

# MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE

## *UNTESTED SEXUAL ASSAULT KIT PROJECT*

MANHATTAN DISTRICT ATTORNEY'S  
OFFICE GRANT REPORT



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*The Office of the District Attorney, New York County (DANY) established and funded a Criminal Justice Investment Initiative (CJII) to invest in projects that will enhance public safety, develop broad crime prevention efforts and promote a fair and efficient criminal justice system.*

*Under CJII, DANY issued a request for proposals to eliminate the backlog of untested Sexual Assault Kits. Multnomah County District Attorney Rod Underhill, working collaboratively with law enforcement agencies in Oregon, submitted a proposal on behalf of Multnomah, Marion and Lane Counties' law enforcement agencies.*

*On September 10, 2015, the DANY Grant program awarded \$1,995,453 to the Multnomah County District Attorney's Office to oversee the analysis of approximately 2,800 sexual assault kits from the three counties. In total, the DANY project committed \$38 million to 32 jurisdictions across 20 states.*

*In the fall of 2018, testing was completed on nearly 3,000 sexual assault kits from around the State of Oregon. With the assistance of the DANY Grant, the State of Oregon is one of only a few states in the country to have eliminated its backlog of untested sexual assault kits.*

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**Our success of becoming one of the first states to fully eliminate its sexual assault forensic evidence kit backlog and to also implement legislative policies that ensure consistent testing practices in the future is significantly tied to the investment and commitment of Manhattan District Attorney Cy Vance Jr.**

**Eliminating Oregon's backlog of sexual assault forensic evidence kits does more than just pushing a reset button. It recognizes the mistakes of the past and helps to restore confidence in our public safety system. For too long, survivors of sexual assault were left fighting for a voice. Today, through our trauma informed practices, we work with survivors of sexual assault every day to ensure they understand their rights as crime victims. We make sure they are informed of every step of the process. We make sure that their voice is not only heard, but that we listen and that we are responsive.**

**Locally, we achieved our success quickly because of the shared dedication of local law enforcement including the Oregon State Police Forensic Crime Laboratory. This combined effort highlights the positive outcomes possible in the criminal justice system. I am proud of the current and past members of our Untested Sexual Assault Kit Team. Their passionate commitment to public safety and victims makes our community safer and stronger.**

**Finally, we honor Melissa Bittler – a 14 year old girl raped and murdered in Portland. The DNA in her case identified a serial rapist and propelled significant changes with how law enforcement processes DNA evidence. "Melissa's Law," which, among other things, requires the timely testing of sexual assault forensic evidence kits passed in 2016, and was named after Melissa. This report is dedicated to and honors her and all other victims of sexual assault.**

*Rod Underhill*





*Photo: Current and past members of the MCDA USAK Team: (L-R) Forensic Consultant Susan Hormann, MCDA Deputy District Attorney Tara Gardner, MCDA Victim Advocate Julie Jacobs, MCDA Victim Advocate Kim Phillips Clark and MCDA Senior Deputy District Attorney Amity Girt. Not pictured Victim Advocate Kendra Bonetti.*



*Photo: District Attorney Rod Underhill, fourth from left, speaking at an event hosted by Manhattan District Attorney Cy Vance, Jr. in New York City on March 12, 2019*

The following report details the results, and statewide impact, of the New York County District Attorney's Office (DANY) Grant. The report describes the process by which the Multnomah County District Attorney's Office (MCDA) developed the Untested Sexual Assault Kit Project (USAK) and highlights key outcomes and successes to date. Given the depth of information on the sexual assault kit backlog and sexual assault reform in general, this report is not intended to comprehensively address all aspects of this important topic. Readers who are interested in learning more can turn to the Resources page at the end of the report.

## I. Overview

In 2015, the Oregon State Police released the results from an inventory that identified 4,700 untested sexual assault kits ("SAKs") across the state. Committed to proactively addressing the backlog, Multnomah County District Attorney Rod Underhill sought and quickly identified funding from the New York County District Attorney's Office, specifically through the Manhattan District Attorney's Office Sexual Assault Kit Backlog Elimination Grant Program.

District Attorney Underhill collaborated with the Portland Police Bureau, Gresham Police Department, Multnomah County Sheriff's Office and the Oregon State Police Forensic Laboratory and proposed a project to help eliminate the backlog. To achieve this goal, District Attorney Underhill applied for DANY Grant funds to analyze the untested SAKs in Multnomah, Marion and Lane County. This accounted for more than half of the untested SAKs in the state.

DANY awarded MCDA a total of \$1,995,453 in September of 2015. MCDA also received funding assistance from the Multnomah County commissioners to support this project.

To ensure the successful implementation of the grant, District Attorney Underhill created the Untested Sexual Assault Kit (USAK) Team. This team included a dedicated deputy district attorney, a forensic consultant, and a victim advocate. The USAK team worked collectively with the Portland Police Bureau's Sexual Assault Kit Initiative Grant Team.

