

**Senator Dick Durbin, Ranking Member**  
**Opening Statement**  
**Subcommittee on the Constitution**  
**Hearing on “Taking Sexual Assault Seriously: The Rape Kit Backlog and Human Rights”**  
**May 20, 2015**

Thank you, Mr. Chairman, for convening this important hearing. I’m glad that we were able to work together on a bipartisan basis for this Subcommittee’s first hearing in the 114<sup>th</sup> Congress. Clearly, this is an issue we must work together to solve.

According to the Centers for Disease Control and Prevention, an estimated 19.3% of women and 1.7% of men have been raped during their lifetimes in the United States. And a National Crime Victimization Survey found that between 2006 and 2010, 65% of rapes and sexual assaults went unreported. When a victim does report, she should be confident that there will be a thorough investigation and that her attacker will be prosecuted. Instead, thousands of victims have faced inexcusable, ongoing trauma as their rape kits go untested and rapists get away with their horrific crimes.

Experts have estimated that hundreds of thousands of rape kits remain backlogged across the country, stuffed into police department evidence lockers or awaiting testing at crime labs. Experts believe that this estimate is low, given that jurisdictions are not required to report the number of kits that have yet to undergo testing.

The backlog has resulted in heartbreaking miscarriages of justice. Last week, *New York Times* columnist Nicholas Kristof detailed the story of Natasha, a young woman from Robbins, Illinois who was brutally raped at the age of 14. Years after the assault, the Cook County Sheriff’s Office found scores of untested kits in the evidence room of the Robbins Police Department, including Natasha’s. After testing, the kit revealed a DNA match—but the statute of limitations had expired, and so Natasha’s attacker could not be prosecuted.

For victims like Natasha, justice delayed too often means justice denied. And, as Cook County Sheriff Tom Dart has noted, victims from cash-strapped, low-income communities—like Robbins—often are disproportionately affected.

The good news is that we have made improvements in recent years. In 2004, the Debbie Smith Rape Kit Backlog Reduction Act became law as part of the bipartisan Justice for All Act. I was glad to see the Debbie Smith Act reauthorized last year to help ensure that crime labs have the resources they need to test the kits they receive.

States like Illinois and Texas are leading the way on this issue. In 2010, Illinois passed the first rape kit backlog law in the nation. The law mandates that law enforcement submit kits to the Illinois State Police for testing within ten days of receipt. As a result of this, the backlog of approximately 4000 kits in Illinois has been eliminated, and 969 profiles of suspects have been matched in CODIS, the national DNA databank. While Illinois has more work to do, as evidenced by Natasha’s story, the law is a significant step toward justice for victims.

Testing all rape kits not only helps ensure that dangerous offenders are prosecuted; it also helps exonerate innocent people. To cite just one example, when New York City processed its backlog, DNA evidence revealed that a man who had spent 11 years in jail had been wrongfully convicted of rape after the victim mistakenly identified him as the perpetrator.

Beyond the rape kit backlog, we must consider how we can comprehensively address the sexual assault epidemic. We need to focus on preventing rapes from occurring in the first place. We need to provide law enforcement agencies with access to training on how to respond to traumatized victims. As tested kits reveal suspects, we need to provide investigators and prosecutors with adequate funding to pursue cases. And we need to ensure that crisis centers and victim assistance organizations have the resources to aid survivors.

Congress took a step in the right direction by appropriating \$41 million last year to address the rape kit backlog and develop comprehensive, multi-disciplinary responses to sexual assault cases. The House Commerce, Justice, and Science Appropriations Subcommittee included a continuation of this vital funding in its Fiscal Year 2016 bill, along with funding the Debbie Smith Act. This is a step in the right direction, and I hope that the Senate CJS Subcommittee will take the same approach.

This funding will make a significant difference in cities and states across the country, but there is much more work to be done. Eliminating the rape kit backlog, prosecuting offenders, and providing support services to victims will require ongoing appropriations in the years ahead. That's one reason we need to pursue critical reforms to our criminal justice system like the bipartisan Smarter Sentencing Act, which would reduce overcrowding in federal prisons by lowering sentences for non-violent drug offenses. At a time when incarceration and detention costs account for one third of the Department of Justice's budget, we need to free up resources for other priorities, like eliminating the rape kit backlog.

Thank you Mr. Chairman, I look forward to working together to ensure that victims of sexual assault receive the justice they deserve.