

**Date:** February 3, 2020

**To:** Deputy Chief Erick Fors, MPD  
Commander Gio Veliz, MPD  
Lieutenant Darcy Horn, MPD

**Cc:** Chief Medaria Arradondo, MPD  
Mayor Jacob Frey, City of Minneapolis  
Christina Warren, Senior Assistant Hennepin County Attorney

**Re:** Minneapolis Police Department Sexual Assault Examination Kits Internal Control Review and Untested Kit Count Verification Special Project

## Introduction

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At the request of the Minneapolis Police Department (MPD) and the Mayor, the City's Internal Audit Department conducted a consultation to review MPD's internal controls for managing sexual assault examination (SAE) kits and provide an independent verification of the count of untested SAE kits.

In 2015, the Minnesota Bureau of Criminal Apprehension (BCA) conducted a statewide survey of untested SAE kits among law enforcement agencies across the state. MPD reported it had 194 untested SAE kits in inventory at the time. In the summer of 2019, an initial audit by MPD found the number of untested kits to be greater than 1,700. Internal Audit was engaged to provide an independent count of SAE kits and review internal controls around the handling of SAE kits.

The consultation scope and approach, testing observation and conclusion are discussed below, followed by a description of the department's SAE handling processes in the background section and detailed results and management recommendations in the final section.

## Consultation Scope and Approach

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Internal Audit performed the following:

1. Verified count of all untested SAE kits for which MPD is responsible
2. Reviewed internal controls around SAE kit handling
3. Reviewed plan to test backlogged kits for potential efficiencies

The scope included all SAE kits in MPD’s possession, including those tested, not tested, and not eligible for testing. Kits not a part of this review were those tested and returned from the BCA, typically stored in general, unrefrigerated storage. The timeframe covered SAE kits from 1988 through January 2020.

Specifically, this review included:

- Conducting physical inventory count of all SAE in MPD possession and at the Bureau of Criminal Apprehension (BCA) laboratory, and comparing to MPD’s list of backlogged SAE kits
- Reviewing current policies and procedures around SAE kit handling
- Performing inquiry and observation to review processes used for the tracking and handling of SAE kits
- Reviewing the procedures to test the backlog of SAE kits

Internal Audit conducted its onsite physical inventory count of all untested SAE kits the first 3 weeks of January 2020 at the City’s three current Property and Evidence facilities (City Hall, “South Warehouse”, and “New Warehouse”) and the Bureau of Criminal Apprehension’s St. Paul laboratory. A small number of SAE kits were also located at the BCA lab in Bemidji and were included in inventory counts. As part of Property and Evidence’s move, no untested SAE kits were observed at City Hall. MPD stores all untested kits at the two warehouses in cold storage units.

## Observations

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As a result of this review, Internal Audit identified four observations:

- Policies and procedures around the handling of SAE kits need enhancement. (High)
- There is no centralized number to contact MPD regarding newly collected SAE kits or formal tracking of the 10-day notification requirement by MN Statute. (High)
- Management of the SAE kit backlog tracker needs enhancements. (Moderate)
- Communication and execution of the plan to test backlogged SAE kits needs strengthening. (High)

Table 1 below contains the overall evaluation of the severity of the risk and the potential impact on operations. There are many areas of risk to consider, including financial, operational, compliance, and reputational, when determining the relative risk rating. Observations are rated as High, Moderate, or Low.

**Table 1. Observations Summary**  
**MPD SAE Kit Special Project Observations and Issue Ratings**

High	Moderate	Low
Policies and procedures around the handling of SAE kits need enhancement.		
There is no centralized number to contact MPD regarding newly collected SAE kits or formal tracking of the 10-day notification requirement by MN Statute.		
	Management of the SAE kit backlog tracker needs enhancements.	
Communication and execution of the plan to test backlogged SAE kits needs strengthening.		

- **High Risk:** Some key controls do not exist or are not effective resulting in impaired control environment; high risk improvement opportunities require immediate corrective action
- **Moderate Risk:** Adequate control environment in most areas; moderate risk improvement opportunities identified which require corrective action
- **Low Risk:** Satisfactory overall control environment; small number of lower risk improvement opportunities identified which do not require a management action plan

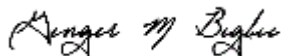
Internal Audit’s results for each objective, observations, and corresponding recommendations are below. Observations for consultations do not require management action plans.

