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Auditor Edelen initiates statewide count of the number of untested sexual assault kits
Study will likely lead to grant money to test kits, major recommendations for reform

FRANKFORT, Ky. (April 15, 2015) – Auditor Adam Edelen on Wednesday launched a major initiative to count the number of untested sexual assault kits across the Commonwealth, as well as make recommendations for reforming how evidence in cases of sexual violence is handled in the future.

The count was prompted by Senate Joint Resolution 20, sponsored by Sen. Denise Harper Angel, which calls on the Auditor to count the number of untested sexual assault evidence kits that are currently in the possession of law enforcement. The kits contain biological evidence collected from sexual assault victims during an investigation. They may contain DNA from suspects that can be used to identify an unknown suspect by comparing it against the national DNA database, or to bolster a prosecutor’s case against a known suspect.

Auditor Edelen embraced the call by Sen. Harper Angel and has decided to go beyond the resolution by examining the underlying reasons certain kits never get tested, studying best practices in other states and offering recommendations for reform.

“The ultimate goal of this effort is to identify perpetrators of sexual violence who may still be walking free and bring justice to survivors,” Auditor Edelen said. “Fixing the system so this problem doesn’t happen again will be the next priority.”

Assessing the number of untested kits will allow the Kentucky State Police Forensic Laboratory to pursue millions of dollars in grant money available through the federal government and nonprofit foundations to clear a backlog of kits awaiting analysis at the lab, as well as many of those in the hands of local law enforcement. Similar efforts in cities such as Detroit, Houston and Fort Worth have led to the identification and conviction of serial rapists.

“Today marks the beginning of a new chapter for women who have been the victims of sexual assault,” Sen. Harper Angel said. “Having the number of sexual assault kits documented is the first step in obtaining funding to have them tested and, by doing so, we ensure a better opportunity for quick justice and a better opportunity to take criminals off the streets.”

The Auditor’s office is sending surveys to more than 400 local law enforcement agencies this week to begin assessing how many kits are in their possession and whether those agencies have policies and procedures in place to guide them on the handling of evidence in sexual assaults.

Kentucky State Police estimate there may be hundreds or even thousands of unsubmitted kits in the hands of local law enforcement. The primary purpose of the survey is to determine the exact number currently being held. There is no cost to local law enforcement to submit the kits for analysis. Although there may be some valid reasons for not submitting certain kits for analysis at the Kentucky State Police central lab in Frankfort, complexities involved in investigating sexual assaults may be causing confusion among individual law enforcement agencies over which kits should be submitted. A lack of policies, regulations and statutes to guide local law enforcement are likely contributing to the problem.

Auditor Edelen was joined at the press conference Wednesday by sexual assault survivor Michelle Kuiper, whose sexual assault evidence kit was tested 11 years after she was grabbed from her Cherokee Park home in Louisville and assaulted under a neighbor’s deck. Evidence from her kit matched evidence from two other survivors’ kits. In 2011, DNA from those three kits matched that of a man who is now behind bars.

“This is a powerful illustration that victims matter,” Auditor Edelen said. “Michelle had to wait 17 years, but justice was finally served. We should never, ever give up trying to catch those who commit violent sexual crimes.”

The Auditor also plans to examine issues related to staffing and equipment at the KSP lab. KSP officials estimate it takes between six and nine months to test kits due to a lack of resources and an increase in the amount of biological evidence submitted to the lab each year.

Various law enforcement and victims advocate associations have offered their support of this effort, including the Kentucky State Police, Kentucky Sheriff’s Association, Kentucky State Fraternal Order of Police and Kentucky Association of Sexual Assault Programs (KASAP).

“We are very pleased that the Auditor’s Office has responded so quickly to SJR 20 and are anxious to see the results of the survey,” KASAP Executive Director Eileen Recktenwald said.

Kentucky FOP President Berl Perdue, Jr. said the initiative will assist and support all law enforcement agencies across the Commonwealth in the investigations of sexual assault cases.

“The State FOP applauds the leadership of all parties involved in passing this resolution and will support its implementation in any way possible to see this through,” Perdue said.

Said Troy Young, president of the Kentucky Sheriff's Association: "One of our missions is to do any and all things to promote the enforcement of law and order and the suppression of crime. This effort will solve crimes."

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