



CONGRESSMAN
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TESTIMONY OF U.S. REPRESENTATIVE JERROLD NADLER (D-NY 08)

**Before the House Committee on the Judiciary, Subcommittee on Crime,
Terrorism, and Homeland Security**

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

May 20, 2010

Good morning Chairman Scott, Ranking Member Gohmert, and fellow Members of the Subcommittee. Thank you for allowing me to testify today on this critical issue of the rape kit backlog.

Two hundred and forty-eight thousand, two hundred and eighty (248,280) – that is the number of rapes and sexual assaults that occurred in 2007, as reported by the Department of Justice. That is more than 679 rapes and sexual assaults *every day*; 28 such crimes every hour. That is an unconscionable number of people, almost all of them women and girls, victimized in the United States on a daily basis in the most horrible way.

Rape and sexual assault are horrible crimes which can destroy the lives of the victims and their families. They are terrors which no one should have to suffer.

Modern science thankfully has provided a way for us to combat this scourge – DNA testing. By testing the DNA evidence left at the scene of a rape or sexual assault, we can, with near certainty, identify the perpetrator or perpetrators involved. Such evidence makes it much more likely these individuals will be captured and punished. This, in turn, allows victims to obtain justice and society to take violent criminals off the streets.

Every part of the sequence I just described is important. Tragically, however, we continue to fail at a key step in the process – the collection and testing of evidence. Compounding the terrible crime itself is the fact that tens of thousands of rape kits, which hold the key to justice, are not being analyzed in a timely manner. That there is any rape kit backlog at all is simply wrong and intolerable.

For many years I have fought to end the rape kit backlog. Back in 2002, I introduced the *Rape Kit DNA Analysis Backlog Elimination Act*, which would have authorized \$250 million to help police departments finance testing rape kits,

thereby reducing the backlog. Working with my colleagues and with outside organizations such as Lifetime Television and the Rape, Abuse and Incest National Network, or RAINN, we kept up the pressure to deal with the problem.

Finally, in 2004, we enacted the *Justice For All Act*, introduced by Representative Jim Sensenbrenner and of which I was an original cosponsor. Title II of that bill, known as the *Debbie Smith Act*, authorized hundreds of millions of dollars for DNA testing and strengthened the ability of State and local law enforcement to test rape kits.

Last year the Appropriations Committee proposed a fiscal year 2010 appropriation for the Debbie Smith program of \$146 million, \$5 million less than authorized and less than the prior year, for fiscal year 2010. This was unacceptable. The lives and well-being of too many women across the country were at stake.

So, joined by Representatives Maloney and Mike Michaud, I moved an amendment to increase funding to the fully authorized amount of \$151 million. The amendment was adopted by a vote of 411 to 1. So, we got full funding.

Despite this, the rape kit backlog continues to be a major problem and progress is uneven across the country. For example, there remain 5,000 untested rape kits in Illinois and 4,000 in Houston. At the same time, New York City no longer has virtually any backlog. Because of this unevenness, and the scope of the problem, we really need a nationwide solution.

I am grateful the Committee is holding this hearing on this continuing crisis. The Committee has assembled an excellent group of witnesses on both panels. I want to thank my colleagues on this panel for their hard work on this issue, and I look forward to the testimony of the witnesses to help us determine whether changes to the current law are necessary or whether we simply need more resources to end the rape kit backlog once and for all.

Thank you again for allowing me the opportunity to testify today.