In December of 2017, DANY approved the USAK team's request to apply remaining grant funds to test SAKs in other Oregon counties. In early 2018, an additional 302 SAKs from law enforcement agencies in 13 Oregon counties were analyzed using funds from the DANY grant. In total, 2,916 SAKs from around the state were tested. Testing of Oregon's backlog was completed in October of 2018.

*"The Manhattan District Attorney's Office's Grant played a crucial role in the elimination of the sexual assault kit backlog in the state of Oregon. The grant funding helped establish and guide a collaboration of system partners united in a goal of ensuring every kit was tested. Through the testing process, stakeholders have seen firsthand the significance a tested sexual assault kit has for survivors, the community, and law enforcement."*  
—**Tara Gardner, Deputy District Attorney, Multnomah County District Attorney's Office**

## II. Background

The purpose of the DANY Grant was to fund the shipment and testing of previously untested SAKs. Untested SAKs collected prior to January 1, 2015 were eligible for testing under the grant. Collaboration between the USAK team, law enforcement agencies, the laboratories and District Attorneys' Offices was essential to the effective implementation of this undertaking.

### a. The Untested Sexual Assault Team

To coordinate the testing, review and grant reporting, MCDA created the USAK Team, comprised of:

- ❖ **Deputy District Attorney** – The USAK DDA reviewed the untested SAK cases for legal and evidentiary issues. When a case was reopened for further investigation, the DDA consulted with law enforcement and handled any resulting prosecution. For untested SAKs on post-conviction cases, the DDA reviewed the testing results in light of the case facts and evidence per the MCDA Post-Conviction Policy<sup>1</sup>.
- ❖ **Forensic Consultant** – The addition of a forensic consultant was unique and essential to MCDA's USAK project. The forensic consultant provided guidance to law enforcement and prosecutors on the DNA analysis process and interpretation of the lab results. In many cases, the consultant would give recommendations regarding additional analysis, reinterpretation, or other steps to guide the investigation.
- ❖ **Victim Advocate** – The USAK victim advocate provided support to victims with untested SAKs, whether it was notifying victims per the MCDA Victim Notification Policy<sup>2</sup> or assisting victims through the criminal justice process. The advocate would ensure victims received information regarding survivor resources whether or not a case was prosecuted.

### b. Source of the Backlog

The sexual assault kit backlog in Oregon developed over decades. Some kits were collected in the 1980s before forensic DNA testing was available in Oregon. Other kits have gone untested due to limited law enforcement and laboratory resources, victims withdrawing from the process, or a lack of training and understanding among law enforcement personnel.<sup>3</sup>

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<sup>1</sup> For further details, see the MCDA USAK Post-Conviction Policy in the Resources page

<sup>2</sup> For further details, see the MCDA USAK Victim Notification Policy in the Resources page

<sup>3</sup> See <https://www.fbi.gov/news/stories/sexual-assault-kit-initiative-040219>



c. The “Forklift” Approach

The Manhattan District Attorney’s Office developed the “forklift” approach when they addressed their backlog. The forklift approach removes any subjectivity in triaging the SAKs for testing and ensures all SAKs, regardless of the facts or age of the case, are sent to the laboratory for testing. The DANY Grant required all grant recipients to follow the forklift approach when sending SAKs for analysis. This included the testing of SAKs in previously adjudicated cases.

The only SAKs not eligible for testing fell in two categories:

1. Anonymous kits, otherwise known as “Jane Doe” kits; or
2. Sexual assault kits where objective and conclusive evidence exists that no crime was committed (e.g. victim unequivocally recants all parts of the assault and/or video footage exists demonstrating there was no crime).

Of Note: very few cases were determined to fall within this category.

The USAK team ensured that all agencies followed the forklift approach in sending their SAKs for testing and ultimately, this guaranteed that every eligible kit was sent for analysis.

d. Testing of the SAKs

Due to the backlog of testing at the Oregon State Police Forensic Laboratory, the MCDA’s Office decided to use the grant funds to outsource the testing of the SAKs from Multnomah, Marion and Lane counties. Through a competitive bid process, a private laboratory, Sorenson Forensics of Salt Lake City, Utah was selected.

Sorenson agreed to conduct a multi-step analysis process, which included screening all the swabs in the kit and underwear, if present. The type of screening was based on whether the victim was male or female. For a SAK from a female victim, the evidence was screened for male DNA. If the victim was male, the evidence would be screened for the presence of saliva and/or seminal fluid. If sufficient quantity of DNA or biological evidence was identified in the screening, the samples were further analyzed in an attempt to develop a DNA profile.

Sorenson reported the results of each SAK and categorized the findings as CODIS Eligible, Inconclusive or Negative. A CODIS eligible result meant that a DNA profile was developed and may be eligible for entry into the Federal Bureau of Investigation’s (FBI) Combined DNA Index System (CODIS). Private laboratories, such as Sorenson, are not given access to CODIS and therefore, the CODIS eligible profiles were provided to the Oregon State Police (OSP) Forensic Laboratory’s DNA Unit for evaluation. If OSP determined that the profile met the criteria for entry into CODIS, the DNA profile was entered into the database to be compared to other DNA profiles in the system.

