



Auditor of Public Accounts
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Auditor Edelen Releases Special Report on Sexual Assault Evidence in Kentucky, Finding 3,090 Untested Sexual Assault Kits and Breakdowns in the Process for Handling Kits
Auditor Calls for Most Kits to be Submitted and Tested; New Policies and Training for Law Enforcement; Reform and More Resources at the Laboratory

FRANKFORT, Ky. (September 21, 2015) – Auditor Adam Edelen on Monday announced there are 3,090 untested sexual assault evidence kits in the Commonwealth and pledged to help fix a broken system that denies victims justice, jeopardizes public safety and clogs up the criminal justice system.

“The results of this initiative are stomach-turning,” Auditor Edelen said. “When a victim has the courage to undergo an invasive and traumatizing exam after an assault, he or she deserves to have the evidence in that sexual assault kit analyzed. One of government’s fundamental responsibilities is to bring these rapists to justice.”

The report contains 10 observations that describe breakdowns at every step of the process, from the time a victim presents to a hospital to undergo an exam, to the failure of law enforcement to submit kits for testing and long delays at the Kentucky State Police (KSP) Forensic Laboratory to analyze the evidence.

Senate Joint Resolution 20, passed during the 2015 General Assembly, called on the Auditor’s office to count the number of untested sexual assault kits in Kentucky. Auditor Edelen decided to expand the scope and examine the underlying reasons why these kits were not tested.

“As the sponsor of SJR 20, I am pleased Auditor Edelen not only identified the number of untested sexual assault kits in Kentucky, he also dug deeper into this crisis and has presented the Legislature with common-sense solutions to bring justice to survivors,” Sen. Denise Harper



Angel said. “I look forward to working with my colleagues in both parties next year to make these reforms a reality.”

The Auditor’s office surveyed 391 law enforcement agencies in Kentucky, conducted interviews and held 14 meetings across the Commonwealth to hear from stakeholders such as law enforcement, victims’ advocates, prosecutors, nurses and more.

Auditors identified 1,859 untested sexual assault kits in the possession of 87 police departments and sheriffs’ offices and another 1,231 untested kits at the KSP Forensic Laboratory. Louisville Metro Police Department, Lexington Police Department and Newport Police Department had the most untested kits. It has been estimated that there may be 400,000 untested sexual assault kits nationally.

The untested kits in Kentucky will be analyzed as part of a \$1.9 million grant Kentucky State Police received from the Manhattan (NYC) District Attorney’s Office.

“The net effect is that there are a number of perpetrators who will be brought to justice as a result of these efforts,” Auditor Edelen said. “But if we don’t get to the bottom of why the kits were not tested in the first place, we are going to be right back here five years from now counting kits all over again. I am determined to not let that happen in the Commonwealth.”

To that end, the Auditor’s office found a number of problems that have led to fewer kits being submitted to the KSP Forensic Laboratory and tested in a timely manner.

Approximately 41 percent of law enforcement agencies reported that they do not submit all kits for analysis, and most agencies reported that they lack clear policies for handling sexual assault kits. Some of the reasons law enforcement reported for not submitting kits indicate a lack of understanding of the multiple purposes of analyzing kits. Eleven percent of law enforcement, for example, indicated they don’t submit a kit if they don’t have a suspect. This ignores the fact that the national DNA database, known as CODIS, could help them identify one.

Sexual assault survivor Michelle Kuiper, who assisted the Auditor’s office on the initiative, said every survivor deserves to have their kit tested to receive justice and closure.

“The survivors of these heinous crimes agree to give up their bodies to be examined so that any evidence can be collected and they can help put their perpetrators behind bars,” she said.

Auditor Edelen recommends law enforcement be required to submit nearly all sexual assault kits for analysis within 10 days of booking them into evidence and that the Forensic Laboratory be required to test those kits within 90 days of receipt. He also recommends more training for law enforcement and that law enforcement be required to adopt policies for dealing with sexual assaults.

“I was heartened to hear near-unanimous sentiment from law enforcement that they would prefer to submit all kits, and that many of them were already beginning to update their policies to help improve their handling of sexual assault investigations,” Auditor Edelen said.

Kentucky Fraternal Order of Police President and Clark County Sheriff Berl Perdue, Jr. said law enforcement is committed to doing its part to fix the system and bring more perpetrators to justice.

“Our number one priority is to make our streets safer and apprehend those who commit violent crimes,” he said.

Auditors found that long turnaround times to analyze sexual assault evidence, as well as confusing communications from the Forensic Laboratory, also contribute to fewer kits submitted and tested. The average turnaround time to analyze sexual assault evidence submitted in 2014 is currently eight months and data indicates the turnaround time is increasing.

One prosecutor, for example, shared a case in which a woman was drugged and raped and could not identify her rapists. The analysis matched the profiles of three men who remained in the community for eight months while the kit was awaiting analysis.

“Many of these rapists are walking the streets while the evidence needed to put them behind bars collects dust,” Auditor Edelen said. “When a neighboring state can turnaround this same evidence in less than 20 days, we can and must do better.”

Auditors found that limited resources, state budget cuts and recruitment and retention issues at the forensic laboratories are significant factors contributing to the long turnaround times. Auditor Edelen recommends that the Forensic Laboratory take steps to become more efficient and that the Legislature increase funding at the Laboratory.

“Investment is a precondition for improving the system,” Auditor Edelen said. “In the digital age, no elected official can claim the mantle of ‘tough on crime’ without adequately funding the state crime lab.”

During the initiative, the Auditor’s office heard concerns that there are not enough Sexual Assault Nurse Examiners (SANEs) in Kentucky, resulting in troubling experiences for victims at some hospitals. Kentucky has 249 certified SANE nurses, but advocates say many of them are not currently practicing.

“I’m deeply concerned about the untested kits, but I’m equally worried about the evidence that is never collected because victims are not treated with compassion and respect in their darkest hours,” Auditor Edelen said.

The Kentucky Association of Sexual Assault Programs (KASAP), which serves as the umbrella organization of the state’s 14 regional rape crisis centers, applauded the report’s observations.

“When nearly half of Kentucky women experience sexual violence, yet 98 percent of rapists walk free, we need to take a hard look at our justice system and make changes,” KASAP Executive Director Eileen Recktenwald said. “Auditor Edelen has taken a huge step today in that direction by addressing the rape kit backlog. The recommendations will change the landscape for victims in Kentucky.”

Auditor Edelen said he plans to work with legislators and other stakeholders to make it easier to bring peace to victims and justice to rapists.

“The challenges outlined in this report are dwarfed by the commitment to justice from victims and their advocates, and from law enforcement and prosecutors,” Auditor Edelen said. “We will reform and rebuild this system to demonstrate that victims matter.”

The full report is on the [Auditor’s website](#). An [explainer video](#) and [infographic](#) also are available on the Auditor’s website for use.

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