



Charlotte-Mecklenburg Police Department
601 East Trade Street
Charlotte, North Carolina 28202

Criminal Investigations Bureau

MEMORANDUM

TO: [REDACTED]
FROM: Major Mike Smathers
DATE: November 25, 2014
SUBJECT: Joyful Heart Information Request

Mr. [REDACTED] -This memo is to provide the information to you that was requested by The Joyful Heart Foundation.

During the ten year time frame 2004-2014, the Charlotte Mecklenburg Police Department has investigated over 3000 sexual assaults. It has been the practice of the units investigating these cases to submit for analysis any evidence such as sexual assault kits, bedding, clothing, etc. on cases where there will be an open investigation. Evidence is not submitted for analysis in cases where the victim has requested that the sexual assault kit (for example) not be tested because she/he has elected not to prosecute; because the contact between the victim and the suspect is not in dispute (therefore the evidence would not be needed for successful prosecution); or because the investigation revealed that the allegation is unfounded.

Upon receiving this request for information the Charlotte Mecklenburg Police Department did not track the specific information requested. Utilizing the existing data from a variety of sources the information requested is listed below:

Number of Sexual Assault Kits that have been collected and booked into evidence, broken down by year:

- 2004 247
- 2005 254
- 2006 292
- 2007 233
- 2008 252
- 2009 239
- 2010 260
- 2011 250

- 2012 300
- 2013 294
- 2014 187
- Total Count 2808 (This is the total number of sexual assault kits within the department to include Medical Examiner cases, Missing Persons, Miscellaneous Incidents and Sexual Assaults.)
 - ❖ Of the 2808 total kits taken in by the CMPD, 2736 were directly related to a Sexual Assault Investigation
 - ❖ The remaining 72 kits did not involve a Sexual Assault Investigation.

The number of kits that have been collected and booked into evidence in the last ten years that have been processed by a public or private laboratory, broken down by year:

- 2004 85
- 2005 205
- 2006 188
- 2007 227
- 2008 133
- 2009 169
- 2010 140
- 2011 146
- 2012 130
- 2013 147
- 2014 148
- Total Count 1718**

Any documentation regarding the number of unprocessed rape kits in any facility under the Charlotte Mecklenburg Police's jurisdiction and control:

- 2004 2
- 2005 38
- 2006 47
- 2007 54
- 2008 100
- 2009 111
- 2010 104
- 2011 107
- 2012 138
- 2013 185
- 2014 133
- Total Count 1019**
- **Of these cases only 351 of these are open cases-all the others are closed cases.
 - 86 of these have lab requests currently pending. As a direct result of this request we are currently in the process of

evaluating the remaining open cases to determine if the case needs to be closed, and/or if testing should be ordered in any of the remaining cases. This review is being done by hand and involves direct contact with the case detective and a thorough review of the individual case facts and a supervisory review of these findings.

Any Written policies or procedures regarding department practices on the handling of sexual assault kit evidence including testing protocols:

- Although the CMPD does not have a written policy pertaining to the handling of sexual assault kit evidence, it is the responsibility of the Sexual Assault Unit Sergeant to review each case with the detective to ensure that pertinent evidence in each case is submitted for analysis
- The CMPD Directive pertaining to evidence was already provided by CMPD Police Attorney Judy Emken.

All 351 of the open cases have been reviewed and in that review I can attest that:

- 189 cases do not need a request for analysis-they are open but will not move forward for a host of reasons.
- 106 cases over this ten year period *potentially* need a request for the kit to be analyzed and these are the cases mentioned earlier that are being reviewed by each detective and the Sexual Assault Unit sergeant to re-verify whether a lab request was done, whether one was needed and if it is determined one is needed the analysis request will be made and the evidence processed.