CODIS is a computer database that contains offender DNA samples from individuals who were arrested and/or convicted of a crime, depending on the state, as well as crime scene forensic evidence. Only federal, state, and local labs can upload DNA profiles into the database. The power of CODIS is that it can provide investigative leads on current or cold cases. CODIS matches have the ability to aid an investigation by 1) identifying previously unknown assailants, 2) confirming the identity of known suspects in a crime, and 3) linking crime scenes through DNA evidence, even if the assailant's name remains unknown to law enforcement.

When an evidence profile is entered into CODIS, it is searched against all DNA profiles stored in the database. If there is a match, the laboratory is notified. Prior to releasing the information to the law enforcement agency, the laboratory will verify the match based on their established protocol. The profiles stored in CODIS will continue to be searched against new entries to the database and may identify a future CODIS match.

As of December of 2019, the National DNA Index (NDIS) contains over 14,078,725 offender profiles, 3,827,923 arrestee profiles, and 992,007 forensic profiles.<sup>4</sup>

e. Legislative Changes

As the Untested Sexual Assault Kit Project was underway, the Oregon State Legislature enacted legislation to ensure no future backlog developed. These reforms included several key bills:

1. Melissa's Law (Senate Bill 1571, 2016)<sup>5</sup>
  - i. Mandates the submission of all SAKs, with the exception of anonymous kits, to the crime lab within 14 days;
  - ii. Requires law enforcement agencies to develop a victim notification policy
2. House Bill 4049 (2018)<sup>6</sup>
  - i. Requires the creation and implementation of an electronic statewide tracking system for SAKs.

By mandating the testing of all new sexual assault kits and creating a statewide tracking and notification system, Oregon is one of the few states in the nation that has addressed the past backlog and ensured the prevention of a new backlog.<sup>7</sup>

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<sup>4</sup> <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/ndis-statistics>

<sup>5</sup> For further detail, see <https://olis.leg.state.or.us/liz/2016R1/Downloads/MeasureDocument/SB1571/Introduced>

<sup>6</sup> For further detail, see <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/HB4049>

<sup>7</sup> <http://www.endthebacklog.org/connecticut-oregon-and-utah-become-latest-implement-full-rape-kit-reform>

### III. Policies

The Multnomah County District Attorney's Office authored three policies that informed and guided the USAK team. All three documents were provided to participating District Attorneys' Offices. To review them, see the Resources page at the end of this document.

#### MCDA USAK Project DANY Grant Handbook:

The MCDA USAK DANY Handbook is a comprehensive guide describing the goals of the grant, definitions, and protocols for SAK testing. This document was intended to provide participating agencies with a clear understanding of the DANY grant process and includes numerous topics from law enforcement responsibilities, shipment of kits to Sorenson Forensics, the role of the Oregon State Police Crime Laboratory, and grant reporting metrics.

#### MCDA USAK Victim Notification Policy:

The MCDA USAK Victim Notification Policy applies to cases within Multnomah County. The USAK team coordinated with the statewide Sexual Assault Task Force, which included a survivor/advocate, in the creation of a policy to guide the notification protocol for different case scenarios. The policy requires victim notification to be trauma informed and victim centered.

#### MCDA USAK Post-Conviction Policy:

The MCDA USAK Post-Conviction Policy was developed to address the results from SAK testing on previously adjudicated Multnomah County cases. The policy requires the USAK DDA to review and prepare a report detailing the significance of the forensic results on a previously adjudicated case. This report is then reviewed by the USAK Forensic Consultant and Chief Deputy District Attorney, and the laboratory reports were sent to the last known defense attorney on the case.

### IV. Outcomes

The analysis of the 2,916 SAKs helped bolster the CODIS database, opened hundreds of cold cases, launched more than a dozen prosecutions, and made significant strides in ending Oregon's statewide SAK backlog. Most importantly, the program brought long-awaited justice to survivors.

The data collected below reflects the information required for DANY grant reporting. In addition, metrics of interest to the MCDA USAK team are included.



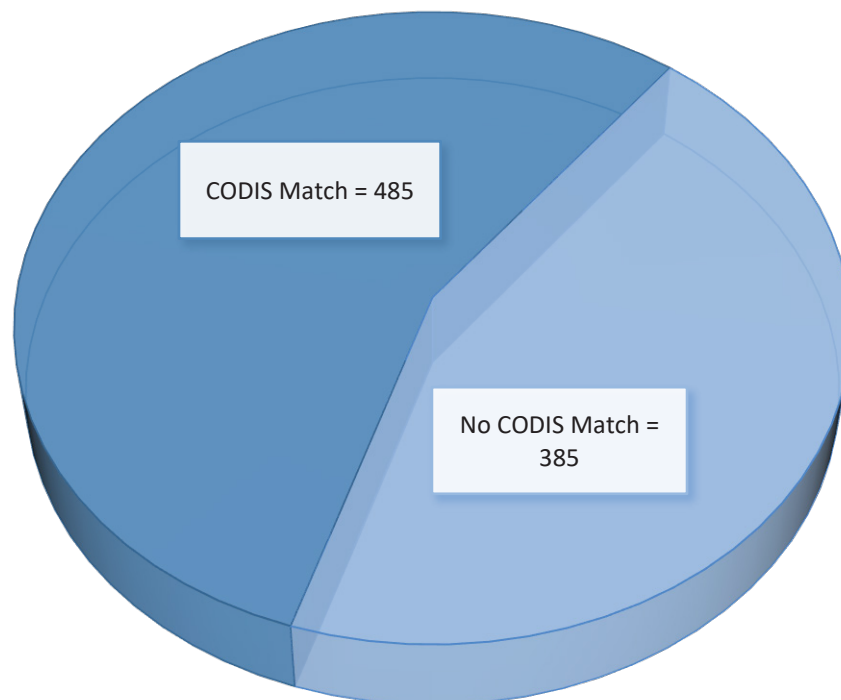
a. SAKs Tested by Jurisdiction, CODIS Entries and CODIS Matches

