



Rod Underhill, District Attorney
1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

OREGON SECRETARY OF STATE AUDIT COMMENDS EFFORTS UNDERWAY TO ELIMINATE SAFE KIT BACKLOG

On May 2, 2018, Oregon Secretary of State Dennis Richardson released an audit on the steps taken by the Forensic Division of the Oregon State Police to appropriately address the state's Sexual Assault Forensic Evidence (SAFE) kit backlog.

The audit also focuses positively on the work of the Multnomah County District Attorney's Office and the Portland Police Bureau.

"When we discovered in 2015 there was a backlog of SAFE kits in Multnomah County, I met with the law enforcement leaders in our county to start finding a solution," Multnomah County District Attorney Rod Underhill said. "We worked quickly to identify funding from the New York County District Attorney's Office (DANY) and worked with the Portland Police Bureau following their receiving a grant from the Bureau of Justice Assistance (BJA). The DANY money helped to jumpstart the efforts of getting these backlogged kits into the laboratory for forensic testing. We also worked with victim advocate groups across Oregon and the country to determine and then implement the best practices surrounding victim notification of the SAFE kit work."

The DANY grant, \$1,995,453, was awarded in September 2015. Using those funds a coordinated effort involving local law enforcement and the Oregon State Police was launched to send nearly 3,000 SAFE kits, dated 2014 or older from Multnomah, Lane and Marion counties, to a private lab in Utah for testing.

In early 2018, an additional 302 SAFE kits from 13 other Oregon counties were sent to the Utah lab using funds from the DANY grant.

"Today's audit from the Secretary of State highlights the collaborative work that is being done every single day throughout Oregon to ensure we eliminate the backlog of SAFE kits in Multnomah County and in Oregon," said District Attorney Underhill. "When Governor Kate Brown signed Melissa's Law in 2016 it helped ensure that there will never be another SAFE kit backlog created in Oregon."

"Melissa's Law" is named after middle school student Melissa Bittler who was raped and murdered on December 13, 2001 while walking to her bus stop on the way to her school in downtown Portland. When Melissa was killed, DNA evidence existed that connected Ladon Stephens to the rape of two other teenagers. Those particular SAFE kits were not tested until after Melissa was murdered.

On April 21, 2004, a Multnomah County jury convicted Stephens of nine counts of aggravated murder, three counts of sodomy in the first degree, six counts of rape in the first degree, one count of kidnapping in the first degree, six counts of attempted aggravated murder, three counts of burglary in the first degree, one count of assault in the fourth degree and one count of unlawful sexual penetration in the first degree involving Melissa and four other sexual assault victims. Stephens was sentenced to life in prison. District Attorney Underhill and Senior Deputy District Attorney Tom Cleary prosecuted the case against Stephens.

On May 2, 2018, the Multnomah County District Attorney's Office learned that Oregon District Court Judge Michael Mosman denied Stephens relief and declined to grant a Certificate of Appealability to the United States Court of Appeals

for the Ninth Circuit. “Ladon Stephens has tried, unsuccessfully for 14 years, to have his convictions overturned. At each step, the judicial body reviewing his appeal has rejected his claims,” District Attorney Underhill said.

“We wish we never had to be in this position, but in just three years, we have taken dramatic steps to eliminate the backlog of SAFE kits across Oregon. The work we and our law enforcement partners are doing is among the best in the country,” District Attorney Underhill said.

According to the S.O.S audit, Oregon State Police believes the SAFE kit backlog in Oregon will be eliminated by the end of 2018.

A SAFE kit is generated by a doctor or a Sexual Assault Nurse Examiner (SANE) who has received specialized training in the collecting and documentation of potential evidence.

Under “Melissa’s Law” once an examination is completed, the law enforcement agency handling the case must pick up the SAFE kit within seven days. If the victim wants to continue the criminal investigation, the SAFE kit must be submitted to OSP within 14 days.

“In some cases, a SAFE kit may be collected from a victim who does not want to be involved in criminal prosecution at that time. When that occurs, those kits are entered into the system as ‘anonymous.’ Now, ‘Melissa’s Law’ mandates law enforcement must keep and preserve those anonymous kits for up to 60 years,” District Attorney Underhill said.

As noted in the Secretary of State’s audit, if a victim does come forward, even after having an examination entered as “anonymous,” the SAFE kit must be submitted to the Oregon State Police for testing.

Multnomah County began to see its first results on SAFE kits come back in late June of 2016 from the Utah based lab. The results from Oregon State Police started to come in August of 2016. Since then, five separate Multnomah County grand juries have handed down true bills charging five defendants in connection to felony sex crimes that occurred between 1996 and 2012.

Resources:

Secretary of State: [Report No. 2018-16: Oregon State Police: Forensic Division Has Taken Appropriate Steps to Address Oregon's Sexual Assault Kit Testing Backlog](#)

Finding and Recommendations: Ladon Stephens (2:14-CV-01808-AC)

Opinion and Order: Ladon Stephens (2:14-CV-01808-AC)

Judgment: Ladon Stephens (2:14-CV-01808-AC)

Current Multnomah County SAFE kit criminal cases

State of Oregon vs Jihad Eldeen Moore - 18CR13996 – Pending Trial

State of Oregon vs Chanh Van Tran - 18CR25167 – Awaiting arraignment

State of Oregon vs Curtis Clint Williams - 17CR37474 – Pending Trial

State of Oregon vs Steven Guy Tubbs - 17CR08640 – Pending Trial

State of Oregon vs Jose Oscar Rosales - 17CR29317 – Sentenced to 210 days in jail, 60 months of PPS

#MCDA#

Contact: Brent Weisberg, Communications Director

Phone: 503.988.6567

Email: Brent.Weisberg@mcdca.us