

# Kits

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son of possibly linking the suspect with other unsolved rapes or crimes.

According to national crime statistics, only one out of every three rapes are reported to authorities. Seven out of 100 lead to an arrest and just two of every 100 rapes lead to a felony conviction.

In Johnson City, the police department's evidence room holds 26 untested rape kits — some dating back 10 years.

Police Chief Brent Dodge estimates two or three rape kits collected by his department are stowed away each year. Each kit was taken at the start of a sexual assault investigation, he said, but some were shelved and untested in cases that weren't prosecuted.

Across the region, many police departments are holding on to rape kits that were never sent to a state crime lab for testing. The results of those tests could produce DNA matches in order to assist with criminal prosecutions, but law enforcement officials say it's not always a necessary step.

"For each of these rape kits of ours, the suspect was identified, so there was little to be gained by sending the kits to get tested," Dodge said. "We may hang on to them until the statute of limitations expires, or until there's an appeal."

For law enforcement officials, rape kits can represent important evidence that could bolster the accusations of a victim. They could also help investigators sort through sometimes convoluted accounts on both sides, in order to help determine whether the allegations ought to result in a prosecution.

Over the past decade alone, Congress has approved enough money to reduce the nation's backlog of DNA evidence testing to have tested more than 1 million sexual assault evidence kits. At about \$1,000 per kit, testing sexual assault kits is not free and the USA TODAY count of untested kits indicates that many smaller departments — those least able to afford to pay — have piled up hundreds of untested kits.

So far, however, despite evidence that the number of untested rape kits could number into the hundreds of thousands coast to coast, the vast majority of the money is not reaching local and state police authorities where the abandoned rape evidence could be tested and the problem reduced.

"If we're able to test these rape kits, more crimes would be solved, more rapes would be avoided," Vice President Biden said in March, announcing an additional \$41 million in grant funding as



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part of a White House initiative to address the problem.

Notwithstanding the funding and the attention of policymakers, the effort to quantify and reduce the number of untested sexual assault kits is not anywhere close to complete.

In the region, law enforcement officials have maintained that rape kits are routinely sent for testing if police believe they have a viable allegation or criminal case to pursue.

"These kits can be the evidence that can clinch the case, because it's physical evidence that can be traced to a person," said Broome County Sheriff David Harder. "But there's no risk of us losing evidence if we don't send them; it depends on the circumstances of the case."

Among the larger departments:

» The Broome County Sheriff's Office has 12 kits stored as evidence that were never sent for analysis, according to records provided by the county.

» The Chemung County Sheriff's Office has 14 untested kits dating back to 2005.

» The Tompkins County Sheriff's Office has zero to 10 untested rape kits.

» The Tioga County Sheriff's Office reported 11 to 25 untested rape kits.

» The Binghamton, Ithaca and Elmira police departments reported they did not maintain any records pertaining to untested rape kits.

In a majority of rape cases the Binghamton police department investigates, the victim and the suspect are known to each other, according to police Capt. Jack Collins.

Assistant Binghamton Police Chief William Yeager described rape kits as valuable evidence. The department normally sends kits to be tested at an Albany crime lab for any active rape case investigation, he said, unless the suspect's identity is not in question or if the allegations are not prosecuted.

"We're definitely on top of it," Yeager said. "If the victim is adamant this (rape) happened, then we send it up for analysis."

## No state requirements

In New York State, police agencies outside of New York City are not required to test sexual assault evidence, and no state law exists requiring agencies to keep track of how many untested kits are in their evidence rooms.

The state does not mandate testing of new or old rape kits, according to records.

After more than 10,000 untested sexual assault kits were discovered in Detroit, a landmark study exploring the causes of the failure to test the kits faulted police for displaying "negative, victim-blaming beliefs" about victims.

This year, the New York State Department of Criminal Justice Services conducted a voluntary survey of its roughly 550 police agencies. Of those, 170 responded and provided the state a range of how many rape kits were still untested.

Janine Kava, a DCJS spokeswoman, said the survey's purpose was for educational, not for statistical purposes. She said the survey's results showed no red flags.

"This is a local police department issue," Kava said. "There has been much discussion about the issue of untested rape kits and we wanted to get a sense of what was happening in New York state."

