

DA Vance Announces Funding for Testing of Rape Kit Backlogs

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Hello, and thank you for being here today. I'm thrilled to be joined this afternoon by: Mariska Hargitay, Founder and President of the Joyful Heart Foundation, and a great friend and partner to my Office; Wayne County Prosecutor Kym Worthy, who is my counterpart in Detroit; and Natasha Alexenko, Founder of Natasha's Justice Project.

Right now, there are hundreds of thousands of untested rape kits sitting in police storage facilities nationwide. Sadly, no one knows the exact number, because no one has ever provided the resources to count them. What stands in the way of identifying where and how many untested kits there are, is money.

Today, we're announcing a thirty-five million dollar commitment to eliminate the backlog of untested rape kits nationwide. This is the single largest contribution toward ending the rape kit backlog that has ever been made.

Examination of those untested kits will provide DNA samples that will solve previously unsolved sexual assaults throughout the country, and will bring some measure of closure to survivors of sexual assault who have been waiting for justice, because those offenders will now be identified and prosecuted.

When a woman is raped, the violent physical assault is only the beginning of her ordeal. One out of six American women is sexually assaulted in her lifetime. A large and courageous subset of these women report the crime, and undergo a medical forensic examination. That's because after a rape, a woman's body is a crime scene. She can't shower, and she can't change her clothes.

The evidence collected from that crime scene forms what is called a sexual assault evidence kit, or "rape kit." As you can see on the display behind me, to endure this collection of evidence is to endure an hours-long process of poking, prodding, swabbing, scraping, photographing, and drawing of blood and urine – all in the same areas of the body that were just brutally violated.

So, once that collection of evidence is complete, what becomes of the kit?

In jurisdictions like New York City, it is promptly tested for DNA. We do this because: testing rape kits can corroborate a victim's account of a sexual assault; it can identify an unknown attacker, or confirm a rape by a *known* attacker; and it can *exonerate* suspects who are wrongfully accused.

There are a couple of other important reasons why we test every rape kit in New York City: one – it demonstrates a commitment to survivors that we will do everything possible to obtain justice; and two – testing rape kits solves other crimes. Even crimes committed across the country.

So that's what happens to a rape kit in New York City. We test every kit, and we test them promptly – whether the attacker is known to the victim or not.

The Manhattan District Attorney's Office has fought for this practice since 1999, and we're fortunate to have three leaders of this national movement here with us today: Linda Fairstein – author, advocate, and longtime Chief of this office's Sex Crimes Unit – the first of its kind in the country – from 1976 until 2002; Martha Bashford – the current Chief of our Sex Crimes Unit, and former Co-Chief of the Forensic Sciences/Cold Case Unit and DNA Cold Case Project; and Melissa Mourges – the current Chief of our Forensic Sciences/Cold Case Unit, and a 29-year veteran of our Office.

When New York City took steps to test its entire backlog of seventeen-thousand kits a decade ago, each of these women played an instrumental role.

So in New York City, we test every kit. But what happens to a rape kit in Tulsa, Oklahoma, after evidence collection? What about in Las Vegas, Nevada, or Memphis, Tennessee?

What we hear from police and prosecutors in those jurisdictions is that they want badly to test the kits. They just lack the funds to do so. After all, it costs up to one thousand dollars to test a single kit. So they sit on shelves collecting dust, while the perpetrators of these crimes – whom we know are predisposed to rape again – set their sights on their next victims.

Memphis, Tennessee has more than eleven-thousand untested kits. Cleveland's got more than sixteen-hundred. There are over thirty-seven hundred untested kits in Tulsa, and more than four-thousand in Las Vegas. That's twenty-thousand untested rape kits *that we know about*, from just four cities nationwide. Think for a moment about how many rape kits we *don't* know about.

With our funding, law enforcement agencies throughout America can apply for grants to test their kits. All they have to do is count them and qualify with program guidelines. Grants will be awarded through a competitive bidding process, with a Request for Proposals going out this spring. The grant process is our way to ensure the best return on our investment.