## Conclusion

Overall, MPD’s control environment around the handling of SAE kits needs enhancements. Internal Audit identified moderate improvement opportunities to ensure department policies and best practices are followed, and that backlogged SAE kits are tested timely and effectively. Internal Audit was able to verify MPD’s recent SAE kit count and provide an updated SAE inventory list to management.

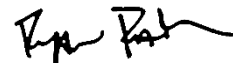
While management action plans are not required for consultations, management has identified improvements around controls and the process of handling SAE kits. As a part of continuous monitoring efforts, Internal Audit will follow up with management on a regular basis and assess overall progress and risk levels.

Internal Audit would like to thank the Minneapolis Police Department, Hennepin County, and the Minnesota Bureau of Criminal Apprehension staff for their cooperation, expertise, and time put forth to expedite this review.




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## Background

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Trained medical professionals conduct sexual assault examinations at hospitals and medical care facilities. They then contact MPD through various methods to pick up kits. An officer or Property and Evidence Unit staff member collects the kits and transports them to a Minneapolis Property and Evidence warehouse, where the kits are logged into inventory and kept in cold storage. Minneapolis Park Police may be notified of a potential case, but do not store SAE kits in their possession.

Minneapolis Police Property and Evidence staff currently moving to a new centralized warehouse facility. Currently, they keep SAE kits in storage at multiple locations. However, once the move is completed, the department will have one location for intake and storage.

Victims may choose whether to report their case to law enforcement at the time of examination. Minnesota Statute §299C.106 prohibits “unreported” SAE kits from testing, but MPD still logs them into Property and Evidence inventory. These kits are also known as “restricted” SAE kits. Reported cases are considered “unrestricted”, as the victim has filed a police report and can be tested. MPD keeps unreported kits in cold storage for testing if a victim chooses to report in the future.

### [Sexual Assault Examination Kit Testing](#)

The BCA laboratory analyzes SAE kits and test for DNA. In 2018, the Minnesota legislature enacted a statute<sup>1</sup> requiring law enforcement agencies to retrieve a SAE kit from the medical facility within 10 days

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<sup>1</sup> MN Stat §299C.106

of notification, and to submit a kit to the BCA within 60 days of collection, if the kit can be tested. This applies to newly collected SAE kits since the statute was enacted in mid-2018;<sup>2</sup> older kits do not have this testing requirement.

On average, depending on the circumstances and workload, it takes about two to three months to test and fully analyze a kit. The BCA retains biological evidence and sends back the kits and results. MPD then logs the SAE kit back into inventory and stores it at a Property and Evidence location.

MPD may not have tested older SAE kits for a number of reasons, including cases where a confession was obtained, prosecution was declined, or the victim elected not to participate further in the criminal justice practice. Some may be from homicides or other deaths where the kit was collected as part of a routine process. However, best practice has now stated any allowable kit should be tested. This can help identify unknown offenders, link crimes, identify serial offenders, and provide assurance to victims that their cases are fully investigated.

MPD's Sex Crimes unit investigates reported sexual assaults, and the unit works with the Hennepin County Attorney's Office for charges and prosecution. Since MPD's review last year resulting in the approximately 1,700 number of untested SAE kits, both MPD and the Attorney's Office have been working together to review SAE kits, individual cases, and reports to determine whether testing is allowable. More discussion of this process can be found under the following objectives.

## Results and Recommendations

### Objective 1: Verify count of all untested SAE kits for which MPD is responsible

From July 2019 to October 2019, MPD conducted inventory counts of SAE kits in their possession that either needed testing or further review to determine status. The review from investigators from MPD and the Hennepin County Attorney's Office to review kits and their associated cases is ongoing. Some SAE kits may have physical indicators that the kit is from an unreported case and thus not testable, but others need further case research to determine the circumstances of the kit. SAE kits submitted to and returned from the BCA typically also have easily identifiable distinctive markings.

Internal Audit conducted a physical count, recording the identifying features of each SAE kit observed and its location. MPD staff provided assistance as needed in identifying SAE kits, searching the police information system for further details.

