



## Ending North Carolina's Sexual Assault Kit Backlog: *A Closer Look at the Numbers*

The **2019 inventory** of sexual assault kits determined that there were 16,221 older, untested sexual assault kits in local law enforcement custody.

Also in 2019, Attorney General Josh Stein worked with legislators of both parties to enact the Survivor Act, which required law enforcement agencies to create review teams to determine which of their untested kits needed to be tested. These reviews resulted in the following kit breakdowns:

### **16,221 kits in inventory:**

- **11,858 kits required testing** under the requirements of the Survivor Act.
- **2,958 kits do not require testing** under the Survivor Act because:
  - The kit was linked to a case that law enforcement and prosecutors had already won a conviction in, and the defendant's sample was added to the CODIS DNA database.
  - The kit was determined to be unfounded after a comprehensive review by the law enforcement agency and another review by the multi-disciplinary review team, including victim advocates. An "unfounded" determination means that there is clear and convincing evidence that the crime did not occur.
- **1,405 kits have not been tested**, because they are unreported or anonymous. In these instances, the survivor agreed to have a sexual assault evidence kit collected, but they chose not to report the crime to law enforcement and did not consent to participating in the criminal justice process. In accordance with their wishes, their kit was not tested. The Department of Public Safety's Law Enforcement Support Services stores these kits. If a survivor later changes their mind and wants their kit processed, the Crime Lab will test the kit on behalf of law enforcement.

**11,841 kits** have been tested or are in the process of finishing being tested.

- 5,075 kits contained samples that could then be submitted to the CODIS DNA database.
- 2,702 of those samples had hits in the CODIS DNA database.
  - 2,024 samples had hits to offenders whose DNA is in the database because of previous convictions/arrests.
  - 291 samples had hits to other unsolved cases or other solved cases in which DNA samples were collected and submitted as part of the investigation.
  - 387 samples were submitted from cases that law enforcement had solved and had hits to other solved cases.
  - As a result of those hits, law enforcement has made at least 114 arrests related to kits from the inventory.
  - The remaining 17 kits are in process for testing.