

Statement of

The Honorable Patrick Leahy

United States Senator
United States Senate
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I hope and expect today to make progress on the Justice For All Reauthorization Act. Senator Grassley suggested several weeks ago that we could find common ground, and that is what we have done over the past few weeks. I have circulated and am prepared to offer a substitute amendment that we have been able to negotiate. It does not contain some provisions about which I feel very strongly. Rather than hold up the larger Justice For All Reauthorization, I will introduce those as a separate measure and continue to try to make progress on them, as well. We passed the Justice for All Act in 2004, when the House and Senate had Republican majorities, and President George W. Bush signed it into law. This measure includes the Debbie Smith Act, by which we have sought to reduce backlogs in the testing of rape kits around the country. It includes the Innocence Protection Act, a major piece of which was the Kirk Bloodsworth program for post-conviction testing of DNA evidence that has led to exoneration of those wrongly convicted. It also includes the Crime Victims Rights Act to ensure that victims have rights to protection, fairness, and participation in proceedings. All together, the Justice for All Reauthorization Act strengthens and reauthorizes these and other key programs that help make the criminal justice system work better and more fairly.

I initiated this effort 12 years ago when I introduced the Innocence Protection Act. I was trying to improve the administration of justice by ensuring that defendants in the most serious cases receive competent representation and, where appropriate, access to post-conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong. The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize them. This legislation is an important effort to ensure that our criminal justice system functions fairly and provides justice for victims, defendants, and our communities. Unfortunately, recent headlines continue to make clear that improvements are still needed. For example, although the Debbie Smith DNA Backlog Reduction Program, a key program in the original Justice for All Act, has been instrumental in reducing the number of untested rape kits in crime laboratories around the country, large numbers of additional untested kits have come to light in police departments, many of which never make their way to crime labs at all. It is unacceptable to let victims live in fear while evidence languishes in storage and criminals remain on our streets. This reauthorization takes significant steps to ensure that rape kits and other critical DNA evidence is collected and tested as quickly as possible no matter where it is located in the system. This legislation also includes a new provision which requires grantees to audit and make public the backlogs that exist in their system. Continued public pressure, coupled with the additional resources made available through this grant, will encourage prompt testing and processing of this evidence. I want to thank Debbie Smith, after whom this grant is named, and her husband Rob, for their continuing tireless work to ensure that others need not experience the ordeal Debbie went through. Their efforts have made a real difference to countless victims all over the country.

In the years since the Justice for All Act passed, we have also seen too many cases of people found to be innocent after spending many years in jail. A study released this week by the National Institute of Justice contained staggering findings. The study tested samples of biological evidence retained in hundreds of cases in Virginia in the 1970 's and 80 's, and it found that, in sexual assault cases, the evidence excluded the person convicted of the offense in 8 to 15 percent of the cases. That is simply unacceptable. The guilty person remained on the streets, able to commit more crimes, which makes all of us less safe, while an innocent person was incarcerated. The Justice for All Reauthorization Act takes important new steps to ensure that defendants in serious cases receive adequate representation and, where appropriate, testing of relevant DNA samples. As a former prosecutor, I have great faith in the men and women of law enforcement, and I know that the vast majority of the time our criminal justice system works fairly. I also know though that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested. This legislation further strengthens the Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence. It is important that we continue to support this program to encourage testing of DNA evidence when an individual may be innocent. This program has successfully led to exonerations of innocent people. This legislation also requires the Department of Justice to assist states that want help developing an effective and efficient system of indigent defense. In negotiations with Senator Grassley, I agreed to remove a key provision that would have allowed the Federal Government to step in when states are systematically failing to provide the representation called for in the constitution. I was glad to reach a bipartisan deal, but I regret that we could not move forward on this initiative now. I remain committed to ensuring that all criminal defendants receive adequate representation, and I intend to introduce standalone legislation on that issue soon. The bill strengthens important rights for victims of crime, including giving crime victims an affirmative right to be informed of all their rights and taking several steps to make it easier for crime victims to assert their legal rights in court. It contains numerous other key criminal justice reforms, including calling on states to produce comprehensive plans for their criminal justice systems in order to ensure more effective coordination and boosting support for forensic laboratories through the Paul Coverdell Forensic Science Improvement Grant program. In these times of tight budgets, it is important to note that this bill would make all of these improvements while significantly decreasing total authorized funding and that many of these changes will help states, communities, and the Federal Government save money in the long term. This bill is supported by prominent law enforcement and criminal justice organizations including the Fraternal Order of Police, the National District Attorneys ' Association, the National Center for Victims of Crime, and the Innocence Project, among others. I hope all members of this Committee will join the wide range of outside supporters of this legislation and vote today to strengthen our criminal justice system.

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