After Internal Audit's review, a total of 3,747 SAE kits was observed, with a summary provided in Table 2 below. See Table 3 for a reconciliation of Internal Audit's inventory with MPD's inventory counts. More detailed explanations and caveats follow.

**Table 2. SAE Kit Inventory Summary**

Total SAE Kits Observed <sup>1</sup>	3,747
SAE Kits Not to be Tested at this Time <sup>2</sup>	1,989
SAE Kits Needing Testing or Further Research	<b>1,758</b>

<sup>2</sup> MN Stat §299C.106

**Table 3. Untested SAE Kit Backlog Inventory Verification**

SAE Kits Needing Testing or Further Research	1,758
Recent SAE Kits, Not Part of Backlog <sup>3</sup>	27
SAE Kit Backlog Inventory Count <sup>4</sup>	<b>1,731</b>
Difference Between Internal Audit Backlog Inventory and MPD Backlog Inventory <sup>5</sup>	<b>75 Internal Audit additions</b>

**Total SAE Kits Observed<sup>1</sup>:** Total Kits Counted at all storage locations

**SAE Kits Not to be Tested at this Time<sup>2</sup>:** Includes tested and unreported cases

**Recent SAE Kits, Not Part of Backlog<sup>3</sup>:** SAE Kits added since July 2018

**SAE Kit Backlog Inventory Count<sup>4</sup>:** Backlogged SAE Kits identified as needing tested or further research

**Difference Between Internal Audit Backlog Inventory and MPD Backlog Inventory<sup>5</sup>:** SAE Kits Internal Audit identified as needing to be added to MPD’s backlogged kit tracker

Internal Audit identified 75 SAE kits as needing to be added to MPD’s backlogged inventory count to research further or to send for testing. Some of these additions were for multiple SAE kits assigned to the same case; Internal Audit counted each individual SAE kit. In other circumstances, additions may have been made to correct for differences in identifying features in the inventory, such as incomplete property inventory numbers, making a confirmation difficult to determine.

**The SAE Kit Backlog Inventory Count includes kits for unreported cases that cannot be tested, but without further research, the status is unable to be determined.** As management completes their casework of each SAE kit and makes determinations, the number of untested SAE kits in the backlog will continue to decrease.

This is an extensive process, and the final number of testable backlogged SAE kits is unknown as of this time. However, it will be less than 1,731 currently upon completion of review. The approximately 1,700 number reported in November 2019 has already seen decreases as staff research and appropriately classify kits. MPD and the Hennepin County Attorney’s Office has been working together on the research.

The numbers above are based on documentation provided by management that Internal Audit reviewed, and SAE kits observed during the onsite inventory counts. Management’s inventory spreadsheet is a working document, and not all fields may have been complete enough to provide identifying features to confirm a match.

Internal Audit noted a limited number of instances where an SAE kit’s case number, property identification number, or status were incorrect in MPD’s original inventory spreadsheet. There was a limited number of other exceptions, including one SAE kit that was identified as destroyed in the system yet remained in storage, and one SAE kit with an incorrect location identified. Of the total population of 3,747 kits, however, the exceptions identified were minimal.

MPD should add the kits identified as missing from their count and update the exceptions to kits noted above to their backlogged SAE kit tracker. Internal Audit has created an inventory of all SAE kits currently in cold storage in Property and Evidence and at the BCA, including their status. The inventory list will be turned over to management for use in tracking SAE kits.

## **Objective 2: Review internal controls around SAE kit handling**

MPD is responsible for the handling of SAE kits upon collection from medical facilities. The Sex Crimes and Property and Evidence units work together to ensure proper handling of SAE kits as they are inventoried, sent for testing, and returned. Policies and procedures and state statutes govern current processes.

➤ **Observation: Policies and procedures around the handling of SAE kits need enhancement (High)**

MPD has procedures in place around the handling of SAE kits, and staff have institutional knowledge in the handling of SAE kits; however, not all key roles, responsibilities, and processes are documented and align with state statutes. For example, Internal Audit noted some procedures were not adopted into policies and procedures as required by MN Stat §611A.27, Subd. 2.

Internal Audit found that policies and procedures do not reflect current systems and processes. Procedural documentation omits current processes. Some procedural documents were last updated and reviewed in 2015. Internal Audit observed references to a previous police information system phased out in 2018. A lack of current and complete policies and procedures increases the risk of improper and inconsistent processes.