The Charlotte Mecklenburg Police Department takes any allegation of a sexual assault very seriously and investigates each case thoroughly, completely and to a proper conclusion. The CMPD has been a leader in Cold Case Sexual Assault investigation as well-receiving national recognition for its success in looking back and solving these old cases whose victims had been previously denied justice. We are resolute in our commitment to all sexual assault investigations. If you have specific questions as a result of this information or would like some context for any information provided please contact me. Each case is unique and has its own story and set of facts-a list of numbers alone cannot convey the complexity and depth of these cases.

	POLICE <i>Charlotte-Mecklenburg Police Department</i>	700-002
	<i>Interactive Directives Guide</i>	Evidence Management
		Effective Date 01/18 /2008

I. PURPOSE

To provide guidelines for collecting evidence, turning evidence in to Property and Evidence Management Division, and transferring evidence from storage to court.

II. POLICY

Only authorized personnel will have access to the Property and Evidence Management Division's evidence and property storage areas and rooms.

III. PROCEDURE

- A. The responsibility of the impounding employee for the handling and disposition of evidence ceases at the time it is properly documented on a KBCOPS Supplement Report and the evidence is submitted to the Property and Evidence Management Division, unless the impounding employee is also the investigating officer.
- B. If the evidence impounded is of a perishable nature, and the Crime Laboratory Evidence Analysis Request Form has not been completed within twenty-four hours after the evidence is submitted, the Property and Evidence Management Division will forward the Property Report to the Deputy Chief of the Administrative Services Group.
- C. Officers to whom cases are assigned for investigation are required to review the evidence related to their cases before the end of their tour of duty on the day they receive notification that evidence has been submitted for storage.
 1. Evidence review will be accomplished by examining and evaluating the items of evidence stored in the Property and Evidence Management Division and/or by electronic review in the Property Evidence Management System.
 2. Notification that evidence is in storage will be by completion of the Crime Scene Supplement Report, or a Supplement Report from the impounding employee.
 3. After reviewing the available evidence, the officer in charge of the case will have the discretion to do one of the following:
 - a. Release or dispose of the evidence pursuant to D or E;
 - b. Complete a Crime Laboratory Evidence Analysis Request Form to forward the evidence to the Crime Lab for analysis; or
 - c. Hold the evidence pending further developments in the case. In this situation, the investigating officer will be required to return to the Property and Evidence Management Division at a later date to dispose of the evidence.

	POLICE <i>Charlotte-Mecklenburg Police Department</i>	700-002
	<i>Interactive Directives Guide</i>	Evidence Management
		Effective Date 01/18 /2008

- D. Evidence may be released or disposed of only by the investigating officer. Evidence in felony cases that have been papered will be disposed of, as directed by the Prosecution Disposition form, which the District Attorney's Office forwards to the officer in charge of the case once the case is completed.
1. Release of evidence is accomplished by completing the Authorization for Property Release. Disposition may also be made by using the computer generated disposition form.
 2. A court order authorizing the destruction of evidence used in the prosecution of a case in court will be obtained by the investigating officer before evidence can be destroyed.
 3. Non-contraband property with evidentiary value (i.e., property seized as evidence but never introduced in court): Once it has been determined by the investigating officer that no prosecution will or should ensue, he will order the property released to the rightful possessor. In the event the property is not claimed by the entitled person to it, it will be disposed of properly.
- E. After the evidence has been stored for ninety days or for non-productive case, the computer-generated disposition request form sent to the investigating officer by the Property and Evidence Management Division must be completed and signed by the investigating officer and signed by the investigating officer's supervisor before the property in question may be disposed of.
1. If property is to be returned to the owner, it must be of sufficient value so that the owner will want to reclaim it. Contraband may not be returned to the original owner.
 2. Care will be taken to ensure that the owner's correct name and address are placed on the computer-generated property disposition request form for any items which are to be returned.
- F. Whenever an item of property is subject to conflicting claims of ownership, the property may not be released in the absence of a court order. The Property and Evidence Management Division will maintain a daily log listing the name, address, and phone number of any person claiming or inquiring about property (whether the Property and Evidence Management Division personnel think they have the property in question or not), the date, and a brief description of the property being sought.
1. Material which is an evidence standard against which evidence can in the future be compared may be collected by Crime Scene Search Technicians or other authorized personnel and turned in to the Property and Evidence Management Division. It will be noted on the Property Report form and the submitting officer's supplemental report that the material is an evidence standard. The investigating officer will be responsible for submitting a Crime