Under the DANY Grant, a total of 2,916 backlogged kits were tested from 16 counties. A total of 870 profiles were entered into the CODIS database, which resulted in 485 CODIS matches.

<b>Participating Oregon Counties</b>	<b>Number of SAKs Tested</b>	<b>Number of CODIS Entries</b>	<b>Number of CODIS Matches</b>
Multnomah County	1,998	608	343
Lane County	227	74	40
Marion County	390	103	55
Clackamas	26	8	5
Columbia	29	6	2
Coos	11	3	2
Crook	9	2	1
Deschutes	26	7	2
Douglas	19	3	3
Jackson	97	32	18
Lincoln	28	7	8
Linn	5	0	0
Polk	7	2	0
Umatilla	13	5	3
Union	5	2	0
Washington	26	8	3

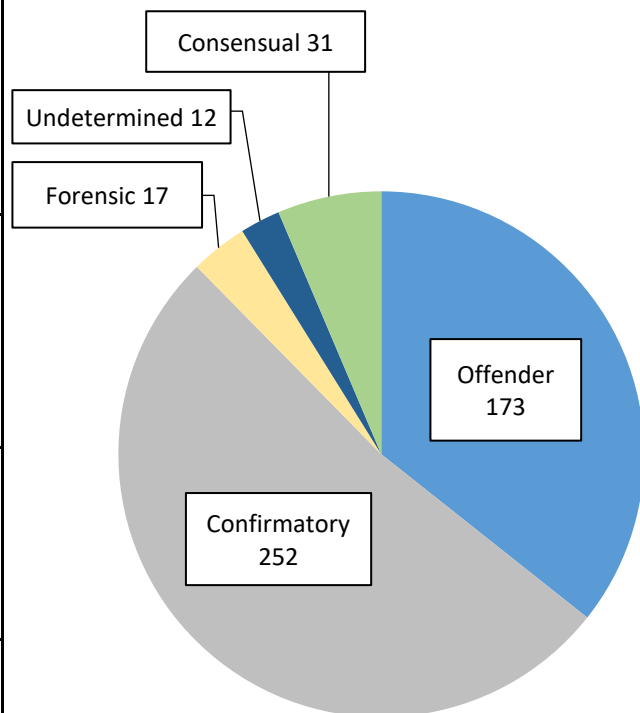
<b>Multnomah County Law Enforcement Agencies</b>	<b>Number of SAKs Tested</b>	<b>Number of CODIS Entries</b>	<b>Number of CODIS Matches</b>
Portland Police Bureau	1,775	534	309
Gresham Police Department	205	69	33
Troutdale Police Department	2	1	0
Multnomah County Sheriff's Office	9	1	0
Fairview Police Department	7	3	1