**Recommendation: Procedures should be reviewed and updated to include key roles and processes.**

It is best practice to review policies and procedures on a regular, annual basis and update as needed to ensure documents reflect current processes and procedures. Including all processes and procedures in written documents promotes consistency in the handling of SAE kits and alignment and compliance with state statutes and best practice. State statute requirements should be considered and incorporated as applicable.

A Victim Notification Protocol is currently under development by MPD, and management should leverage the opportunity to ensure staff have defined responsibilities and communicate necessary information to victims and responsibilities are defined. As the Property and Evidence Unit completes its move to the new warehouse and exits its current location, management should ensure procedural documents are updated accordingly.

➤ **Observation: There is no centralized number to contact MPD regarding newly collected SAE kits or formal tracking of the 10-day notification requirement by MN Statute (High)**

Currently, MPD is notified that a SAE kit is available for collection through several ways. The Sex Crimes Unit or Lieutenant, specific Property and Evidence staff member, or a local precinct may receive a call that a SAE kit is ready for pickup. Some facilities may also wait for an expected regular collection by Property and Evidence. As such, no consistent notification process occurs.

Current state statute requires MPD to collect a SAE kit within 10 days of notification.<sup>3</sup> Due to the decentralized system currently in place, management is unable to measure compliance. Without a standardized collection system, miscommunications may occur, and tracking is difficult, increasing the risk of a kit not being collected or misplaced.

Management has created dashboards that can track recent SAE kits' status and location and can measure compliance with the 60 days testing requirement. Through a centralized intake and tracking process, all necessary data can be provided to management and requirements tracked.

SAE kits are entered into inventory by an officer or by Property and Evidence staff. Sometimes, SAE kits may be transported directly to the BCA when collected and not entered into inventory until they are returned to MPD. While not common, MPD's current system of tracking SAE kits relies on information contained within the police information system. As a result, management's counts and dashboards may not capture kits at the BCA.

**Recommendation: MPD should centralize the notification and tracking of SAE kits**

All notifications of SAE kits at hospitals and medical facilities should be routed to a single central phone number or email. MPD should document the notification and sufficient information in a tracker to ensure tracking and timely collection. SAE kits should be tracked through the entire process, from collection to storage, and testing, if applicable, through management dashboards or another manner that allows for monitoring.

MPD should work with IT Data and Analytics Services and other stakeholders to identify ways to capture data for kits sent directly to the BCA. Management should also reconcile their inventory of kits at the BCA with a list provided by the BCA on a regular basis, such as monthly. This ensures that all kits for which MPD is responsible for are accurately logged and reflected, and returned kits arrive and are properly inventoried. They can also explore best practices and options for storing SAE kits, such as in a central location.

A cross-functional workgroup including the IT Data and Analytics Services team can ensure MPD captures sufficient data to track SAE kits and compliance with state statutes. They can identify potential system improvements in classifying SAE kits and data in legacy police information systems requiring updates to improve accuracy.

**Consideration: Creation of a statewide SAE kit tracking system**

Centralized SAE kit tracking in Minnesota, bringing together law enforcement agencies, the BCA, and other stakeholders, may be more effective than the individual jurisdiction tracking currently in place. A number of states have created and implemented tracking systems for victims to track their kits and cases through a centralized system.

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<sup>3</sup> MN Stat §299C.106



Victims can log onto a system and enter their tracking number to see where their particular kit is located, such as in storage or in the process of being tested. Officials can also see the number and status of kits in the system. Statewide SAE kit systems identify that the backlog and tracking of SAE are systematic and not just the responsibility of one partner.

States have created their systems in-house after working with cross-functional teams consisting of law enforcement agencies and partners across the state, including defense attorneys, prosecutors, sexual assault prevention advocates, medical professionals and law enforcement officials. Some have purchased tracking systems from vendors.<sup>4</sup>

### **Objective 3: Review plan to test backlogged kits for potential efficiencies**

After the review last year, MPD and the Hennepin County Attorney's Office began prioritizing untested SAE kits to send to the BCA. As each kit requires research, the parties understood that it would take time to identify all untested SAE kits and properly test them.