	POLICE <i>Charlotte-Mecklenburg Police Department</i>	700-002
	<i>Interactive Directives Guide</i>	Evidence Management
		Effective Date 01/18 /2008

Laboratory Evidence Analysis Request Form when appropriate, and disposing of the material when it is of no further use.

2. Fingerprints turned in to the Property and Evidence Management Division will be released to the Crime Laboratory. A representative of the Crime Laboratory will acknowledge receipt of fingerprints by signing the original copy of the Property Report form in to the Crime Laboratory. The original copy of the Property Report will be retained by the Property and Evidence Management Division.
 3. All Firearms and fired/discharged ammunition evidence will be turned into the Property and Evidence Management Division (Refer to 700-001 III, K.1-4) The investigating officer in charge of the case will complete a Crime Laboratory Evidence Analysis Request Form. The request will be submitted to the Crime Laboratory Division for review. Applicable Firearms and ammunition evidence (discharged cartridge cases and fired bullets) are required for entry into the Integrated Ballistic Identification System- IBIS.
- G. Forged document evidence submitted to the Property and Evidence Management Division for storage may be checked out and released to Fraud and Forgery Unit investigators. The investigators will sign the original copy of the Property Report form acknowledging the receipt of the forged document(s). The original copy of the Property Report will be retained by the Property and Evidence Management Division.
- H. Transferring Evidence from Storage to Court
1. When it is expected that evidence taken from the Property and Evidence Management Division will be held by the Court, the following procedure will be followed:
 - a. After obtaining the evidence from the Property and Evidence Management Division, the officer will sign for receipt of the evidence on the original copy of the Property Report, and take both the original and the owner's copy of the Property Report to court.
 - b. The presiding Judge, the Clerk of Court, or the District Attorney must sign the original copy of the Property Report as a receipt for the items held in evidence.
 - c. The original copy of the Property Report will be returned to the Property and Evidence Management Division as a record of the location of the evidence.
 - d. If the original of the Property Report is entered in court to show a chain of custody, the owner's copy of the Property Report must be signed and validated by a representative of the Clerk of Court's office to show that

	Charlotte-Mecklenburg Police Department		700-002
	<i>Interactive Directives Guide</i>		Evidence Management
	<i>Effective Date</i> 01/18 /2008		4 of 4

the original was retained, and the owner's copy will be returned to the Property and Evidence Management Division.

- e. If the owner's copy is missing or has been used, a photocopy will be substituted.
2. When items of evidence are released by the Court (following disposition of a case), the following procedures apply:
 - a. The Judge or the Clerk of Court must return the items in question to the officer in charge of the case, and that officer must sign the original of the Property Report as receiving the evidence.
 - b. Under "Reason," the Judge or Clerk of Court must specify the disposition they intend for the evidence in question and must initial this notation. The Property Report will also be accompanied by a letter from the Judge authorizing the disposition.
 - c. The evidence in question will be returned to the Property and Evidence Management Division by the officer in charge of the case along with the original of the Property Report, and the Property and Evidence Management Division will carry out the intended disposition.
 3. Whenever items are returned to the Property and Evidence Management Division, the Property custodian will sign the original of the Property Report acknowledging receipt and return the items to storage.

IV. REFERENCE

700-001 Submitting Impounded Property
 700-006 Laboratory Analysis of Evidence
 CALEA

	Charlotte-Mecklenburg Police Department	700-006
	Interactive Directives Guide	Laboratory Analysis of Evidence
		Effective Date 04/15/2014

I. PURPOSE

To establish guidelines for requesting forensic analyses of physical evidence from the Crime Laboratory in order to provide for evidence integrity, continuity, and documented chain of custody.

