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February 28, 2025

**TO:** The Honorable William C. Smith  
Chair, Judicial Proceedings Committee

**FROM:** Carisa A. Hatfield, Esq.  
Assistant Attorney General  
Counsel, Maryland Sexual Assault Evidence Kit Policy and Funding  
Committee

**RE:** HB669 - Public Safety - Rape Kit Testing Grant Fund - Alterations

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The Office of the Attorney General (OAG), on behalf of the Maryland Sexual Assault Evidence Kit (SAEK) Policy and Funding Committee, urges a favorable report with the sponsor amendments of Senate Bill 669.

By way of background, the SAEK Policy and Funding Committee was created by the General Assembly in 2017 to create effective statewide policies regarding the collection, testing, and retention of medical forensic evidence in sexual assault cases and increase access to justice for sexual assault victims. This includes working with forensic nurse examiners (FNEs), Maryland State Police, and other law enforcement agencies across the State of Maryland to ensure the proper collection, testing, and retention of sexual assault evidence kits (SAEKs) and the uploading of collected samples against collected DNA samples into the Combined DNA Index System (CODIS) in an attempt to obtain a DNA hit. The SAEK Committee first received federal funding in 2018 through the Sexual Assault Kit Initiative (SAKI) grant to assist with the inventory and testing of SAEKs with a collection date of May 1, 2018, and prior. The inventory identified over 6,000 untested SAEKs across the State of Maryland. The SAEK Committee spoke with these law enforcement agencies and while most identified that they would want to assist in the effort to test, investigate, and prosecute sexual assault cases, they did not have the

resources and manpower to continue investigating active cases and cold cases. As a result of this feedback, the OAG, in conjunction with its partners, applied for additional SAKI funds for FY2021. Pursuant to the FY2021 grant funding, OAG conducted a hiring process and ultimately hired two contractual CODIS Hit/Cold Case Investigators to help law enforcement agencies conduct investigations associated with previously untested SAEKs. The first two investigators on the team were hired in July of 2023 with a two-person supervision team: The OAG's Chief of Investigations in the Criminal Division and SAEK Committee Counsel. This is the structure that continues for the team today.

Over the course of less than two years, the team has worked to build a relationship with local law enforcement agencies and offer them investigative support. As of February 7, 2025, the team has met with 24 agencies and collected 436 case files across these agencies. The investigators review case information, identify cases appropriate for testing, and assist agencies with completing the appropriate paperwork to send these cases for testing through the state's third-party laboratory partner, Bode Technology Group. So far, the investigators have assisted in the submission of 140 kits for testing. In addition to these 436 case files already collected, our team is picking up another 267 files from five agencies in the next two weeks. This does not include another 95 cases where assistance has been requested from the Prince George's County Police Department. The OAG team has already worked with PGPD on these cases to collect suspect samples and interview victims. These agencies trust that the OAG team will provide them with accurate, timely information on their cases and will ensure that all kits that result in a CODIS hit after testing are investigated to the fullest extent. Our investigators report that when they arrive to assist, agencies have expressed what a "stress reliever" it is to have our investigators' support because these agencies are so short-handed in terms of resources and staff.

While the team has been working to ensure quality services for agencies across the state for the past two years, there are roadblocks to continuing the work. One challenge the team has faced and continues to face is staff turnover. Neither of the team's two original investigators are still with the unit; both left for jobs with stable funding and benefits. Our remaining investigator, who was hired in May of 2024, is now handling all case review and administration for the 436 files currently in the OAG's possession. She has some support temporarily in agency site visits and day-to-day investigative decisions from the Chief of Investigations, but it is not a sustainable model long term. The hiring process for a second investigator is ongoing, but there are challenges to hiring with a federal grant-funded position. The new administration in Washington and the proposed federal funding freeze at the federal level have created questions about the future of the grant project in its entirety. The office is working to try and secure funds in the event that the SAKI project is defunded, but having the opportunity apply for funds through the Rape Kit Testing Grant Fund would ensure that, at minimum, we could maintain our staff as it is. SB669 would ensure that the cases we have begun work on would not sit idle, and that

victims whose cases are now being tested as a result of our team's work will have the opportunity to achieve justice.

SB669 would also grant our team an opportunity to consider expansion in the future. While our team has done great work, a two-person investigative team may not be able to handle the investigation of all cases where a CODIS hit is found. If just 20% of the 798 cases that will be in the OAG's possession by the end of February sustain a CODIS hit, two investigators will be tasked with a caseload of almost 80 cases apiece. According to audits conducted by law enforcement agencies in Portland, Oregon and Charlotte County, Florida, the average caseload for a major crimes detective should be anywhere between 4.5-8 cases per month, with each agency identifying that detectives should aim to have no more than 54-72 cases in an entire year.<sup>1</sup> This may require the expansion of the current team, and having guaranteed funding through the state would allow the OAG to appropriately assign caseloads and maintain its standards of excellence in investigation.

While the OAG and the SAEK Committee cannot overstate the importance of testing SAEKs, and have committed to ensuring that testing of SAEKs continues, the work cannot continue without both victim services and investigative support. The federal SAKI grant, which currently supports all these projects, affirms this in its statements to the public: "The initiative . . . represents a model program for eliminating backlogs of unsubmitted SAKs in law enforcement, while also creating long-term sustainability in state and local jurisdictions for addressing sexual assault and other violent crime."<sup>2</sup> It is meant to be used to "[p]rovide resources to address the cold case sexual assault investigations and prosecutions that result from evidence and Combined DNA Index System (CODIS) hits produced by tested SAKs," and "[o]ptimize victim notification protocols and services" in addition to providing funding for testing.<sup>3</sup> All of these services must exist together in order to provide the most comprehensive version of justice to victims and safety to our communities.

For this reason, the OAG supports SB669 with the sponsor amendments.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

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<sup>1</sup> [https://evawintl.org/best\\_practice\\_faqs/law-enforcement-caseloads/](https://evawintl.org/best_practice_faqs/law-enforcement-caseloads/)

<sup>2</sup> <https://bjaojp.gov/program/saki/overview>

<sup>3</sup> *Id.*