Written by By Any Lyman NM Political Report
Friday, 16 October 2015 02:36





ALBUQUERQUE—Police storage rooms across the United States are reportedly filled with boxes of DNA and other evidence that could help solve rape cases.

Some of those storage rooms are here in New Mexico. Now, at least one elected official and two district attorney hopefuls are speaking up and asking for something to be done.

While it may seem like more money might be an easy solution, it's still unclear exactly how to fix the problem.

Former prosecutor Raúl Torrez, who has announced his candidacy for Second Judicial District Attorney, told *New Mexico Political Report* that a solution to working through the backlog is not necessarily simple, but starts with communication.

"The main thing is," Torrez said, "Are we having the right level of communication between the district attorney, the police department and the victim?"

In a statement to KOAT-TV last month, the Albuquerque Police Department said sometimes grants issued by the federal government that are intended to help with backlogs look good on the surface, but are not a good fit for an individual department.

New Mexico Political Report reached out to APD discuss the issue.

APD spokeswoman Celina Espinoza told *New Mexico Political Report* that APD gets help through “multiple funding sources” but some grants require the department to outsource too much. One grant, she said, would require APD to send tests to labs in other states.

“We would have to fly in the expert,” Espinoza said.

Espinoza added that the rape kits are not always sitting untested because of money, but often other evidence supersedes the kits when it comes to the likelihood of a conviction.

“We definitely go the more substantial route,” Espinoza said of using evidence. She went on to say the issue of unprocessed rape kits is “multifaceted.”

Torrez, echoing a sentiment from many law enforcement agencies, said that sometimes rape kits go untested when a victim decides not to press charges or opts to not have the kit processed. Regardless, he said, elected officials and police departments need to be held accountable.

“You should be able to explain to people your plan for clearing all of the outstanding rape kits or explain why each and every rape kit sitting in storage doesn’t need to be tested,” Torrez said.

More money to departments is one solution from the federal government. The Department of Justice recently offered up a grant intended to help departments with backlogs. Espinoza said APD applied for and received federal money, but did not apply for an additional grant because of logistical issues like outsourcing testing.

Torrez argued there is nothing stopping individual district attorneys from procuring non-federal grants in order to clear the backlog. Specifically, he pointed to Detroit, Michigan.

“The district attorney in that city went out and obtained private grant funding to clear, I think, more than 10,000 rape kits,” Torrez said. “That’s a process that every district attorney should be willing to engage in to get this done.”

New Mexico Political Report spoke with a representative of the Wayne County Prosecutor’s Office in Michigan. She confirmed that her office obtained both private and public funding, but could not confirm the specifics that Torrez referenced.

Ed Perea, another candidate for Second Judicial District Attorney, told *New Mexico Political Report* in his years as a police officer and prosecutor he has seen first hand the problems with rape kits not being tested in a timely manner. He said while he does not know if or what kind of plan current District Attorney Kari Brandenburg has, district attorneys all over the state have a “critical role” in ensuring kits get tested.

“It’s going to take those people who have the greatest influence,” Perea said of what it might take to fully understand why kits may not be getting tested.

In Kentucky, the state auditor released a report last month that showed not only an increasing processing time, but a flawed testing system when dealing with rape kits in that state.

According to a spokeswoman, State Auditor Tim Keller is in the planning stages of an audit of his own.

“Auditor Keller is considering best practices, including working with stakeholders across our state, to uncover the number of untested rape kits and the internal controls issues that may contribute to the backlog,” Justine Freeman, a spokeswoman for the New Mexico Office of the

State Auditor, wrote in an email to *New Mexico Political Report*. “Bringing transparency to the backlog is a first step towards fixing problems in the system.”

A spokeswoman for Second Judicial District Attorney Kari Brandenburg told *New Mexico Political Report* wh
en their office requests that a rape kit gets tested, the length of the wait time depends on the workload of the testing lab.

“When it is determined that the testing of a [Sexual Assault Evidence Kit] may result in relevant evidence on a Criminal Sexual Penetration case, the DA’s Office submits a Service Request for the SAEK to be tested,” DA spokeswoman Kayla Anderson wrote in an email. “The turnaround time is contingent on their workload and personnel availability.”

Both Torrez and Perea seem to agree that whether or not there is an issue with rape kit backlogs, victims are owed at least a look by officials to see if there is room for improvement.

Perea said in his experience as both a police officer and a prosecutor he has seen the importance of looking after the victims.

“Ensuring the victims rights are taken care of is paramount,” Perea said. “The fact that it’s out there should require serious attention and immediate attention.”

Torrez said district attorneys need to have open discussions with law enforcement, something both he and Perea said they would do if elected.

“These kits are not just evidence, it’s somebody’s life on hold,” Torrez said. “We should treat each of those kits with that level of understanding, that level of seriousness.”

According to endthebacklog.org, a website that aims to raise awareness of the national rape kit backlog, Albuquerque has about 835 untested rape kits.

Update: This piece was updated for clarity in relation to an APD spokeswoman speaking to *Ne w Mexico Political Report*

.

Visit: www.nmpoliticalreport.com