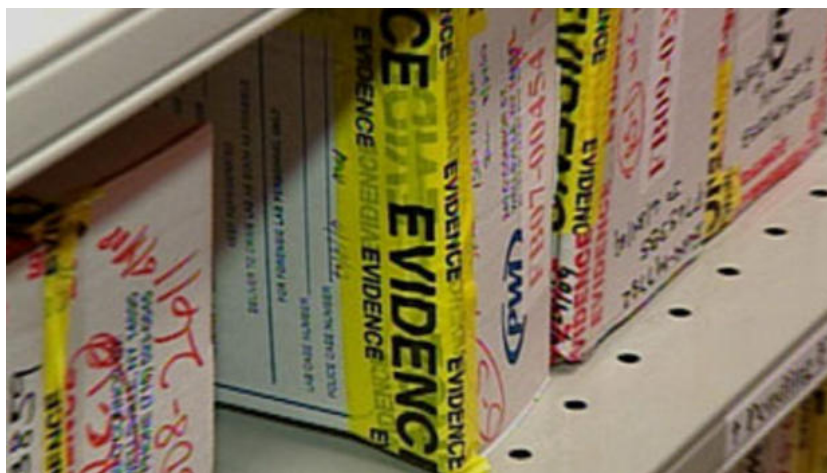


By LAURA STRICKLER / CBS / November 10, 2009, 6:23 PM

Thousands of Rape Kits Wait to be Tested



Untested rape kits, that could contain incriminating DNA evidence, have never been sent to crime labs for testing. / CBS

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By Laura Stricker, with additional reporting by Joshua Scheinblum, Chris Ross, Frankie Dillard, Bonnie Shelton and Jonathan Blakely.

A five month CBS News Investigation of 24 cities and states has found that more than 20,000 rape kits were never sent to crime labs and an additional 6,000 rape kits from active investigations are waiting months, even years, to be tested.

ALABAMA:

According to the Birmingham Police Department there are at least 2,100 rape kits in storage but they do not know if they are tested or untested. The department sends its kits that it wants tested to the Alabama Department of Forensic Sciences Laboratories that has a current backlog of 270 kits and an average turnaround of 180 to 270 days according to the state crime lab.

ALASKA:

Officials at the Anchorage Police Department say they don't know how many kits, tested or untested they have in storage. According to Orin Dym Forensic Laboratory Manager of the Alaska Scientific Crime Detection Laboratory, the lab has 266 rape kits in its queue waiting to be tested and on average it takes 240 days for turnaround.

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However, the lab has older rape kits mixed into its backlog. These rape kits are either waiting to be screened for DNA samples or ready to be tested. They date back to 2006. State Lab Director Orin Dym tells CBS News the kits that are older than 2009 are likely to be from stranger rapes. Dym says there are 123 rape kits that are currently waiting for preliminary screening. Of those there are 96 kits from stranger rapes: 16 from 2006, 12 from 2007, 35 from 2008 and 33 from 2009. There are also 7 kits from 2008 from known suspects and 16 from 2009. There are also 176 rape kits that have been through preliminary screening and are awaiting DNA analysis. Six from 2007 and 1 from 2009 are from stranger rapes. The rest are from known suspects: 9 from 2006, 23 from 2007, 52 from 2008 and 66 from 2009.

ARIZONA:

At the Phoenix Police Department Crime Lab there are 309 kits waiting to be screened for the presence of "testable" DNA and one kit that is waiting to be processed for DNA according to the Phoenix Police Department. Turnaround time for DNA in sexual assault kits is on average 138 days. Jody Wolf, Assistant Crime Lab Administrator tells CBS News in an email the oldest kit in the crime lab waiting for testing dates back to October 27, 2005. There are also 4,100 rape kits in the Phoenix Police Department property and evidence storage facilities. The department does not know how many of these kits are tested or untested. These are rape kits where law enforcement has not requested testing.

CALIFORNIA:

California has eleven state labs that handle rape kits throughout the state. Combined they have a backlog of about 350 DNA requests at the crime labs- there is no breakdown of rape kits vs. homicide evidence according to the state crime lab. Jill Spriggs, Chief of the California Department of Justice, Bureau of Forensic Services tells CBS News that while the crime labs ducked a major budget cut earlier this year increasing crime in California has led to a heavier statewide caseload at crime labs.