## Kits can be useful evidence

For prosecutors, DNA profiles that are produced by testing rape kits can represent important pieces of evidence.

That can be used to counter at least one viable defense in a sexual assault case, Broome County District Attorney Gerald Mollen said, but it also does not always mean "the case is closed."

Reasons why kits would not be tested include an unfounded report or claim of rape, an uncooperative victim, or cases in which the district attorney deemed as not-prosecutable, according to law enforcement officials.

Mollen said it would be troubling if there are rape kits in evidence lockers at local police departments that should be tested, but he does believe procedures are being followed properly.

There ought to be "a very strong preference" to sending every rape kit to be tested, he said, but sometimes the circumstances in a case can dictate otherwise.

He used a hypothetical example: if a 16-year-old girl accused her 17-year-old boyfriend of rape and then changed her mind about her willingness to proceed with a prosecution.

At that point, Mollen said, the prosecutors have to make a tough decision. It's a question of this girl's right to privacy regarding material collected from her in a rape kit, if it should be examined, and to balance that against the interests of the criminal justice system.

"Privacy of the complaining witness is certainly something that has to be taken into account," Mollen said. "But what

if the perpetrator is doing this to other victims? You have to be sensitive and explain to the victim why it might be important for other women and the community to have it tested."

## Victim advocates weigh in

Nearly every week, at least one rape victim walks through the doors of the Crime Victims Assistance Center on Robinson Street in Binghamton.

Raini Baudendistel, the center's executive director, estimates her office assists 60 to 70 rape victims each year. Roughly 80 percent of them already knew the perpetrator before being raped, she said, and it's a rare instance where a victim is assaulted by a complete stranger.

When it comes to the intrusive process of collecting the rape kit from a victim and the question of testing, Baudendistel said, it's unquestionable that the results could help solve cases like these.

Nationally, advocates are pushing for testing of all rape kits.

Baudendistel says she finds herself in the middle of that debate, but her agency believes the victim's voice is ultimately what counts.

"To me, the rape kits are evidence and if they (police) find a fingerprint they're going to test it — so these should be tested too," Baudendistel said. "But if the victim has the kit done, and then doesn't want to move forward, that should be respected."

Tiffany Greco, education director for the Advocacy Center in Ithaca, echoes those sentiments. She also said the absence of any DNA evidence in a case does not always mean a rape was not committed.

Greco said pushing to educate about preventing sexual violence can be just as important as securing resources to test these kits for potentially useful evidence. Her agency advocates education on what makes for a healthy relationship, what consent means, and how to recognize the signs of abuse.

What sometimes arises in those discussions, she said, is whether the responsibility to protect others rests on any part of the victim's shoulders.

"Our priority is the individual, the victim, in front of us," Greco said. "What we say to them is it's not your responsibility to keep him from raping others — it's his responsibility."

*Steve Reilly of USA TODAY contributed to this story.*

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# Festival

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taste of the attitude. A makeshift commune of Rochester residents, their outpost had been set up since Sunday (they're also festival volunteers). Liquor, a form of "thirst aid," flowed alongside the converted ambulance behind psychedelic bunting, garlic on stakes and a mailbox, which its tenant said has produced some interesting mail over the years.

"We once got a 'GrassRoots Care Package,'" said Eric Szulgit, a 48-year-old from Rochester who has attended every GrassRoots since its beginning. "It consisted of a two beers, a condom and a rubber band."

Szulgit is somewhat of a stalwart on the infield, hosting games for children out in the field. His outpost stretched from the ambulance to several tents back, packed with pilgrims from Rochester who visited the festival once and haven't been able to stay away.

Many of those said the festival is an integral part of their year, saying "it just wouldn't be summertime without GrassRoots."

"It was something above and beyond the other festivals I've ever seen," Szulgit said. "Everybody I've met here and everybody in this group, it's like a small family to me. I even bring my mom out."

Around a third of Frances Vaedh's summers have included GrassRoots. Now 78 years old, the Florida resident has made the trip to Trumansburg for the past 24 years since her son bought her that first ticket as a gift in 1991. Though she made the move down South almost a decade ago, she said the distance — and an injury — could never hold her back.

"I may have a back problem right now, but that doesn't stop me from dancing," Vaedh said. "The music never stops, you know? You've got to keep going."

