitoring did not properly identify problematic and struggling grantees.

We recommend that OJP:

1. Develop and implement guidelines for grantees to update SAK inventories to ensure grantees are submitting accurate and complete SAK inventory certification forms.
2. Enhance its efforts to increase participation of small agencies, such as tribal and rural agencies, in the SAK Initiative.

3. Update its performance metrics to align with SAK Initiative reporting requirements to better capture small agencies, including rural and tribal agencies, participation in the SAK Initiative.
4. Develop and implement a plan to ensure grantees are achieving the goals and objectives of the SAK Initiative's Purpose Area 3, particularly regarding the large number of lawfully owed convicted offender DNA samples identified but not yet collected.
5. Update its performance measures to ensure that the ViCAP performance metrics being collected are an accurate indicator of ViCAP activities.
6. Work with its TTA provider to develop and implement coordinator-specific trainings to ensure new and existing coordinators have access to trainings and understand the expectations and responsibilities of the positions.
7. Ensure its grant monitoring, including desk review and in-depth monitoring, accurately document grant-related information and activities; to include the identification of grantees that are struggling to expend grant funds in a timely manner.

# APPENDIX 1: Objectives, Scope, and Methodology

## Objectives

The objectives of this audit were to: (1) assess the BJA's management and oversight of the SAK Initiative, (2) review BJA's methodology in awarding grant funds, and (3) evaluate BJA's approach to and progress in accomplishing BJA's goals for the SAK Initiative.

## Scope and Methodology

The scope of our audit focused on the BJA's National Sexual Assault Kit Initiative (SAK Initiative), which provides local, state, and tribal law enforcement agencies, and prosecutors' offices, funding to inventory, track, and test previously unsubmitted sexual assault kits. Our audit generally covers the BJA's SAK Initiative activities from FYs 2015 through 2021.

To accomplish our objectives, we interviewed BJA personnel, including Supervisory Grant Management Specialists and Grant Managers. We also spoke to grant funded personnel at the Research Triangle Institute (RTI) International, the SAK Initiative training and technical assistance provider. Specifically, we interviewed RTI International's Director, a Senior Project Management Specialist, and Site Liaisons providing training and technical assistance to SAK Initiative grantees. We also spoke to an RTI International Senior Contracting Officer. Lastly, we spoke to five SAK Initiative grantees and an FBI Crime Analyst working on the FBI's ViCAP.

We also examined grant documentation, including solicitations, award documents, monitoring documentation, and grantee reporting. Due to the COVID-19 pandemic, this audit was conducted remotely.

## Statement on Compliance with Generally Accepted Government Auditing Standards

We conducted this performance audit in compliance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Internal Controls

In this audit, we performed testing of internal controls significant within the context of our audit objectives. We did not evaluate the internal controls of BJA to provide assurance on its internal control structure as a whole. BJA management is responsible for the establishment and maintenance of internal controls in accordance with the Code of Federal Regulations (CFR). Because we do not express an opinion on the BJA's internal control structure as a whole, we offer this statement solely for the information and use of the BJA.<sup>38</sup>

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<sup>38</sup> This restriction is not intended to limit the distribution of this report, which is a matter of public record.

## **Sample-Based Testing**

To accomplish our audit objective, we performed sample-based testing for the awarding of SAK Initiative funds, monitoring SAK Initiative grantees, and SAK Initiative grantee performance reporting. In this effort, we employed a judgmental sampling design to obtain broad exposure to numerous facets of the areas we reviewed. This non-statistical sample design did not allow projection of the test results to the universe from which the samples were selected.

## **Computer-Processed Data**

During our audit, we obtained information from the OJP's accounting system, GMS, JustGrants, the PMT, and BJA's contractor's database. We did not test the reliability of those systems as a whole, therefore any findings identified involving information from those systems were verified with documentation from other sources.

# APPENDIX 2: The Office of Justice Programs Response to the Draft Audit Report



U.S. Department of Justice

Office of Justice Programs

*Office of the Assistant Attorney General*

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Washington, D.C. 20531

**July 5, 2022**

MEMORANDUM TO: Michael E. Horowitz  
Inspector General  
United States Department of Justice

THROUGH: Jason R. Malmstrom  
Assistant Inspector General for Audit  
Office of the Inspector General  
United States Department of Justice

FROM: Maureen A. Henneberg *MA Henneberg*  
Deputy Assistant Attorney General

SUBJECT: Response to the Office of the Inspector General's Draft Audit Report, *Audit of the Bureau of Justice Assistance's National Sexual Assault Kit Initiative*

This memorandum provides a response to the Office of the Inspector General's (OIG) June 3, 2022, draft audit report entitled, *Audit of the Bureau of Justice Assistance's National Sexual Assault Kit Initiative*. The Office of Justice Programs (OJP) appreciates the opportunity to review and comment on the draft report.