The California state crime lab system is also helping the Los Angeles Police Department and the Santa Monica Rape Crisis Center with rush cases where the turnaround can be as quick as five days.

The Los Angeles Police Department and the L.A. County Sheriff's Department's Scientific Services Bureau have had a historic problem processing rape kits. At last check the LAPD had tested thousands of kits but were still working their way through a remaining 2,937 kits. However, LAPD's new Chief Charles Beck says the department now tests all kits. Beck says efforts to reduce the backlog have "resulted in 405 hits (suspect identifications)" in the FBI DNA database. The L.A. County Sheriff's Department sent a statement to CBS News saying the number of untested kits in their possession is now at 3,777, down from 4,673 due to ongoing testing. The Sheriff's Department is testing the backlogged kits with the aid of federal funding. The department says they anticipate the full backlog will be cleared by 2011.

Earlier this summer the San Diego Police Department was in the process of counting its untested kits in its storage facility. One San Diego law enforcement source who did not want to be identified explained the reason for the counting, "We don't want to be on the front page of the LA Times." This is in reference to the negative attention Los Angeles received from its rape kit backlog. Update- San Diego Police Department says it has 2,065 untested rape kits in storage that were not sent to the city's crime lab. Michael Grubb from the San Diego Police Department Crime Lab says the department does not test every kit. For example he writes in an email, kits will not be tested if the "detective has information from the prosecutor's office that the prosecutor will not take the case to court. In these cases, we are not asked to examine the kit." At the San Diego Police Department crime lab there are 40 kits in its queue and the lab spokesperson says the average

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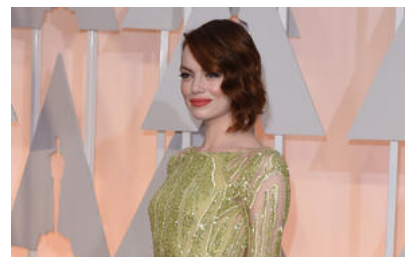
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turnaround time is less than 60 days. Steve Guroff at the San Diego County Sheriff's Department crime lab says their law enforcement agency tests all rape kits regardless of the circumstances of the rape as of April 2009.

The Oakland Police Department has a few hundred kits in its regular queue at the crime lab but this year they did a "hard census" of their untested kits in storage and found 489 untested kits from "solvable" stranger rapes that they realized they should have tested but never did.

These kits date back to 2003 and the breakdown is as follows: October 2003-10, 2004- 108, 2005-102, 2006-90, 2007- 69, 2008- 69, 2009-42 according to the Oakland Police Department Crime Lab. Why were the kits never tested? "It was not a priority for the Oakland Police Department," says Lt. Kevin Wiley of the Oakland PD's Special Victims Unit. Wiley says back in 2002 and 2003, the department had only 4 to 6 sex crimes investigators who were overwhelmed by individual caseloads of 659 cases per investigator. Recommended caseload for a sex crimes investigator is 10 to 15. Wiley said due to the backlog in sex crimes investigations it was not unusual for a victim to report a rape and not hear from an investigator for a full year.

Today, Wiley says his investigators are down to about 55 to 70 cases per investigator. Wiley adds that now all kits are tested, even cases where the question seems to be that of consent, not of identity, but he says it will take the department about two years to plow through the 489 untested kits they recently uncovered. Lab director Mary Gibbons says she will have to shift resources around to accommodate these older kits as well as the everyday caseload but she says that testing the older kits has value, "These kits have a story to tell and there could be connections that you would never know of but for this evidence," Gibbons said.

CONNECTICUT:

A spokesperson for the Connecticut Department of Public Safety's Forensic Science Laboratory says there are approximately 200 rape kits awaiting testing.

FLORIDA:

Florida Department of Law Enforcement reports that they have 452 pending sexual assault kits awaiting testing. Of those the lab says 165 cases have been there longer than the average turnaround time of 111 days so they are considered to be "backlogged".