## DNA Profiles Entered Into CODIS



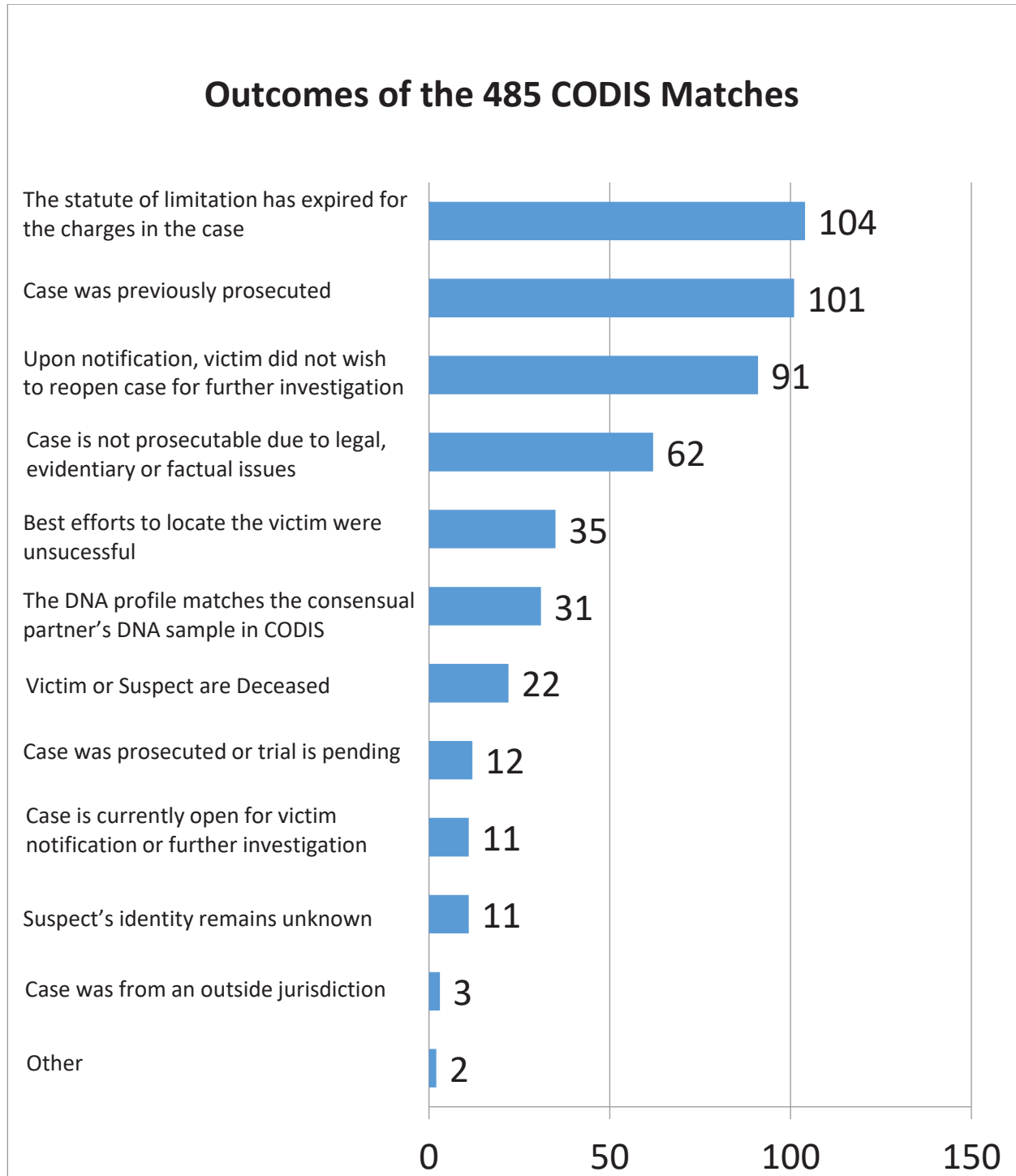
## Categories of CODIS Matches

Category	#
<div>Confirmatory Match:</div> <p>The DNA profile matches the named perpetrator's offender sample in CODIS. The match confirms the identity of a convicted perpetrator or a suspect named by a law enforcement agency during an investigation prior to DNA testing.</p>	252
<div>Offender Match:</div> <p>The DNA profile matches an offender sample in CODIS. Prior to this match the name of the potential perpetrator was unknown.</p>	173
<div>Consensual Partner:</div> <p>The DNA profile matches the consensual partner's DNA sample in CODIS.</p>	31
<div>Forensic Match:</div> <p>The DNA profile matches another DNA profile from an evidence sample. The match is a link, between two previously unlinked crimes, but no perpetrator is identified.</p>	17
<div>Undetermined Match:</div> <p>The DNA profile matches an offender sample; however, based on the current information it is undetermined if this is a consensual partner.</p>	12



b. Outcomes of CODIS Matches

The following chart documents the results of the USAK team's case reviews, victim notification, investigation and prosecution for all cases that resulted in a CODIS match.





c. Post-Conviction Cases

In the early stages of the USAK project, District Attorney Underhill and the USAK team recognized that among the SAKs tested under the DANY grant, there would be SAKs from previously adjudicated, referred to as post-conviction, cases. To ensure the forensic results were reviewed on post-conviction cases, a case review policy was developed. All post-conviction cases, with the exception of SAKs with a CODIS match to the convicted defendant, were reviewed by the USAK DDA, USAK Forensic Consultant and MCDA Chief DDA. Copies of the forensic test reports for all post-conviction DANY grant cases were sent to the last known defense attorney on the case.

For further information on the post-conviction case review policy, please refer to the MCDA USAK Post-Conviction Policy in the Resources page.

Upon completion of the testing by Sorenson Forensics, the total number of Multnomah County post-conviction cases tested under the DANY Grant was 158. This number does not include SAKs that were collected by a Multnomah County law enforcement agency for a case adjudicated in a different county, state or federal jurisdiction.

Out of the 158 post-conviction cases, SAK testing in 45 cases resulted in a CODIS match to the convicted defendant. The remaining 113 cases were reviewed per the policy and the forensic results were found to not be probative or did not call the conviction into question per the facts and evidence in the case.

