

Testimony

SHB 1068

MANDATED TESTING OF SEXUAL ASSAULT KITS

My name is Mary Lentschke and I am representing myself both personally and professionally and I want to thank you for the opportunity to offer testimony in **SUPPORT** of the mandatory submission of sexual assault kits for forensic examination within 30 days of collection.

I am an Assistant Chief of Police with the Houston Police Department. I am also a member of the Houston Sexual Assault Kit Task Force, which was established in April 2011. The task force continues today as part of our law enforcement landscape in response to sexual assault – continually evaluating and addressing issues related to sexual assault, sexual assault kits, investigative strategies, medical procedures, crime lab procedures, prosecutorial efforts, and advocacy roles – all from the perspective of a victim-centered approach. It should also be noted that in September 2011, the Texas Legislature passed SB 1636 which requires Texas law enforcement agencies to submit sexual assault evidence to an accredited crime lab for analysis within 30 days.

Few other crimes have the devastating physical and emotional impact upon a crime victim and their loved ones as sexual assault. The very personal nature of a sexual attack coupled with a loss of safety and security can have a crippling effect on the survivor and their relationships for years to come.

Research has shown that the type of response by law enforcement and medical professionals has a tremendous impact upon the recovery and long-term well-being of the sexual assault survivor. Officials who listen with compassion, taking proper steps to fully and aggressively investigate these cases serve to validate and assist in survivor recovery. Central to the investigative process is the forensic examination of all sexual assault kits.

Unlike any other type of evidence taken from a living victim, the sexual assault kit requires voluntary submission to the collection of evidence and photos of the most personal nature in the immediate aftermath of a traumatic sexual violation. Enduring this examination is an act of supreme courage and faith—faith that their personal sacrifice will aid law enforcement in the pursuit of justice.

Oftentimes the survivor submits to the examination, not for themselves, but for the higher purpose of preventing the suspect from preying upon someone else. It is this sense of self-sacrifice that helps the survivor endure the examination and intensely personal questions that must be asked in pursuit of justice.

What message does it send to our courageous survivors if their kits are never tested? What chance do we have to forensically link serial rapists if we do not test all cases? How do we prevent future victims if we fail to do our part and process all biological evidence in a sexual assault case?

Testimony (continued)

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Submission of forensic evidence using modern analytical techniques have yielded a wealth of new leads, identified new suspects, linked serial offenders, and served to exonerate the wrongly accused.

We owe it to the survivors, their families and the communities we serve to pursue all viable investigative leads to identify and hold sexual predators accountable for their crimes. Failing to examine forensic evidence does not serve the interests of justice.

Forensic science has given us a gift. It is the gift of justice delayed, but not denied. The only failure is one of inaction.

I am also in **SUPPORT** of Section 2 of House Bill 1068 that establishes a working group to study the issue of untested sexual assault examination kits in Washington State. The value of such critical dialogue on this issue between elected and appointed officials, law enforcement, advocates, legal representatives, community leaders, and survivors – is incalculable.

The issue of untested sexual assault kits has been discussed and tackled by cities and states nationwide. Some have chosen to go back and test all of their untested sexual assault kits, while others have only chosen to test all kits moving forward. In Texas, both the city of Houston (February 2013) and the city of Dallas (October 2014) made the decision to go back and test all untested sexual assault kits. While I cannot speak for the city of Dallas, in Houston, the testing and analysis of previously untested sexual assault kits has led in some instances to the identification of new offenders, confirmation of previously charged offenders, linking of serial cases, and several thousand entries into the federal CODIS database. To not examine sexual assault kits that have remained untested for a host of reasons and simply leave them on the shelf is unconscionable given the wealth of forensic information that can now be extracted by modern analytical techniques and provided to law enforcement.

As I stated earlier, few other crimes have the devastating physical and emotional impact upon a crime victim and their loved ones as sexual assault. To truly understand the issue of sexual assault – the complexity of the crime, victim trauma, evidence, investigative strategies and the recognition that justice in the eyes of the victim and the community may not always come in the form of a courtroom verdict – requires collective thought, honest discussion and sustainable decision-making.

Thank you for time and consideration of my remarks.

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