

**Testimony of Valerie Neumann
Rape Survivor**

**US House of Representatives Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security**

**“Rape Kit Backlogs: Failing the Test of Providing Justice to Sexual Assault
Survivors”**

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Good morning, and thank you very much for giving me the opportunity to speak in front of you today. It means a lot to me that you have invited me to tell my story.

I would like to start by telling you a little about myself. My name is Valerie Neumann. I live in Cincinnati, OH. I am in school getting my master's in Business Management; and I also work full time for Procter and Gamble.

This past December was my birthday--and the three year anniversary of when I was raped. For my birthday in 2006, a friend of mine took me out to dinner. After dinner, she asked me if I wanted to join her boyfriend and his friends, most of whom I had never met, for drinks at a bar nearby. When we arrived one particular man, an acquaintance of my co-worker's boyfriend, immediately started buying me drinks. The drinks made me very sick (the nurse at the hospital would later describe what I began to feel as similar to what a date rape drug feels like), and so my friend took me to her home. Some people from the bar decided to go over to her house, too.

When we got there my friend helped me upstairs and made me comfortable in the bathroom. Later that evening I remember my friend yelling at her boyfriend to make sure all the guests were out of the house before she went to bed. The two of them then went to bed. Everyone but the man who bought me the drinks at the bar had left. He had other plans. At some point later that night he came into the bathroom and lay down behind me. He kept asking me if I wanted to go down to the couch with him. I was so sick, but I was able to tell him no. When I refused he tried sliding his hands down my pants and up my shirt. I remember telling him over and over again.... “No! No! I don't feel good.”

I had thought that I eventually got him to leave me alone. I was wrong. When I woke up the next morning my pants and underwear were around my ankles and my bra was unfastened. I knew something was very wrong; but at the time I was so sick, confused, and scared the pieces weren't coming together. It wasn't until I got home and undressed to take a shower that reality really sank in. I found a large friction burn on the back of my neck, bruises of finger indentations around each of my wrist, and scratches on my back. I went to show a good friend of mine the marks and ask her opinion. She told me I needed to go to the hospital. I realize it is silly now but at the time I just wanted to forget anything had happened that night. I was scared to face reality. I had just started a great job, I had plans to go back to school, I had so many things to look forward to. The last thing I needed was this. Although I wanted to just pretend nothing happened; I knew what I needed to do. I called my parents and they met me outside my house. I told them that I thought I had been raped. We immediately headed for the hospital.

The police officers and social workers at the hospital said I needed to have a rape kit taken. I gave a statement to the police officers while waiting for the SANE nurse to arrive at the hospital. The collection of the Rape Kit is a 4 to 6 hour process of pulling hairs, swabbing, and taking pictures. It took longer than I had expected, and it was very hard to go through. My only consolation was that this exam could be used to put my rapists behind bars. The SANE Nurse put in her report that she had found evidence of forced sexual penetration. I had lots of redness and a tear around my vaginal area. The police officers who took my statement at the hospital asked me about the person who raped me. I didn't know his name, only his nickname. But when I gave

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them a physical description of him, they told me and my father that they knew the guy I was talking about—he had done this sort of thing before. The police officers called their detective and he went to my friend’s house that night with a warrant to collect evidence.

The next morning I had to go to the police station to give an official statement to the detective. Unfortunately, after I gave my statement, I didn’t hear from the police again for a very long time. I had to fight to get any information. I started by calling every other day, then once a week, every other week, once a month, etc. Many phone calls were never returned. It was exhausting to be my own advocate. It took a year for the Detective to send the case to the Prosecuting attorney’s office; 6 months after that the prosecuting attorney told me they wouldn’t be trying my case, because they had decided it was unwinnable, given that I had been drinking the night of my rape and it was an acquaintance rape. I tried to explain that I had not even known the man’s name until the police told it to me, but the prosecutor had seemed to make up his mind. Case closed.

What was perhaps hardest is that my case was closed without my rape kit being tested. Right after I went to the police, the suspect had gotten a lawyer. He issued a statement through his lawyer that he had had no sexual contact with me that night. The SANE nurse told me that she had found semen in numerous places on my body. If they had tested my rape kit, the semen they found could have been matched to that of the suspect. It would have validated my claim that I was raped, and discredited his claim that he never had contact with me at all.

When I later called the prosecutor’s office to ask why my Rape Kit hadn’t been tested a representative from the Kentucky Prosecuting Attorney’s office left a voicemail on my cell phone stating they didn’t have the funds to test kits in a case like mine.

It has now been three years, five months, and four days since the night I was raped and my kit remains untested.

In recent months with the help of news networks and non-profit organizations; such as CBS Evening News, RAINN, and Human Rights Watch, a spotlight has been put on the Rape Kit Backlog. The fact is many states have no idea how many untested Rape Kits they have in their possession!

Testing a Rape Kit is so important because it can identify an assailant, confirm a suspect’s contact with a victim, corroborate a victim’s account of the crime—especially useful in “acquaintance rapes”—connect apparently unrelated crimes, and exonerate innocent suspects. While reported rapes have gone down nationally, according to comprehensive academic studies the arrest rate for rape remains anemic at only 22 percent of reported cases. In 2003, when New York City began to test every booked rape kit, the arrest rate for rape skyrocketed, from 40 percent to 70 percent of reported cases. A law enforcement decision to test a rape kit is an indication of a commitment to build a strong investigation. National studies have shown that cases in which a rape kit was collected, tested and found to contain DNA evidence are more likely to move forward in the criminal justice system. Conversely, untested rape kits typically represent lost justice for rape victims, as it often means a rape investigation was cut short before the offender could be brought to justice.

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The unfortunate truth is that our Justice System doesn't work as smoothly as it appears to on TV shows like CSI. I used to believe in our Justice System, but after my experience I have lost faith. I can honestly say that if I were raped again I don't know that I would chose to go to the hospital and be put through a Rape Kit again. We ask so much of victims right after they have been raped...but don't follow through in the end.

This hearing on the rape kit backlog means so much to me for many different reasons. I believe we need continued federal leadership on the rape kit backlog, and I am so inspired that you are here to provide that leadership. I personally have made peace that my assailant will never be brought to justice; as the Prosecuting Attorney's office has made it very clear they will not go back and test my Rape Kit. I am now turning my energy towards advocating for every rape victim whose kit remains sitting on a shelf untested!

This has been a liberating experience for me. I have been able to confront my fears about speaking out as a rape victim through the opportunities I have been given as a RAINNs Speakers Bureau Member, and have grown stronger in the process. Although I feel justice wasn't served for me, I am comforted by the fact that I am a part of making change for the future. It is my hope that rape victims won't have to experience the frustrations and disappointments that victims like myself and so many others have. Rape is traumatic enough; the rape kit exam and steps thereafter shouldn't add to that trauma.

Thank You for your time to today. I am so grateful to you for listening to my story. I wanted to specially thank Congresswoman Jackson Lee for submitting a letter to Chairman Scott on my behalf requesting the hearing; and to Chairman Scott for asking me to testify.