To date, there have been no exonerations in Multnomah County cases related to the USAK project.

d. Victim Notification

A critical aspect to the USAK project was the notification of victims in Multnomah County cases who had SAKs tested under the DANY Grant. Every Multnomah County case was reviewed by the USAK team and a detective from the investigating law enforcement agency. The decision whether to notify a victim was guided by the MCDA USAK Victim Notification Policy. The guiding principles for all notifications was to be trauma informed and victim centered.

*"I feel as though the message I've been able to get back from [victims] is that it's empowering to be able to see [their] case through, even if it's been 5, 10 years later." — Amity Girt, Senior Deputy District Attorney, Multnomah County District Attorney's Office*

For further information on the victim notification policy, please refer to the MCDA USAK Victim Notification Policy and Amendment in the Resources page.

Victim Notification Results for Multnomah County Cases	Number of Victims
<p><u>Successful Notification</u>: Victim was notified, by phone or in person, of the results of the SAK by a USAK victim advocate, deputy district attorney or sexual assault detective.</p> <p>Cases counted include CODIS matches and non-CODIS matches opened for further investigation</p>	195
<p><u>Unsuccessful Notification</u>: The case was open for notification but the USAK team and law enforcement agency were unable to locate or contact the victim.</p> <p>Cases counted include CODIS matches and non-CODIS matches opened for further investigation</p>	129
<p><u>No Notification Attempted</u>: Case was not open for notification as victim was deceased, the CODIS match was to a consensual partner, the case was previously adjudicated, or other factors.</p> <p>Cases counted are only CODIS matches</p>	74

## V. Prosecutions

### A. Multnomah County

- State of Oregon vs Jose Oscar Rosales - 17CR29317 - Convicted in February 2018
- State of Oregon vs Curtis Clint Williams - 17CR37474 - Convicted in June 2018
- State of Oregon vs Steven Guy Tubbs - 17CR08640 - Convicted in August 2018
- State of Oregon vs Jihad Eldeen Moore - 18CR13996 – Convicted in October 2018
- State of Oregon vs Chanh Van Tran - 18CR25167 - Convicted in November 2018
- State of Oregon vs Jesse Ryan Moser – 19CR53575 – Convicted in February 2020
- State of Oregon vs Donnie Michael Willis Jr. – 19CR55777 – Convicted in March 2020
- State of Oregon vs Ricky Alexander Harrison - 18CR59141 - Pending trial
- State of Oregon vs Richard Timothy Ward – 19CR25495 – Pending trial
- State of Oregon vs Leslie L. Thornton – 11-11-34868 – Pending trial
- State of Oregon vs Timothy Nathaniel Hogue - 11-11-34868 – Pending trial
- State of Oregon vs Frank Domont Hall Jr. – 19CR77675 – Pending trial
- Secret Indictment

## B. Other Jurisdictions

### Lane County

- State of Oregon vs. Jeffrey Noel Van Arkel – 16CR78219 – Convicted in March 2017

## C. Prosecution Highlights

### *State vs. Curtis Clint Williams*

The first case in Multnomah County associated with the DANY Grant to go to trial was State vs. Curtis Clint Williams. The investigation originally started on September 30, 2011 when the victim, then 19, reported she had been raped and sexually abused inside the Alder Hotel Apartments in downtown Portland. The victim did not previously know her attacker.

The victim immediately reported the assault to law enforcement and underwent a sexual assault examination. In 2016, the victim's SAK was tested using funds from the DANY Grant. The DNA analysis of the victim's SAK yielded a CODIS match to the defendant.

With the results of the SAK, the investigation was reopened and led to an indictment with multiple felony charges. On June 26, 2018, a 12-person jury convicted Williams of one count of Rape in the First Degree, two counts of Sodomy in the First Degree, one count of Unlawful Sexual Penetration in the First Degree and three counts of Sexual Abuse in the First Degree. The jury acquitted the defendant on one count of Unlawful Sexual Penetration in the First Degree. Following the guilty verdict, the 64 year old defendant, a registered sex offender, was sentenced to 33 years in prison.

### *State vs. Steven Tubbs*

This investigation began on December 2, 2010 when the victim, who was 25 years old at the time, reported she had been sexually assaulted by Tubbs while attending a party at his residence in the Jantzen Beach area of Multnomah County. At the time of the offenses, Tubbs was 55 years old. At trial, the State presented evidence that showed multiple intoxicants were present at Tubbs' residence and that the victim consumed several of those intoxicants to a point where she was no longer able to legally consent to sexual activity.

Under Oregon law, it is a crime to take advantage of people who cannot consent to a sexual act due to impairment or because they are physically helpless. During trial, Multnomah County Senior Deputy District Attorney Amity Girt said, "*this [case is] about a woman having every right to give or not give [consent] in a situation regardless of what they have done to make themselves more vulnerable.*"

Following a court trial, Tubbs was found guilty of two counts of Rape in the First Degree and two counts of Sexual Abuse in the First Degree. He was acquitted of two counts of Sodomy in the First Degree. The defendant was sentenced to 100 months of prison.