Since its launch in Fiscal Year (FY) 2015, the Sexual Assault Kit Initiative (SAKI) has grown to currently support 76 grantees. SAKI sites represent 26 state-wide and 50 municipal jurisdictions that collectively cover about 60 percent of the U.S. population. SAKI's impact is being seen at the national, state, local, rural and tribal levels. Of the 146,278 kits inventoried with SAKI funding to date, 72,350 have been tested to completion. These kits have yielded 30,259 new Combined DNA Index System (CODIS) DNA profile uploads and 13,961 CODIS hits. There have been 1,938 CODIS hits to serial sex offenders and 7,316 CODIS hits to serial violent offenders. As a result of SAKI, suspects are continually being identified and apprehended, victims are receiving long-awaited justice, and law enforcement agencies are utilizing support and resources to improve their overall response to sexual assault.

The draft audit report contains seven recommendations. For ease of review, the recommendations directed to OJP are summarized below and are followed by OJP's response.

**We recommend that BJA:**

- 1. Develop and implement guidelines for grantees to update Sexual Assault Kit (SAK) inventories to ensure grantees are submitting accurate and complete SAK inventory certification forms.**

The Office of Justice Programs agrees with this recommendation. The Bureau of Justice Assistance (BJA) will develop and implement guidelines for SAKI grantees to update their inventories to ensure accurate and complete submissions of SAKI inventory certification forms by December 31, 2022. Grantees will be required to provide a spreadsheet containing redacted case level information for each kit counted in their inventory to support their inventory certification form.

We consider this recommendation resolved and request written acceptance of this action from your office.

- 2. Enhance its efforts to increase participation of small agencies, such as tribal and rural agencies, in the SAK Initiative.**

The Office of Justice Programs agrees with this recommendation. Many current SAKI grantees already serve small, rural, and tribal agencies, especially the 26 statewide sites. BJA will work with existing statewide grantees and the SAKI Training and Technical Assistance (TTA) provider to increase outreach to small, rural, and tribal agencies within their jurisdictions, and conduct awareness campaigns to increase participation in the SAKI. BJA will also work with the SAKI TTA provider and OJP's Office of Communications to enhance strategies to reach and educate small, rural, and tribal agencies that are not currently SAKI grantees or covered under a statewide SAKI grant. This campaign will aim to encourage those entities to not only apply for SAKI funding, but to also take advantage of all available SAKI training resources.

We consider this recommendation resolved and request written acceptance of this action from your office.

- 3. Update its performance metrics to align with SAK Initiative reporting requirements to better capture small agencies, including rural and tribal agencies, participation in the SAK Initiative.**

The Office of Justice Programs agrees with this recommendation. In addition to assessing and restructuring the existing SAKI performance measures, the SAKI performance metrics questions will be modified to include additional questions that capture the number of small, rural, and tribal agencies receiving assistance under the current SAKI award (e.g. for statewide grants), and the number of cases under the current SAKI award that are from small, rural, and tribal agencies. It is expected that these updated performance metrics will be deployed beginning in January 2023.

We consider this recommendation resolved and request written acceptance of this action from your office.

**4. Develop and implement a plan to ensure grantees are achieving the goals and objectives of the SAK Initiative's Purpose Area 3, particularly regarding the large number of lawfully owed convicted offender DNA samples identified but not yet collected.**

The Office of Justice Programs agrees with this recommendation. BJA will develop and implement a plan to ensure SAKI grantees are achieving the goals and objectives of Purpose Area 3 (PA3), particularly as it relates to the large number of lawfully owed convicted offender DNA samples identified, but not yet collected. As part of this plan, BJA will work with the SAKI TTA provider to deliver tailored assistance to each PA3 grantee to assist with achieving their programmatic goals. Peer to peer exchange will also be facilitated by BJA, with a focus on pairing the more advanced PA3 sites who have successfully collected the bulk of their lawfully owed DNA samples, with those who are still tackling the many issues associated with collection. In addition, BJA will review the current project period end dates and the status of the collection of the lawfully owed convicted offender DNA samples and determine if additional project period extensions are necessary for each PA3 award, since the COVID-19 pandemic impacted the ability for these grantees to collect lawfully owed DNA samples.