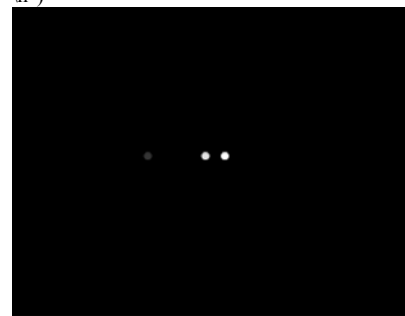
Jacksonville Sheriff's office says they don't know how many tested or untested kits they have in storage, "Our property storage facility does not track which kits have been sent for processing and which kits have not. There is no report available with this information."

ILLINOIS:

The Chicago Police Department tells CBS News that it sends all of its rape kits to the Illinois State Police lab for testing and requests that they be processed. Chicago PD says a DNA test for a rape kit takes the state lab about 270 days. Chicago stores untested kits that are "unfounded" meaning the victim might have recanted or never responded to department investigators but the department does not know how many of those kits are in the department's possession.

A spokesperson for the Illinois State Police Forensic Lab tells CBS in an email that they have 1,123 current cases in their system. They say they do not distinguish their DNA requests based on type of case. The state lab says its turnaround time for forensic biology screening and DNA for a rape kit is 106 days. The oldest kit at the ISP lab still in process is from November 2008, but a spokesperson notes some cases like this one require more work because of "the nature of the analysis required, the condition and number of exhibits to be analyzed, and/or additional submissions of evidence from the law enforcement agency as they continue their investigation and develop more leads." If the Chicago PD does not want a kit to be

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tested then the ISP returns that evidence to the Chicago PD.

INDIANA:

The Marion County Forensic Services Agency in Indianapolis had 80 untested rape kits in its queue. Unlike any other jurisdiction interviewed by CBS, the lab also collects all rape kits that are taken at area hospitals even if the victim does not submit a report to the police. Michael Medler who runs the Marion County Forensic Services Agency says this is done in the event a victim decides she wants to file a report in the future she can call and the kit can be submitted. Medler says his lab is currently storing 289 kits where the victims have not reported the crime. If kits are sent to the county lab but later not tested they are sent back to the Indianapolis Police Department.

According to the Indianapolis Metropolitan Police Department, there are currently 1,356 rape kits in storage but the department does not know which kits are tested and which are untested. Sergeant Paul Thompson of the Indianapolis Metropolitan Police Department told CBS in an email, "The kits would not be tested if the victim did not report the incident or chose not to pursue prosecution or cooperate in the investigation." Kits are destroyed if the responsible officer says they can be destroyed.

KENTUCKY:

The Kentucky State Patrol Crime Lab has 368 rape kits waiting to be tested according to the crime lab. It takes the lab 30-120 days to do preliminary testing to see if there is anything to test and then an additional 180 to 270 days for DNA testing according to Lt. David P. Jude of the Kentucky State Patrol.

Jude told CBS News in an email his lab could certainly use more resources, "If money were no object, we would double our capacity and have DNA results available within 30 days regardless of case type." And he adds that all crime labs are victims of their own success, "The more cases we solve, the more they send in."

According to Jude, the Louisville Police Department has been sending in its "cold cases" for sexual assaults to the state lab dating back to spring of 2007.

LOUISIANA:

The state lab in Louisiana has 256 kits waiting to be tested, some that date back to 2001. Almost all of them have been outsourced to a private lab.

Doug Cain, spokesperson for the state crime lab was asked why the kits have not been tested, Cain responded, "We don't really have a good answer." He says resources have provided major challenges. Cain points to a recent stranger rape case that was solved successfully by DNA...but because of backlogs it took three years.

A woman was walking down a road in Lafourche Parish and was picked up by a man who then drove her to some woods and raped her. Although her rapist, Curtis Hinton is now behind bars, it took three years for the crime lab to test the rape kit, allowing Hinton to be free until late this summer.

Cain at the state crime lab says he is not interested in shielding the public from the true reality of the backlog and says the lab wants to be transparent because he says, "The public has a right to know." Cain says all of the backlogged kits have been outsourced and the backlog should be completely cleared by the end of 2009.

MARYLAND:

In Baltimore there are 84 rape kits waiting to be tested in the city's crime lab. The department says they have no way to estimate how many untested kits are in storage. Lab director Francis Chiafari says the reasons for not testing kits include: "Non-probative evidence/cases, uncooperative victim, false statements resulting in unbounding, detective not requesting processing for investigative reasons,

reclassification of the type of crime..."