The years have yielded numerous stories, all with the same setting — the commune on the infield, with the usual suspects all arriving days before the festival starts. Their story is told in great music and great times and plenty of mischief, including when Vaedh hooked a fishing rod with a \$20 bill and baited concertgoers and another time when the crew shot squirt guns at passersby.

"We've pulled more stunts than I can even count," Vaedh said.

She and Charlie Snyder, 56, of Roches-

ter, even survived the notorious '94 festival, where the weather was so cold the group wore winter gloves and huddled around a heater in the center of their camp.

Snyder has become something of a local after attending the festival for 21 years. He doesn't camp at the fairgrounds, but at Taughannock Falls, his unofficial home-away-from-home that has evolved over the years from a tent to a pop-up camper. He doesn't park in any of the designated lots, having arranged a deal years ago with the owner of Not My Dad's Soft Serve to park across the street from the festival grounds. The investment has evolved over two decades, in which he has gained a true sense of the serenity and togetherness of the festival's most dedicated.

"The music, the people, it's just so relaxing," Snyder said. "I've never seen any trouble happen here after all these years. People here seem to strive for the same things; everybody is just so nice. For me, personally, that's why I like coming back. You can just chill; everyone pulls together and becomes part of it."

Snyder was at first reluctant to go to GrassRoots, being dragged there by his now-wife. He became addicted immediately, making it a family affair by inviting friends and relatives, many of whom



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have been coming to the festival since. He even began his family here, saying his 14-year-old, given his calculations, was likely conceived during a GrassRoots weekend.

"We weren't sure if she was pregnant," Snyder said of his wife. "When we left GrassRoots and checked, sure enough, she was pregnant. We figured it only could have happened that Friday through Sunday, counting back from the weeks."

It's been a hazy scrapbook of memories for the festival's regulars and when Donna The Buffalo took the stage Thursday night, they lauded the crowd for finally singing along to "No Place Like The Right Time" after 25 years.

"I never expected to be loved by you," the lyrics go. After all this time, who expected the love to last this long?

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# Hoops

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ferent colors and even decked out with more unique visual features, like beads. For a beginner, Sayke said, the hoop itself is fundamental to one's success.

"The bigger and heavier hoops are easier to use," Sayke said. "The lighter ones require you to move your hips faster, so those aren't recommended for beginners. You can learn a lot from watching someone, but practice is definitely key."

For festivals such as GrassRoots, the hula hoop is an integral part of the culture. Though plastic is often the default material for expression, some choose to up the art form to another level, lighting their hoops aflame for fire dancing.

Judah Schnapsliebeck, a California native who travels the summer festival



SIMON WHEELER / STAFF PHOTO

Kelly Ritter, of Freeville, tries her skill at the hula hoop Friday at the GrassRoots festival in Trumansburg. In the background, with a hula hoop, is Paul Thomas, of Ithaca.

circuit selling drums, has used a flaming hula hoop and witnessed numerous displays of the art form in his time on the road.

"You're just one with it," Schnapsliebeck said. "You're going with it. That's spinning, you're spinning, you're going with it, raising your hands, picking it up, it's a whole other experience. But it was the scariest thing I've ever done, I dropped it to the ground the first time I tried."

Hula-hooping to many is more than just a pastime while the music bumps in the background. It's a form of personal expression, one where the movement of the body, the hoop, the rhythm and the crowd all play together to lull one into a meditative state.

Amber Long, a dancer from Florida, was wowing the crowd with her skills on a hula hoop, a contact staff and a levitation wand (a cable supported rod). She's been traveling the country with the band Telekinetic Walrus for the past month,

teaching clinics on hula-hooping and personal expression.

To Long, a dancer for most of her 23 years, the art form, called "flow-art," is beyond just play.

"There's a huge community based around it," Long, a first-time GrassRoots attendee, said. "It's a form of meditation. It's you and your prop. You're creating your own shapes from your own vibrations, playing off the music and the crowd. It's me and my object, a way to escape from everybody, and surrounded by all these like-minded people, you get this good vibration and feed off of it."

Long approaches hooping as its own dance form. She said she knows of technical "hoopers" who are familiar with routines and styles, but for her, it is about the freedom of movement.

"I just kind of do," she said. "Anything can be a flow-art, any type of visual stimulation. It's hard to describe it."

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