We consider this recommendation resolved and request written acceptance of this action from your office.

**5. Update its performance measures to ensure that the ViCAP performance metrics being collected are an accurate indicator of ViCAP activities.**

The Office of Justice Programs agrees with this recommendation. To address this recommendation, BJA and ViCAP leadership reviewed the existing SAKI ViCAP performance questions in the performance management tool, as well as other data related to ViCAP-SAKI activities. BJA and ViCAP leadership decided to leave the existing performance questions in the performance measurement tool as currently stated because the questions capture the ViCAP leads that SAKI sites generate through their own searches of the database for similar cases/suspects, or via the automated lead generation function in ViCAP. However, to augment the collection of data related to ViCAP activities, in January 2022, BJA implemented a new procedure to capture ViCAP-SAKI activities. The bulk of the overall ViCAP-related leads are leads that ViCAP staff provide directly to SAKI sites. On a monthly basis, ViCAP staff directly transmit the additional leads to the Forensics Unit Supervisor in BJA. The attached zip file includes the monthly ViCAP SAKI metric reports that have been provided to BJA from January through May 2022. These metric reports detail the leads provided to SAKI sites, as well as ViCAP trainings delivered to SAKI grantees.

Based on this response and documentation provided, the Office of Justice Programs requests closure of this recommendation.

**6. Work with its TTA provider to develop and implement coordinator-specific trainings to ensure new and existing coordinators have access to trainings and understand the expectations and responsibilities of the positions.**

The Office of Justice Programs agrees with this recommendation. BJA will work with the SAKI TTA provider to develop tailored training for SAKI site coordinators, which is expected to bolster program sustainability efforts and deliverables for SAKI sites. These trainings will begin in FY 2023.

We consider this recommendation resolved and request written acceptance of this action from your office.

**7. Ensure its grant monitoring, including desk review and in-depth monitoring, accurately document grant-related information and activities; to include the identification of grantees that are struggling to expend grant funds in a timely manner.**

The Office of Justice Programs agrees with this recommendation. The Office of Audit, Assessment, and Management will review and update, as necessary, instructions to Grant Managers completing annual desk reviews and in-depth monitoring checklists, to include the identification of grantees that are struggling to expend grant funds in a timely manner.

We consider this recommendation resolved and request written acceptance of this action from your office.

Thank you for the opportunity to respond to this draft report, and for your continued collaboration to improve the administration of our grant programs. If you have any questions regarding this response, please contact Ralph E. Martin, Director, Office of Audit, Assessment, and Management, at (202) 305-1802.

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Control Title IT202263000000

## **APPENDIX 3: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report**

The OIG provided a draft audit report to the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA). The OJP's response is incorporated in Appendix 2 of this final report. In response to our draft audit report, OJP agreed with our recommendations, as a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

### **Recommendations for OJP:**

**1. Develop and implement guidelines for grantees to update SAK inventories to ensure grantees are submitting accurate and complete SAK inventory certification forms.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA will develop and implement guidelines for Sexual Assault Kit Initiative (SAK Initiative) grantees to update their inventories to ensure accurate and complete submissions of SAK Initiative inventory certification forms by December 31, 2022. Additionally, OJP stated that grantees will be required to provide a spreadsheet containing redacted case level information for each kit counted in their inventory to support their inventory certification form.

This recommendation can be closed when we receive evidence that the BJA has developed and implemented guidelines for SAK Initiative grantees to update SAK inventories to ensure grantees are submitting accurate and complete SAK inventory forms.

**2. Enhance its efforts to increase participation of small agencies, such as tribal and rural agencies, in the SAK Initiative.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA will work with existing statewide grantees and the SAK Initiative National Training and Technical Assistance (TTA) provider to increase outreach to small, rural, and tribal agencies within their jurisdictions, and conduct awareness campaigns to increase participation in the SAK Initiative. The BJA will also work with its TTA provider and OJP's Office of Communications to enhance strategies to conduct outreach and educate small, rural, and tribal agencies that are not currently in the SAK Initiative or covered under a statewide SAK Initiative grant.