MICHIGAN:

In Detroit, the Wayne County Prosecutor Kym Worthy recently said she is worried about 10,000 untested rape kits in the Detroit evidence storage facility. John Roach, spokesman for the Detroit Police Department says there are really about 7,000 kits in storage with an estimated 5,800 kits that are untested. He attributes this to cases where there is a known alleged assailant, no charges being pressed, a guilty plea or insufficient evidence to proceed.

In Flint, Michigan there are 80 rape kits awaiting testing according to the Flint Police Department. According to the Michigan State Police Crime Lab there are 20 rape kits waiting to be processed in their facility and the average turnaround time is 60 to 180 days.

MINNESOTA:

In Minneapolis, with the help of a new federal grant the department and the Hennepin County Attorney's office recently started looking through untested kits in storage and found there were kits from stranger rapes where the victim did not cooperate that were never tested. At the urging of Steve Redding, Hennepin County Attorney and Lt. Nancy Dunlap, the head of the Sex Crimes Unit at the Minneapolis Police Department, he kits were put in for testing. Almost immediately it yielded results and Minneapolis law enforcement was able to put eight men behind bars. In an effort to find more cases of this kind, the prosecutor and the sex crimes unit are combing through 8,500 rape cases reported since 1991 looking for stranger rapes where the evidence was never tested.

MISSOURI:

At the Missouri State Highway Patrol laboratory there are 497 rape kits waiting to be processed. Turnaround time can be as long as eleven months but the lab says the average time is 6 months. At the crime lab for the St. Louis Metropolitan Police Department, there are 69 rape kits waiting to be processed. The oldest untested rape kit dates back to 2007 and there are 225 rape kits currently in process.

NEW MEXICO:

At the Albuquerque Police Department lab there are 84 rape kits waiting to be tested at the crime lab. These are the kits where an officer has requested testing. The typical turnaround is a few months to a year. There are also 1,116 rape kits from active cases that have not been tested that are up to nine years old. These kits have not been tested for the following reasons according to department spokesman Paul Feist: the suspect pled guilty and the kit wasn't needed, charges were dropped or the victim changed her mind and did not want to prosecute. The statute of limitations for rape in New Mexico is nine years, after nine years the department can destroy the rape kits.

NEW YORK:

New York City's Office of the Chief Medical Examiner tests every single rape kit that accompanies a report to the police at the request of the New York District Attorneys offices and the New York Police Department. Kits are started within a day or two of when it arrives at the New York lab. Average turnaround time is 60 days.

Mecki Prinz, Lab Director for the New York City's Office of Chief Medical Examiner says her office tests all rape kits, even kits from acquaintance rapes. "One of our motives is that we would like to generate a DNA profile to compare it to other cases in our database because it is our experience that a person who is accused of a date rape or an acquaintance rape could also be the true perpetrator in another stranger case," said Prinz.

Prinz says her office has found links between acquaintance rapes and stranger rapes, "We have lots of situations where a domestic situation or an acquaintance

situation is actually an indication of the male involved responsible for other rapes," she said.

In Rochester, New York, the Monroe County Lab has an estimated 400 sexual assault cases that have undergone forensic screening and may be awaiting DNA testing.

OHIO:

Cincinnati: the police department has 21 sexual assault kits waiting to be tested and the average turnaround is 88 days. The department has 1,248 rape kits in storage but does not know if they are tested or untested.

Columbus: 17 kits waiting to be tested that have been sent to the state lab. The turnaround time is 60 days. The Columbus Police Department does not know how many untested kits it has in storage.

Cleveland Police Department, also, does not know how many untested kits it has in storage and sends all of its DNA requests to the state lab.

Holly Hollingsworth, Director of Media Relations for the Ohio Attorney General says in an email funding is a concern at the state lab, "We do not have regular funding to support our DNA programs, and we must convince our senators and representatives that at some point we will need a significant funding stream to support our laboratories." Hollingsworth says the average turnaround time for a rape case is 104 days and 216 untested cases are in the queue.

