

6,663 Untested Rape Kits at HPD

Written by Jeffrey L. Boney
Thursday, 23 February 2012 08:13



In 2009 a 14-year-old girl reported that a man tried to rape her in her apartment complex.

As it turned out, this wasn't the first time this man allegedly struck in that same complex. As a matter of fact, he lived there! She didn't know at the time but just two weeks before her attempted rape, the same thing happened to her next-door neighbor. That woman came home to find the masked man waiting her apartment. He told her he was going to rape her and tried to rip her pants off, but she fought him off.

On February 16, 2009, that same attacker, Darryl Anthony Martin, broke into the apartment of a female resident in Houston, Texas. Martin waited inside her apartment for hours, until she finally came home. As was her normal routine, the resident opened the door, walked into her bedroom, and to her surprise Martin was standing there with a black mask, black long sleeve shirt and black leather gloves. Martin brutally raped her for over 12 hours inside her West Houston apartment. The victim stated that because of her brutal attack, she had no place to stay, couldn't focus enough to work, contemplated suicide and felt dirty and damaged.

Through DNA evidence, by way of a rape kit, Martin was arrested and is now serving a 20-year sentence.

Sadly, every rape case does not result in a conviction. There are a remaining 6,663 rape kits sitting in a property room freezer to be processed and investigated by HPD.

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“I’m outraged on behalf of the sexual assault victims who have had a sexual assault committed and an invasive procedure, that being the rape kit, and then learn that no one has used it in an investigation, that it’s in a storage room somewhere,” said state Senator John Whitmire, (D-Houston), who has spoken out on the issue for several years.

WHAT’S GOING ON?

Since 2011, the Houston Police Department has been on the receiving end of numerous complaints about the thousands of untested rape kits that they have yet to handle.

Last year, HPD was awarded a federal grant from the National Institute of Justice to conduct an audit to find out exactly how many rape kits have gone untested. The grant, which totaled \$821,814, was part of a two-phase, \$1.14 million award from the National Institute of Justice. The bulk of the money was allotted to perform an audit, to uncover the reasons why the rape kits were going untested, as well as to develop solutions to reduce the backlog quickly. The audit was completed and the results were astounding and troubling.

For years, HPD had insisted that the number of untested rape kits was actually around 4,000. After the audit, HPD reported that as of December 1, 2011, there are 6,663 untested rape kits stored in evidence. HPD officials said that some of those untested kits date back to the 1980s.

Ray Hunt, president of the Houston Police Officers Union, said “rape kits have to be a No. 1 priority. These kits have to be tested and they have to be tested quickly.”

WHAT IS A “RAPE KIT”?

The physical and biological evidence that is collected from the victim of a sexual assault is collectively known as a “rape kit.” The kit is usually in a case and consists of the necessary equipment used to carry out an exam on a rape victim.

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A victim of rape does not have to take a mandatory exam and can decline a rape kit, while still receiving medical attention. Declining the rape kit, however, can weaken a rape case and the collection of evidence is strongly encouraged. The rape kit can bolster the sexual assault case in court, should it come to trial, as well as lead the police to the perpetrator.

- After a sexual assault is suspected or reported, an examination usually starts with taking photographs of the victim and collecting his or her clothing.
- Next, any noticeable injuries that require attention are treated by medical staff and these injuries are documented for the record.
- Urine and blood samples are collected, as well as the collection of swabs of the oral and genital area.
- Commonly, samples of the victim's hair will be taken, and a nurse will collect biological evidence which may convict an attacker, such as bodily fluids and hair.
- More importantly, the victim will usually be offered treatment for sexually transmitted diseases and pregnancy.

Once reported to law enforcement, the representatives of a criminal lab pick up the rape kit and begin to analyze its contents. The analysis of lab work may establish who committed the crime, or at least provide valuable clues. Along with other evidence in criminal cases, a rape kit is closely guarded once it has been collected, to reduce the risk of evidence tampering or contamination.

All in all, this is an extremely traumatic process and experience. Which is why there is growing concern about the staggering number of untested rape kits at the Houston Police Department

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that have been sitting in evidence for years.

SOLUTION TO THE PROBLEM

As with most things that impact the well-being of citizens, the economy and declining revenues in a city that has been challenged with budget constraints is mostly to blame.

HPD officials said one of the biggest challenges they are experiencing is finding the necessary resources to reduce the backlog on the thousands of untested kits. According to a memo from Houston Police Chief Charles McClelland, HPD receives some 930 new rape kits each year. HPD officials previously have said the department is able to test only 30 to 40 a month. At that pace, that is only 360 to 480 tested kits per year. It is hard to put a dent into the backlog and new cases without the proper resources allotted.

Although HPD has a certain number of untested kits, they are working to determine how many of those kits actually contain evidence that can truly be tested. They are also seeking to determine how many of the kits are from cases where a perpetrator has confessed or been convicted, how many involve cases where a victim changed their story and how many involve cases where the statute of limitations has run out. The HPD is seeking to answer these questions in an attempt to reduce the backlog. HPD officials are planning to have a "priority list" of rape kits from active cases that, once tested, may have evidence that can help get perpetrators off the streets.

The second phase of the grant involves studying how this problem occurred and developing best practices for the timely handling of rape kits in the future. The results of this research could be used as a model for other police departments around the country grappling with the same backlog of rape kits.

SOMETHING MUST BE DONE

There are several troubling issues that are critical and must be addressed immediately.

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First and foremost, there are victims, many that go back as far as the 1980s, that have had to deal with the awful memories of being sexually violated and having to live with knowing their alleged attacker could be walking around free.

On the flip-side, there may be innocent people that are sitting in jail as a result of evidence that could have exonerated them.

Whatever the case, these victims are mothers, daughters, sisters, grandmothers and even sons. They deserve justice and respect. They have already been victimized at least once. They shouldn't have to remain a victim.

Although this responsibility falls under HPD, we must also keep in mind that the city funds HPD and HPD would have to receive adequate funding to its crime labs and receive adequate funding to hire and train competent and qualified staff in order to deal with this backlog.{jcomments on}