About 100 initial SAE kits were initially identified by staff as ready for testing and submitted to the BCA lab starting last fall. MPD and the Hennepin County Attorney's Office understood that testing would occur on these kits. However, those and the other backlogged kits have not been worked into the current process and tested in a significant number.

The BCA is awaiting recently approved funding agreements from the City and Hennepin County Attorney's Office to hire 4 forensic scientists to start the testing. Current indications of the timeline to hire and train forensic scientists indicate it may be six months to a year before meaningful testing of the current backlog occurs. Once additional BCA staff are hired and trained, it is expected the speed of testing the backlog of kits will increase. Testing of recent SAE kits is occurring at normal workloads.

MPD and the Hennepin County Attorney's Office have created an inventory of untested SAE kits, and are updating the inventory as staff determine the circumstances of each kit and its associated case. This is a lengthy and resource-intensive process and will take more time. In Objective 1, Internal Audit found the inventory to be mostly complete, with a few recommended additions and corrections.

➤ **Observation: Management of the SAE kit backlog inventory spreadsheet needs enhancements (Moderate)**

Not all SAE kits can be submitted for testing at the same time due to resource constraints. Management has implemented a tiered approach, prioritizing SAE kits to submit and creating a queue for future submissions.

Indication of review and prioritization methodology of SAE kits on the SAE kit backlog tracker is not clear. Management from MPD or Hennepin County reviews each case after staff classify it and agrees with disposition of the case. However, that review is not tracked

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<sup>4</sup> <https://www.theatlantic.com/politics/archive/2019/04/many-states-are-adopting-rape-kit-tracking-systems/586531/>

or documented. It is possible for cases to not be reviewed or to be reviewed using inconsistent criteria.

While researching cases, staff have identified instances of incorrect information in the police information systems, including inconsistent inventory classification. However, there is no procedure in place to update police information system once an SAE kit in the backlog is researched.

**Recommendation: MPD and Hennepin County Attorney's Office should enhance their backlog tracker and methodology**

MPD should add the kits identified as missing from their count and update the exceptions to kits noted above to their backlogged SAE kit tracker.

Consistent criteria should be defined and used by staff when prioritizing SAE kits, and management should add fields to ensure proper review and management sign offs are recorded. Additional fields can also track SAE kits identified as ready for submission, and only kits marked as reviewed should be submitted.

Staff should also leverage current research to update information as needed in the police information system. MPD should update the information after research is completed for each SAE kit on the backlog and make a notation in the backlog tracker.

➤ **Observation: Communication and execution of plan to test backlogged SAE kits needs strengthening (High)**

The plan to resolve backlogged SAE kits has not been executed according to original expectations, leading to confusion among stakeholders and delay in testing of SAE kits. There has been little testing progress since the identification of backlogged SAE kits last year. Specifically, Internal Audit found that:

- Roles and responsibilities are not clearly defined among key stakeholders. There are differing expectations among MPD, Hennepin County, and the BCA on responsibility for ensuring the backlog is tested as timely as possible.
- Communication among stakeholders is not effective, and there has been miscommunication among stakeholders. Regular and continued communication is needed to effectively execute the backlog testing plan and ensure prioritization is shared among the group.
- Continuous tracking of the backlogged kits is needed to ensure progress is made. Testing all kits in the backlog will take time, and updated information needs to be shared among stakeholders.

**Recommendation: MPD should form a stakeholder workgroup to ensure all stakeholders are in alignment and the testing of backlogged SAE kits is timely**

MPD should meet regularly with the Hennepin County Attorney's Office and the BCA as a workgroup. The group should define and document roles and responsibilities and agree upon expectations

Communication and collaboration among all involved can create a better process for victims. If the plan of testing the backlog falls off-track, the workgroup can quickly identify and make adjustments to keep progressing through the backlog.

MPD should ensure SAE kit testing from the MPD backlog list can be worked in with current cases. The BCA should provide a weekly update of the status of all MPD kits at the BCA to MPD and Hennepin County.

There is public interest in ending the backlog and all appropriate SAE kits are tested in a timely manner. Management has already communicated about the backlog and should provide regular updates on progress made in testing kits. As a part of continuous monitoring, Internal Audit will be kept informed of MPD's progress and efforts on testing the backlogged SAE kits and the recommendations above.