Following the sentencing hearing, the victim stated the following: *"From the bottom of my heart, I want to thank the victim advocates who have stood next to me this entire time. Words cannot express my gratitude to the SAKI workgroups across the country who are fighting daily for survivors of sexual assault."*

The statement continued: *"Every sexual assault survivor should know, there are people who care about you. It's not right to let your attacker silence you. Perpetrators should be scared. They should face, and fear, the consequences of their actions. Talk with someone you trust - a victim advocate, a close family member, or a friend and know that it's okay to ask for help. It's okay to be strong. Your truth deserves to be heard, and it will be heard."*

*"We all have the right to live our lives as we choose,"* said Kendra Bonetti, the victim advocate on this case. *"The law in Oregon protects us and our right to consent to sexual activity. Nothing can take that right away. No one should ever be subjected to unwanted physical or sexual contact. We are incredibly proud of the victim in this case. She showed great courage and strength when she took the witness stand during trial and relived this horrific event in her life."*

#### **State vs. Jihad Moore Jr.**

On June 14, 1996, the victim, then 25 years old, was physically attacked and raped by a stranger at the Waterfront Park in downtown Portland. The victim immediately reported to law enforcement and went to a hospital, where she had a sexual assault examination. The case remained unsolved until the victim's SAK was tested under the DANY grant, leading to a CODIS match identifying 67 year old Jihad Moore Jr. as the assailant.

During trial, the victim testified about the fear she had that the defendant would kill her during the sexual assault and about the harm, both physical and mental, the defendant inflicted by forcibly attacking her that night.

*"You broke me down and made me question my trust and faith in people and the world, but I made a decision that day: I would not let you win. I would not let you break me. I would not let you change me. I would not let you ruin me and you know what, you didn't. I am still a nice, trusting, happy person who is not scared of the world...I chose not to let you have any more power over my life and my future,"* the victim said in court.

Following a court trial, the defendant was convicted of two counts of Rape in the First Degree and one count of Sodomy in the First Degree and received a 180 month prison sentence.

*"This prison sentence is warranted because of the defendant's deliberate and predatory actions in seeking out a naïve young woman, manipulating her into following him to an isolated area, threatening her with a firearm, and then subjecting her to multiple acts of sexual assault,"* said Multnomah County Deputy District Attorney Tara Gardner, who prosecuted this case.

In a prepared statement, the victim stated: *"I never thought this day would come. It would have been better for everyone had the kit been tested years ago. It is hard to re-live this so many years later, but justice is finally served. It certainly lets others know that no matter how long it has been, you have to own your actions and pay for what you have done. I do feel sorry for Mr."*



*Moore's family and mine. This has been hard on all of us, but I am happy to have closure and to help others have the confidence to report rapes and/or sexual abuse."*

#### **State vs. Jose Oscar Rosales**

The first Multnomah County case under the DANY grant was State vs. Jose Rosales. In 2006, the 30 year old defendant met the 16 year old victim during a commercial airlines flight. They exchanged numbers and the defendant contacted her while in Portland. They met at a hotel where he had sexual intercourse with the victim without her consent. The victim immediately reported the assault to law enforcement in Clark County and obtained a sexual assault kit. The kit was tested with DANY Grant funding and the analysis resulted in a CODIS match to the defendant.

The defendant pled no contest to both charges of Sexual Abuse in the Second Degree and was found guilty by the Court. The case proceeded to open sentencing and the Court sentenced defendant to 210 days of jail and 60 months of post-prison supervision. The defendant is required to register as a sex offender. The resolution of the case was supported by the victim.

#### **State vs. Chanh Tran**

The 49 year old defendant was charged with Rape in the Third Degree, two counts of Sodomy in the Third Degree and Sexual Abuse in the Second Degree after testing of the victim's SAK led to a CODIS match. The defendant was previously unknown until the SAK yielded a DNA profile that matched the defendant's DNA. The case began in September 2012 when the 14 year old victim reported to police that an unknown male had sexual contact with her after giving her controlled substances.

The case resolved with the defendant entering guilty pleas to Rape in the Third Degree and Sodomy in the Third Degree. He was sentenced to 30 months of prison and 60 months of post-prison supervision and is required to register as a sex offender. The resolution of the case was supported by the victim.

#### **State vs. Jesse Moser**

This investigation began in 2013 when the 17 year old victim's mother reported to police that her daughter was having a consensual sexual relationship with the 31 year old defendant. Although the testing of the victim's SAK produced a male DNA profile, it did not yield a match in the CODIS database. The USAK team and the Portland Police Bureau's SAKI team still reopened the case and with the victim's participation, additional forensic DNA analysis and investigation led to a grand jury indictment on seven counts of Sexual Abuse in the Second Degree.

The defendant pled guilty to one count of Sexual Abuse in the Second Degree and was sentenced to 28 days of jail and 36 months of formal probation. While on probation, the defendant will be required to engage in a sex offender evaluation and treatment, as well as complying with computer monitoring and GPS monitoring. He is also required to register as a sex offender. The resolution of the case was supported by the victim.

