



State of New Mexico
OFFICE OF THE STATE AUDITOR

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State Auditor Tim Keller Releases Special Audit of Untested Sexual Assault Evidence Kits
Identifies factors that led to backlog of over 5,000 untested "rape kits" in New Mexico, provides roadmap to clear it and prevent it from happening again

SANTA FE, NM – Today, New Mexico State Auditor Tim Keller released a statewide special audit of untested sexual assault evidence kits, commonly known as "rape kits." The Office of the State Auditor (OSA) conducted the special audit to determine why a backlog of 5,440 untested kits amassed in New Mexico and develop best practices to clear it and prevent it from happening again.

In New Mexico, 1 in 4 women and 1 in 20 men have experienced sexual assault in their lifetime and 65% of sexual assault victims are minors. Although rape kit backlogs are unfortunately common throughout the country, New Mexico has the highest per capita backlog. New Mexico's backlog rate per capita is almost double that of the next worst state, Michigan.

"Protecting the public is one of the most basic functions of government," stated State Auditor Tim Keller. "The audit provides a roadmap for our state to both clear the existing backlog, and once it's cleared, to ensure that this never happens again. It all comes down to a question of priorities. With policies to overcome troubling long-held attitudes about victims, support for service providers and adequate funding, New Mexico can help lead the way by taking a concrete stand against sexual assault."

Last year, OSA worked with the Department of Public Safety (DPS) and law enforcement agencies to complete the first-ever statewide count of untested kits. There were 5,440 untested kits sitting on the shelves in evidence rooms and crime labs. Of those kits, 3,948 (73%) would ordinarily be tested in the City of Albuquerque's Forensic Lab. The remaining kits from other local law enforcement agencies and the State Police would ordinarily be tested at the Department of Public Safety (DPS) Forensic Lab in Santa Fe.

The audit identified the following information:

- In the last year, the backlog has decreased by 138 kits from 5,440 to 5,302, due to testing at the State Forensic Lab.
- The inventory of historically untested kits has not been reduced materially, but many untested kits have shifted from local law enforcement to the State Forensic Lab, where tangible funding and planning progress has been made.

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- The number of historically untested kits in Albuquerque remains the same, accounting for roughly 3 out of 4 untested kits in the state. While prioritization analysis has provided clarity, the City has yet to develop and fund a concrete plan to move the needle on the backlog.
- Risk factors that contributed to the amassing of untested kits include:
 - The decision of some law enforcement agencies not to test all kits as they were received. Hundreds of kits, some two decades old, sat on the shelves in local law enforcement evidence rooms.
 - Lack of financial resources for law enforcement agencies, forensic labs, and services providers like Sexual Assault Nurse Examiners (SANE) programs and rape crisis centers that play a critical role through the process of reporting, investigation and prosecuting sexual abuse.
 - Lack of systems to track and monitor the testing of kits. While guns, drugs and money tend to be subject to specialized handling procedures, Sexual Assault Evidence Kits are not.
- The keys to preventing this problem from occurring in the future include:
 - Law enforcement agencies should submit for testing every kit for which a police report is filed, as required by law.
 - The State and City of Albuquerque must fund the forensic labs to meet these demands. In addition, we must fund the service providers like SANE programs and rape crisis centers.
 - Training on the handling of kits, using kits in investigations, trauma-informed interview techniques and sexual assault issues for all law enforcement agencies and district attorneys.
- The backlog speaks to troubling long-held attitudes about victims. Over half of the documented reasons for not submitting a kit for testing were based on the credibility of, cooperation from or contact with the victim. This suggests a disconnect with the realities of sexual assault victims and with research indicating that sexual assault is not falsely reported more frequently than other crimes.

As part of the special audit, the OSA conducted a statewide survey of law enforcement agencies to find out more about their policies and procedures for handing the kits. The OSA made site visits to seven law enforcement agencies and one SANE program. At each site, OSA auditors performed audit procedures to find out why the kits had not been tested. OSA staff also met with advocates and the public in each area about their local experiences.

“We appreciate the efforts of the State Auditor’s Office to take a close look at the procedures in handling our state’s untested Sexual Assault Evidence Kits,” said Connie Monahan, the SANE Coordinator at NM Coalition of Sexual Assault Programs. “Many survivors consent to having evidence collected because they trust that the kits will be examined. We owe it to them to uphold that promise.”

The full audit is available here: http://www.saonm.org/media/uploads/SAEK_Audit_12-5-16.pdf