

Research to target untested rape kits

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Researchers at Sam Houston State University and the University of Texas at Austin will team up with representatives from the criminal justice system in Houston to establish protocols to determine when sexual assault kits need to be tested by crime labs.

"This is a problem-solving project that seeks to determine why so many kits are not being tested," said Dr. William Wells, who is leading the research project at Sam Houston State University. "The goal is to create appropriate solutions that can be implemented and to determine if there are ways that forensic [evidence](#) in these kits can be used effectively."

The project is the first phase of a study funded by the National Institute of Justice (NIJ), which will investigate the issue and develop strategies – including the notification of victims – that may help to solve the problem of untested evidence in sexual assaults that currently exist in many cities around the country. There are currently about 4,000 untested rape kits in the Houston Police Department's Property Room. A second study funded by NIJ will focus on Wayne County (Detroit), Michigan.

"These research projects will enable us to better understand what happens to [sexual assault](#) evidence, why it might not be analyzed, and what we need to do to fix the problem," said NIJ Director John Laub. "When sexual assault kits go untested, it can result in significant and unnecessary delays in justice for sexual assault victims."

The project in Houston will include the Houston Police Department Crime Lab, the HPD Juvenile Sex Crimes Unit, the HPD Special Crimes

Division, the Harris County District Attorney's Office, the Houston Area Women's Center, the University of Texas at Austin and SHSU.

"Everybody is working cooperatively and collaboratively to figure out the problem and to find ways to correct it," said Dr. Wells. "We are all working toward a common goal: improving our nation's responses to sexual assault."

A rape kit is a box or envelope used to collect and store biological or trace evidence in cases of sexual assault, which may yield DNA evidence. Over the past few years, thousands of untested rape kits have been found in police evidence rooms around the country, including 10,000 in Los Angeles, 12,000 in Dallas and 10,500 in Detroit, according to "Solving the Problem of Untested Evidence in Sexual Assault," an article produced by NIJ. This has led to extensive media coverage, policy discussions and Congressional hearings.

A recent study of more than 2,000 [law enforcement](#) agencies found that 14 percent of all unsolved homicides and 18 percent of unsolved rapes contain evidence that was not submitted to a crime lab for analysis. Among the reasons given for not testing the evidence were it would not have probative value; charges against the suspect may have been dropped; the suspect pled guilty; or, in rape cases, there may have been an issue of consensual sex, according to "The 2007 Survey of Law Enforcement Forensic Evidence Processing" report published by the NIJ.

The study also said that law enforcement may not fully understand the potential value of [forensic evidence](#) in developing leads. A total of 44 percent said a suspect had not been identified, and 15 percent said analysis had not been requested by prosecutors.

According to the NIJ article, only 50 to 60 percent of sexual assault kits

contain biological material that does not belong to the victim, and some kits can be up to 25 years old. One of the key issues of the study would be to determine when and how to notify victims of testing.

"Delays in evidence being sent to a laboratory – as well as delays in analyzing evidence – result in delays in justice," Nancy Ritter wrote in the NIJ article. "In worst-case scenarios, such delays can lead to additional victimization by serial offenders or the incarceration of people wrongly convicted of a crime."

The new study also is expected to address other related issues in the [criminal justice system](#), including funding for testing and DNA investigations; protocols for issuing a warrant if a DNA sample is found but doesn't match a CODIS profile; and additional caseloads for prosecutors and public defenders.

Among some of the questions that will be examined in the Phase I study are:

- Should all sexual assault kits be tested?
- Is a triage method more effective?
- How should victims be notified when the case is reopened after many years?
- What kind of training should law enforcement receive to make the best decisions about sending sexual assaults kits to the crime lab?

The research team at SHSU will include Drs. Wells, Vincent Webb and William King as well as four graduate students.

Provided by Sam Houston State University

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