

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC# 368-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: September 7, 2016

SUBJECT: **Update on Sexual Offense Evidence Kits; Police Department in Compliance with new Florida State Statute 943.326 –**

This Letter to the City Commission is prepared to provide information on the Police Department's initiative to update and complete its testing of all its outstanding sexual offense evidence kits in order to achieve compliance with the requirements of a new state law.

During the past few years, the issue of untested sexual offense kits has received increased national attention from the public, the media and lawmakers. During the 2016 Florida legislative session, lawmakers enacted legislation to ensure that evidence collected during every sexual offense forensic exam pursuant to a police investigation no longer languish in storage, but instead be sent to the statewide or regional lab for testing.

The Miami Beach Police Department, like other police agencies in the state, did not send every evidence kit for testing because of the inability of these labs to handle the volume. Instead, MBPD prioritized its requests for testing based on likelihood of prosecution, evidence that a crime had occurred, degree of cooperation of victims and other factors. The best current thinking in law enforcement and among policy makers and legislatures across the country is that every such kit should now be tested, even if there are significant barriers to a prosecution in a given case.

Effective July 1, 2016, and as per newly created Florida State Statute 943.326, sexual offense evidence kits collected during any law enforcement investigation must be submitted to a laboratory within 30 days after receipt by the law enforcement agency or within 30 days of a request being made by the victim or his/her representative. Once evidence is submitted to the lab, testing must be completed within 120 days.

The 2016 Florida budget included over \$10 million to the Florida Department of Law Enforcement (FDLE) to obtain resources necessary to process all untested kits within 36 months. Since this new law was enacted, our Police Department conducted a comprehensive search of its evidence files and identified all untested kits in its possession. The Police Department has now submitted all its untested sexual offense kits to its regional laboratory for testing. So the Department is now in compliance with this new state law. In addition, all future kits coming into the Department's custody will be promptly tested as well.

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