

Rape Kit Backlogs: Failing the Test of Providing Justice to Sexual Assault Survivors
Subcommittee on Crime, Terrorism, and Homeland Security
2141 Rayburn HOB, 9:00 a.m.
Statement of Representative Carolyn B. Maloney (NY-14)
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Thank you Chairman Scott and Ranking Member Gohmert for holding today's hearing about the DNA rape kit backlog; rape kits that, if processed in a timely manner, can protect innocent victims and get rapists off the streets.

I have been working on the issue of DNA technology since 2001 when I, along with former Representative Steve Horn, held a hearing in the Government Reform Committee where we heard from a courageous rape survivor, Debbie Smith.

This legislation, which has been called the most important anti-rape legislation in history, authorized the necessary funding to start processing the backlog through the creation of the Debbie Smith DNA Backlog Grant Program. Since 2004, millions of dollars in funding have been appropriated under the program, and as a result, police have been able to identify a suspect in thousands of violent crimes.

Despite this progress, the national backlog persists. While I believe that the funding provided by the "Debbie Smith Act" is making a significant difference, the grant program will be most effective by ensuring that grant recipients are processing DNA kits as quickly, efficiently, and accurately as possible. And while the law was named for a rape survivor, it provides funding for all types of DNA testing – not just rape kit backlogs.

In my district, in New York City, the City police and prosecutors instituted procedures to eliminate their rape kit backlog and prevent it from occurring again. And by keeping that backlog from happening again, the arrest rate for reported rape cases has increased from 30% to 70%-- along with an increase in prosecutions and convictions.

In New York, the tested kits have yielded over 2,000 new matches and resulted in 200 active investigations, arrests or prosecutions as of January 2009, according to Human Rights Watch. New York is a real success story that demonstrates what is possible when a local jurisdiction has a plan to eliminate the backlog and is matched with the resources to get it done.

I introduced the bipartisan bill, with my colleague Rep. Dean Heller, the Justice for Survivors of Sexual Assault Act, HR 4114, which addresses the continuing rape kit backlog and several other problems that work to deny justice to victims of sexual assault—including the denial of free rape kits to survivors of sexual assault and the shortage of trained health professionals capable of administering rape kit exams. The Senate's companion bill, S.2736, has been introduced by Senators Franken and Grassley.

Despite the availability of funds, it appears that some jurisdictions are unable to account for or process their backlogs – whether or not in evidence storage facilities or in crime

labs. One of the real problems is that the demand for more DNA testing has outpaced the available capacity for analysis. My new bill, H.R. 4114, aims to help build that capacity, tackling only rape kits, and importantly, requiring jurisdictions to report rape kit backlog numbers -- because we currently just don't have the data.

By creating incentives for jurisdictions to eliminate their rape kit backlogs, process their incoming rape kits in a timely manner, and publicly report their backlog numbers, this legislation would go a long way to ensuring that the purpose and intent of the Debbie Smith Act is fully realized.

Every two minutes someone is sexually assaulted somewhere in the United States. DNA evidence doesn't forget and it cannot be intimidated. By processing this evidence, we can prevent rapists from attacking more innocent victims and ensure that the survivors and their families receive justice.

I want to thank the Subcommittee for inviting me to testify today, and I look forward to working with you to move "The Justice for Survivors of Sexual Assault Act" forward.

Thank you.