Today's commitment is just one in a series of transformative criminal justice investments that my Office is funding with money forfeited by international banks that we prosecuted for violating U.S. sanctions – and aiding rogue governments like Sudan, Lybia and Iran.

We're funding this project because DNA is the most reliable, cost-effective tool that we have in law enforcement.

We're funding this project because rape is not a local crime. Many who rape, rape again elsewhere. That's what makes the backlog a national problem: DNA evidence solves crimes across state lines.

Look at the case of Keith Lamar Laster, who raped three schoolgirls in Rochester, New York as they walked to their school bus stops. He got away with it until ten years later, when he was arrested for raping a woman in Alabama. Alabama police entered Laster's DNA into a database, and found a direct match to the Rochester rapes. Laster is now serving 146 years in prison.

Or Clarence Williams. A decision by the Manhattan District Attorney's Office to test rape evidence in a 35-year-old cold case not only confirmed Williams as the attacker, but also connected him with *nine* unsolved rapes and robberies in Silver Spring, Maryland.

We're funding this project to ensure fairness in the prosecution of sexual assault crimes. Because DNA can exonerate suspects who are wrongfully accused.

Like Michael Mercer, who spent twelve years behind bars for a 1991 rape on a Harlem rooftop that he did not commit. While Mercer was serving a 20 ½ to 40 year sentence at the Clinton Correctional Facility upstate, the City took advantage of new technology to test all of the rape kits it had in storage, and the State began to collect DNA samples from all felons. New hits confirmed that the Harlem rape was committed by another man with a long history of burglary and sexual assault. Mercer was freed from prison within days.

We're funding this project because testing rape kits expands the DNA databank. And expanding the DNA databank helps everyone. The larger the pool of profiles we have to create solid leads in future cases, the better. That's why I strongly supported the All Crimes DNA law enacted in 2012, which requires all convicted offenders to provide a DNA sample.

And finally, we're funding this project because we already know it works. We already know what happens when a city with a backlog receives a grant, rolls up its sleeves, and begins to test its kits.

Joining us today from Detroit is Wayne County Prosecutor Kym Worthy. In 2009, during a tour of an abandoned police warehouse in Detroit, members of her office discovered a stockpile of eleven-thousand-three-hundred untested rape kits. That's more than eleven-thousand victims waiting for months, years, or a lifetime for justice.

In collaboration with the Joyful Heart Foundation, Prosecutor Worthy sought and received funding to test a random sample of two-thousand kits. From those first two-thousand cases alone, there were four-hundred-and-seventy-three hits in the national DNA database – including hits linking to crimes committed *in 23 other states*. That's literally half the country, just from a fraction of the kits that happened to be tested in Michigan.

And, just from those two-thousand Detroit cases, the Wayne County Prosecutor's office identified one-hundred-and-twenty-seven potential serial rapists, and obtained 14 convictions. Those results were so encouraging that private individuals donated one-hundred-and-fifty-

thousand dollars to the effort to clear the backlog, and in 2013, the Michigan state legislature set aside four million dollars to test all remaining kits.

Our commitment of thirty-five million dollars today is not going to wipe out the national backlog. But it's going to be transformative. And it could provide the momentum to eliminate the backlog once and for all.

Our pledge is intended as seed money to address a national, systemic problem. We're asking other organizations to join us, and provide backlog-elimination grants to the cities who need them most.

Congress has already come close to providing funding. Members of both parties, in both houses, have approved 41 million dollars in spending to help clear out the backlog. Despite broad, bipartisan support, that funding is still awaiting final approval. Today, we're asking Congress to finish the job.

We want rape victims to know that the intrusive examination they underwent had a purpose. We want them to know that – as a nation – we're doing everything in our power to deliver justice.

Thank you for listening. I'll be happy to take a few questions, but before I do, please welcome Mariska Hargitay, Founder and President of the Joyful Heart Foundation. Mariska and Joyful Heart have been shining a light on these issues since 2004, and the Foundation will play a critical role in each phase of our project.

Drawing on its deep subject matter expertise, Joyful Heart will advise our Office in order to ensure the most productive return on our investment. We're so grateful to count them as a partner, and to have Mariska here today.

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