

Statement of the Honorable John Conyers, Jr.
Hearing Rape Kit Backlogs: Failing the Test of Providing Justice to Sexual Assault Survivors

Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Thursday, May 20, 2010 at 9:00 a.m.
2141 Rayburn House Office Building

Today's hearing focuses on the harmful impact of rape kit processing backlogs on the ability of our criminal law enforcement system to provide justice to sexual assault victims. This issue is of particular interest to me because last September, Wayne County Prosecutor Kym Worthy asked Detroit Police Chief Warren Evans for an independent investigation into thousands of rape kits that had been discovered sitting in the Detroit Police Department evidence storage facility. To provide some perspective on this issue, I want to draw attention to several aspects about the situation in Detroit and the initial steps the city is taking to deal with the rape kit processing backlog.

First, federal funding can play an important role in addressing this problem. When it was learned that thousands of untested rape kits had been discovered in the police evidence storage facility, the Detroit Police Department said it was conducting an internal investigation, and that there was no need for an independent investigation until after that was completed. The police department later acknowledged that there were about 7,000 kits in storage, of which 5,800 were untested. Most of these untested rape kits pertained to cases where there was a known suspect. And there were a variety of reasons given for why they hadn't been tested. In some, no charges were pressed. In others, a guilty plea was obtained. And in others, the prosecutor declined to proceed with the case.

In response to this large backlog of untested kits, the Michigan Domestic Violence and Treatment Board designated the Michigan State Police to receive a federal grant to process some of the rape kits from Detroit. The federal funding comes from the Violence Against Women Act's Service, Training, Officers and Prosecutors grants, also known as "STOP" grants. I am an original sponsor and long-time supporter of the Violence Against Women Act, and I am pleased that this federal legislation is able to help Detroit begin to address its rape kit backlog problem.

Although only about 400 of the more than 7,000 kits will be analyzed with the grant money, this is a step in the right direction. And this will help assure sexual assault victims that the City of Detroit takes this problem seriously, and that officials are working to resolve this backlog.

Second, I believe Detroit should seriously consider following the lead of New York City, and test all rape kits collected by the police department. Testing a rape kit can identify the attacker, confirm that a suspect had sexual contact with a victim, or corroborate the victim's account of the sexual assault. And it can help exonerate innocent people.

The New York City DNA lab has developed procedures to test every rape kit booked into evidence by the New York City Police Department. This DNA laboratory is equipped to test evidence 30 to 60 days from the time it receives the kit from the police. Testing every rape kit gives sexual assault survivors the peace of mind that their case is being pursued by law enforcement, and that there is a chance their attacker will be taken off the streets.

Finally, as we discuss ways to prevent these backlogs from occurring in Detroit and other cities around the country, I'd would like to hear how private labs can work with public labs to reduce the backlogs. Some private labs say they can process DNA for almost \$200 less per sample than a public lab. We should consider how we might responsibly remove some of the barriers for private labs to analyze DNA, so that these evidence backlogs can be cleared up and cases can be solved.

I look forward to hearing more about how other cities are dealing with their rape kit processing backlogs, and hope today's witnesses will provide some meaningful solutions that I can take back to Detroit.