II. DEFINITIONS

- A. **PLIMS:** The Property & Laboratory Information Management System (PLIMS) is the electronic system used by the Charlotte Mecklenburg Police Department for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.
- B. **Investigating Officer:** The officer assigned to the case in KBCOPS. This Officer is responsible for the disposition of the property.
- C. **AFIS:** Automated Fingerprint Identification System (AFIS) is a national automated fingerprint identification and criminal history system maintained by the Federal Bureau of Investigation (FBI). AFIS provides automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses.
- D. **NIBIN:** National Integrated Ballistic Information Network is a specialized computer network maintained by the ATF. It contains digital images of recovered pieces of ballistic evidence.

III. PROCEDURE

For the purpose of this directive, the "investigating officer" will be defined as the person assigned as the primary investigator as indicated in the KBCOPS case assignment history.

- A. Only the investigating officer may submit a Service Request for evidence analysis.
- B. The investigating officer may request laboratory analysis by properly completing the Service Request function in the PLIMS application.
- C. All evidence shall remain in the Property and Evidence Management Division until requested by the Crime Laboratory analyst assigned to the case.
- D. Latent fingerprints shall be maintained or archived by the Latent Fingerprint Unit and shall be submitted daily by the Property and Evidence Management Division.
 - 1. Latent prints received are evaluated as to their quality upon receipt. All AFIS quality latent prints are searched in the State AFIS as they are received. If a suspect is identified, the submitting officer will receive an identification report via email link, usually within several days after the prints are received. A Service Request is not required to evaluate and enter AFIS quality prints.
 - 2. Officers may submit a direct comparison request to compare latent prints of value to a known suspect if the suspect has a PID or State ID number. Those individuals

	Charlotte-Mecklenburg Police Department		700-006
	Interactive Directives Guide	Laboratory Analysis of Evidence	
		Effective Date 04/15/2014	2 of 2

without numbers cannot be compared unless they are brought in and submit elimination prints.

3. Physical evidence may be submitted for latent print processing. Drug evidence processing requests must come from the District Attorney's office.

E. Eligible firearms submitted to Property Control will be entered into the National Integrated Ballistic Information Network (NIBIN). A Service Request is not required for NIBIN entry (exceptions noted below).

1. NIBIN entry is mandatory for all semi-automatic pistols, including .22 caliber, 7.62x39mm (AK type) and .223 Remington (5.56mm) rifles and 12 gauge shotguns. NIBIN will no longer accept and acquire revolvers, rifles not described above and shotguns other than 12 gauge.

2. Officers will receive a report via email link that the firearm was entered into NIBIN. Officers must submit a Crime Laboratory Service Request for all firearms that are evidence in Homicides, Armed Robbery, Assaults with a Deadly Weapon or where a direct comparison is needed. All fired evidence (bullets and cartridge cases) must be submitted to the Crime Lab through a Service Request.

F. The investigating officer should provide as much information as possible about the relationship of the evidence to the facts of the case and what needs to be established through evidence analysis. This information is entered into PLIMS in the Create Request field of the Service Request Function.

G. Crime Laboratory analyst may contact investigating officers to obtain clarification or additional information regarding evidence analysis.

H. Case priority, analytical procedures, processing sequence, techniques and methodology, shall be determined by the analyst or their supervisor.

I. The chain of custody of evidence is tracked through the PLIMS application.

J. The investigating officer shall immediately notify the Crime Laboratory, followed by a written supplement or e-mail, if for any reason a requested laboratory analysis becomes unnecessary or if there are changes in the case, which should modify, terminate or expedite laboratory work already in progress.

IV. REFERENCES

700-001 Submitting Impounded Property

700-002 Evidence Management

700-003 Found Property

700-004 Release of Property

700-005 Disposition and Release of Evidence in Non-Productive Cases