This recommendation can be closed when we receive evidence that the BJA has conducted outreach efforts and awareness campaigns to increase participation of small agencies, such as rural and tribal agencies, in the SAK Initiative.

**3. Update its performance metrics to align with SAK Initiative reporting requirements to better capture small agencies, including rural and tribal agencies, participation in the SAK Initiative.**

Resolved. OJP agreed with our recommendation and stated in its response that it is in the process of assessing, restructuring, and modifying the existing SAK Initiative performance measures and

performance metrics questions. OJP also stated that the updated performance metrics will be implemented in January 2023 and will include questions that capture the number of small, rural, and tribal agencies receiving assistance under the current SAK Initiative grants, and the number of cases that are generated from small, rural, and tribal agencies.

This recommendation can be closed when we receive evidence that OJP has updated its SAK Initiative performance metrics to include questions that capture the number of small, rural, and tribal agencies receiving SAK Initiative assistance, along with the number of cases that are generated from these agencies.

**4. Develop and implement a plan to ensure grantees are achieving the goals and objectives of the SAK Initiative's Purpose Area 3, particularly regarding the large number of lawfully owed convicted offender DNA samples identified but not yet collected.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA will develop and implement a plan to ensure SAK Initiative grantees are achieving the goals and objectives of Purpose Area 3, particularly as it relates to the large number of lawfully owed convicted offender DNA samples identified, but not yet collected. OJP also stated that the BJA will work with its TTA provider to deliver tailored assistance to each Purpose Area 3 grantee to achieve the SAK Initiative's programmatic goals; facilitate peer to peer exchanges between more advanced Purpose Area 3 grantees and grantees that have issues associated with DNA collection; and review current project period end dates and project statuses to determine if additional project period extensions are required, due to the impact of the COVID-19 pandemic on collecting lawfully owed DNA samples.

This recommendation can be closed when we receive evidence that the BJA has developed and implemented a plan to ensure grantees are achieving the goals and objectives of the SAK Initiative's Purpose Area 3, particularly regarding the large number of lawfully owed convicted offender DNA samples identified but not yet collected.

**5. Update its performance measures to ensure that the Violent Crime Apprehension Program (ViCAP) performance metrics being collected are an accurate indicator of ViCAP activities.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA, in coordination with ViCAP leadership, reviewed the existing SAK Initiative ViCAP performance questions and determined that it would not be beneficial to change the existing performance questions in the Performance Measurement Tool (PMT). OJP stated that its current performance questions capture the number of ViCAP leads generated through grantee searches and automated leads generation in ViCAP; however, the questions do not account for the number of ViCAP leads and searches performed by ViCAP staff. Therefore, in January 2022, the BJA implemented a new procedure whereby ViCAP staff directly transmit the additional leads generated to the Forensics Unit Supervisor in the BJA, so that the BJA may better capture all ViCAP activities. A BJA official stated that it is in the process of determining how ViCAP-related information provided by ViCAP staff will be maintained, such as in the PMT or JustGrants system.

This recommendation can be closed when we receive evidence regarding how the BJA will maintain ViCAP-related information to ensure that the ViCAP performance metrics being collected are an accurate indicator of ViCAP activities.

**6. Work with its TTA provider to develop and implement coordinator-specific trainings to ensure new and existing coordinators have access to trainings and understand the expectations and responsibilities of the positions.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA will work with its TTA provider to develop tailored training for SAK Initiative site coordinators. Such trainings will be implemented in fiscal year 2023.

This recommendation can be closed when we receive evidence that the BJA has developed and implemented coordinator-specific trainings to ensure new and existing coordinators have access to trainings and understand the expectations and responsibilities of the positions.

**7. Ensure its grant monitoring, including desk review and in-depth monitoring, accurately document grant-related information and activities; to include the identification of grantees that are struggling to expend grant funds in a timely manner.**

Resolved. OJP agreed with our recommendation and stated in its response that the Office of Audit, Assessment, and Management (OAAM) will review and update, as necessary, instructions to Grant Managers for completing annual desk reviews and in-depth monitoring checklists, to include the identification of grantees that are struggling to expend grant funds in a timely manner.

This recommendation can be closed when we receive evidence that the OAAM has reviewed and updated the guidance and instructions to Grant Managers for completing annual desk reviews and in-depth monitoring checklists, to include the identification of grantees that are struggling to expend grant funds in a timely manner.