### *State vs. Donnie Willis*

The most recent case to resolve in Multnomah County and the seventh conviction was in State vs. Donnie Willis. In 2007, the 31 year old victim was staying at a motel in Portland, Oregon. An unknown male entered her room, threatened her with a weapon and sexually assaulted her multiple times. The victim immediately reported to police and underwent a sexual assault forensic examination. When the SAK was tested in 2018, the USAK team received a CODIS match to the defendant's DNA.

The defendant was charged with Rape in the First Degree, Sodomy in the First Degree and Sexual Abuse in the First Degree. In March of 2020, the defendant changed his plea to one count of Rape in the First Degree and one count of Sodomy in the First Degree and was sentenced to 180 months of prison. The resolution of the case was supported by the victim.

## **VI. Conclusion**

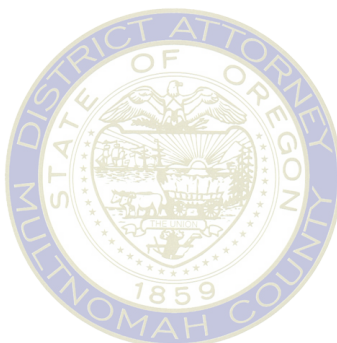
The success of the Untested Sexual Assault Kit Project could not have been achieved without the DANY grant funding, the collaboration of system partners and the strength of survivors. With the testing of nearly 3,000 sexual assault kits, the DANY Grant bolstered the CODIS database, led to the prosecution of cold cases and helped eliminate the statewide sexual assault kit backlog.

Over the last four years, jurisdictions from across the state have made tremendous progress in sexual assault reform. The commitment shown by law enforcement, district attorney offices, laboratories, policy makers, and advocates is commendable but it is the courage of survivors that inspires us all. Although the Untested Sexual Assault Kit Project has come to a close, it is critical that the lessons learned from the past continue to inform and guide our practices in the future.

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***The USAK team of the Multnomah County District Attorney's Office wants to acknowledge and thank all the individuals, agencies and organizations that helped make the DANY Grant in Oregon such a tremendous success.***

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## RESOURCES

### Footnote active links

- 3 - <https://www.fbi.gov/news/stories/sexual-assault-kit-initiative-040219>
- 4 - <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/ndis-statistics>
- 5 - <https://olis.leg.state.or.us/liz/2016R1/Downloads/MeasureDocument/SB1571/Introduced>
- 6 - <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/HB4049>
- 7 - <http://www.endthebacklog.org/connecticut-oregon-and-utah-become-latest-implement-full-rape-kit-reform>

### MCDA USAK Policy and DANY Grant Information:

- <https://www.mcda.us/wp-content/uploads/2020/03/MCDA-USAK-DANY-Grant-Handbook-Version-3.pdf>
- <https://www.mcda.us/wp-content/uploads/2020/03/MCDA-USAK-Victim-Notification-Policy.pdf>
- [https://www.mcda.us/wp-content/uploads/2020/03/MCDA-USAK-Victim-Notification-Policy-Amendment-Jan-2018\\_.pdf](https://www.mcda.us/wp-content/uploads/2020/03/MCDA-USAK-Victim-Notification-Policy-Amendment-Jan-2018_.pdf)
- <https://www.mcda.us/wp-content/uploads/2020/03/MCDA-USAK-Post-Conviction-Policy.pdf>

### Additional resources

*For readers who wish to learn more about the history and efforts to tackle the backlog in Oregon and nationwide, please see the following websites:*

- Multnomah County District Attorney's Office Press Releases: <https://www.mcda.us/index.php/about-the-da/press-releases/>
- Portland Police Bureau, The Rose Project: <https://www.portlandoregon.gov/police/article/568261>
- Oregon Secretary of State Audit Report, May 2018: <https://sos.oregon.gov/audits/Documents/2018-16.pdf>
- Oregon Senate Media Release Regarding Melissa's Law: <https://www.oregonlegislature.gov/senatedemocrats/Documents/SB%201571%20Senate%20passes%20Melissas%20Law%20to%20require%20sexual%20assault%20evidence%20kit%20testing.pdf>
- Manhattan District Attorney's Office, Ending the Rape Kit Backlog: <https://www.manhattanda.org/our-work/signature-projects/ending-the-rape-kit-backlog/>
- Sexual Assault Kit Initiative: <https://www.sakitta.org/>

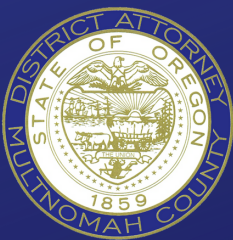
- RAINN (rape, Abuse, Incest National Network): <https://www.rainn.org/articles/addressing-rape-kit-backlog>
- Joyful Heart: <http://www.endthebacklog.org/backlog/what-rape-kit-backlog>
- Federal Bureau Investigation: <https://www.fbi.gov/news/stories/sexual-assault-kit-initiative-040219>
- U.S. DOJ National Institute of Justice, National Best Practices for Sexual Assault Kits Report: <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>
- National Center for Victims of Crime: <https://victimsofcrime.org/our-programs/past-programs/dna-resource-center/untested-sexual-assault-kits>



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