OKLAHOMA:

A recent case in Enid, Oklahoma shed light on the need for timely DNA processing. In May of 2008, a man allegedly raped a 15 year old girl in Enid, Oklahoma. A local prosecutor told CBS News that charges were not filed at the time because there was not enough evidence in the case to be confident that the case could be proven beyond a reasonable doubt. A rape kit was taken from the 15 year old victim and sent to the lab at the Oklahoma State Bureau of Investigation (OSBI). Five months later the state lab told the Enid Police Department that there was enough DNA from the rape kit to compare to a suspect sample. The police collected a DNA cheek swab from the suspect and sent it to the state lab. Eight months went by.

CBS News has learned from police reports that during those eight months the suspect was accused of statutory rape, domestic assault, trespassing, harassment and death threats.

On July 7, 2009 the suspect allegedly raped again, this time it was rape by instrumentation. The day after the second alleged attack, the police received a fax saying the rape kit from more than a year ago matched the suspect. Police acted quickly and arrested the suspect within 48 hours.

OSBI spokeswoman Jessica Brown told CBS News the state's lab has 123 rape kits on backlog and the processing time usually takes about eight months. Brown declined CBS News's request for an interview and told CBS via email the reason for turning down the interview request, "We don't see a good public policy reason in doing an interview about this."

PENNSYLVANIA:

Joseph Szarka, Lab Manager at Philadelphia Police Department's Forensic Science Center tells CBS News that his department like New York City tests every rape kit, "How could we not?" he asked in a phone interview. Szarka described to CBS a series of cases where even testing acquaintance cases illuminated key evidence. Szarka says there are a few hundred kits waiting to be tested and the turnaround time is 90 to 180 days.

RHODE ISLAND:

The state lab at the Rhode Island Department of Health has 44 sexual assault cases as of August 2009 waiting to be tested and 1,050 untested sexual assault cases that will be tested if the police departments that submit kits ask for testing to be done. On average the lab tells CBS News in a statement that it takes 180 days for processing.

SOUTH DAKOTA:

The South Dakota State Forensic Laboratory has 26 kits waiting to be tested and the lab says the average turnaround is 120 days.

TEXAS:

At the state lab at the Texas Department of Public Safety there are 1,433 sexual assault kits on open, active cases waiting to be tested.

In Dallas, there are an estimated 10,000 untested rape kits in storage that were never sent to the crime lab dating back to the 1980's according to Sgt. Patrick Welsh of the Dallas Police Department. Welsh told CBS News that depending on a rape case submitted today to the lab, results could take up to a year to obtain.

In Houston there are 462 rape kits waiting for preliminary testing to see if there are any biological stains, and 237 kits waiting for DNA testing. The oldest kits date back to 2008. There are also 3,846 kits in storage that have not been tested.

A Houston Police Department spokesman told CBS the kits have not been tested because the kits are taken from victims where the identity of the suspect is not in question, where the department is not pursuing prosecution or the kits are provided by victims who later recanted.

On average in San Antonio the turnaround time for rape kits is 15 to 20 working days according to the San Antonio Police Department at a cost of \$315 per kit. The department tells CBS they have 5,191 untested rape kits in storage.

VIRGINIA:

At the state lab in Virginia there are an estimated 325 rape kits waiting to be tested that have a typical turnaround time of 90 days. The lab does not know the age of the oldest kit in its backlog.

WISCONSIN:

The Wisconsin Division of Law Enforcement Services says the backlog of rape kits is 142.

In Milwaukee, an audit in early September, 2009 showed that 12,000 DNA profiles of offenders never made it into the state's DNA database. 4,000 of the DNA profiles have since been submitted to the database.

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CYNTHIA_1 - February 15, 2013 8:8PM

I am at a loss for words for just hearing of this story. I am a resident of Detroit and according to this article, it appears that Detroit was the leading state to have been so irresponsible. Most of us in Detroit, I'm sure, just heard of this story on 2/15/2013 due to a story that aired on RockCenter NBC's News at 10:00PM EST.

I am now 54 but was 13 years old when I was raped and didn't tell my parents because I thought I had done something wrong. I'm so proud of the CBS Investigative Team and would love to help in any way I can including to also work as a member of your Investigative Team. At your request, I will send my resume.

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