

FLOOR STATEMENT  
ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003  
U.S. SENATOR MIKE DEWINE  
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Mr. President, I rise today to speak about the "Advancing Justice through DNA Technology Act of 2003." This bill contains several important provisions. I am especially pleased with Title I of the bill -- the "Rape Kits and DNA Evidence Backlog Elimination Act," which mirrors the bill of the same name that I introduced earlier this year. The purpose of this title and our original bill is to extend more federal funding to states and localities to fight crime with DNA technology, expand our national database of DNA profiles from criminals, and train sexual assault examiners.

While the overall violent crime rate has decreased in recent years, the occurrence of rape has only increased. Tragically, somewhere in America, a woman is sexually assaulted every two minutes. In other words, by the time I conclude my remarks, at least five women will have been assaulted. It has been estimated, as well, that 1 in 6 women and 1 in 33 men in the United States have been the victim of a completed or attempted rape. These statistics, Mr. President, are truly staggering, especially considering that rape is a chronically underreported crime. Experts contend that rape could be much more prevalent than even these statistics reflect.

The majority of sexual assault victims who report their crimes do so in a hospital emergency room, where they frequently wait hours for treatment -- in many cases, to see doctors or nurses who have not received specialized training in dealing with assault victims and who lack the proper forensic tools for evidence collection. As you can imagine, Mr. President, the collection of forensic evidence can be a very invasive process for a rape victim. But in many cases, this is where the investigation stops. In cities across the country, hundreds of thousands of rape kits are sitting untested in police department evidence rooms. While these kits contain vital DNA evidence that could lead to the arrest of rapists, many rape kits have gone untested for more than a decade due to a lack of funding.

In my own home state of Ohio, officials estimated in May 2002 that at least 3,000 kits with rape evidence -- and maybe even more -- remained unanalyzed, despite recent strides in science that allow DNA evidence from rapes and other violent crimes to be compared against DNA profiles in the Combined DNA Index System (CODIS), our national DNA database. Laboratory researchers at the Ohio Bureau of Criminal Identification and Investigation report that they have a high success rate in matching unknown DNA

collected from crime scenes to either the DNA of offenders on file or to other crime scenes. That would mean that if all 3,000 unexamined Ohio rape kits contained extractable DNA, several kits very likely could yield evidence leading to the identity of rapists.

We now have both the technology to analyze DNA evidence and a growing database of DNA profiles with which to compare this evidence. This system works, and it catches criminals. Let me share an example of how evidence from rape kits has led to the arrest of a rapist in Ohio. Last year, a Hamilton, Ohio man was convicted and sentenced to 25 years in prison for an April 1998 attack on a woman in a grocery store parking lot. Although a DNA sample from this rape was sent to the state crime lab three days after the attack, it took until November 2001 -- nearly three and a half years later -- for scientists to analyze the sample and add it to the state's DNA database. Once this sample was added, a positive match was made and this rapist was prosecuted and put behind bars. Unfortunately, this victim had to wait three years for justice, while her rapist remained on the street. While this is an excellent example of how DNA has been used successfully to catch rapists, it also shows the critical need to promptly analyze the kits we have on hand. The longer this evidence sits around unanalyzed, the longer sex offenders will remain free -- and free to potentially harm more victims.

The Rape Kits and DNA Evidence Backlog Elimination Act would help to address the issues I have just outlined, particularly those involving the collection and processing of DNA evidence. We owe it to rape victims, as well as to our society as a whole, to do all we can to apprehend and prosecute sex offenders. To this end, Title I would do several important things. Specifically, and perhaps most importantly, this bill would extend the authorization for the DNA Analysis Backlog Elimination Act of 2000. This law, of which I was one of the chief Senate sponsors, aims to reduce the backlog of unanalyzed DNA samples in forensic laboratories across the United States. Unfortunately, the authorization for the grant programs established under the Act will expire soon, but many states still have a long way to go to clear their DNA evidence backlogs. The Rape Kits and DNA Evidence Backlog Elimination Act would extend that authorization, while also increasing the funds authorized for grants under the Act. This would help states to further reduce their DNA evidence backlogs, processing crucial evidence that could bring criminals to justice.

Furthermore, Title I would expand CODIS, our national DNA database. The expansion of this database is important, since the larger the database, the more likely it is that state crime laboratories will be able to match DNA evidence to offenders. Under the Rape Kits and DNA Evidence Backlog Elimination Act, the FBI could accept for inclusion in CODIS any DNA sample submitted

by the states for inclusion in the database, including DNA samples from all felons convicted of federal crimes. Given the high rate of recidivism among sexual offenders, this last addition may prove very useful to law enforcement as they utilize CODIS. The U.S. Department of Justice has expressed support for expanding the DNA database in this manner.

In addition to providing funds to help states and localities process evidence, we also must improve the way that DNA evidence is collected and used. To this end, Title II of the Advancing Justice through DNA Technology Act also contains many components of the bill I introduced earlier this year involving important training programs. This Title would provide federal resources to support a new training program for Sexual Assault Forensic Examiners, known as SAFEs. This program is modeled on a separate bill that Senator Schumer and I introduced during the 107<sup>th</sup> Congress. As I discussed before, many rape victims first report their crimes in a hospital emergency room, where they are treated by inexperienced staff, many of whom have no training in the proper use of a rape evidence kit. SAFEs, by contrast, are well-trained in the collection of forensic evidence and are able to give competent and sensitive treatment to rape victims at a time when they are most vulnerable -- immediately after their attack.

Furthermore, the intervention of SAFEs in a sex crime case bolsters the odds of prosecution and conviction of offenders, as their expertise generally renders them better witnesses than most emergency room personnel during trials. While these programs have proven to be effective, only a few hundred SAFE programs currently exist in the United States, treating a minute number of sexual assault victims. These nurse examiners provide an important service, both to the victim and to justice system, and I strongly advocate funding more training programs for them.

Finally, Title II would make two changes in the criminal code to better protect victims of crimes in which DNA evidence is recovered. It would extend or "toll" the statute of limitations under federal law for prosecuting many crimes in which DNA evidence is recovered, but the identity of the perpetrator is unknown. Also, this Title would amend the Violence Against Women Act to include legal assistance for victims of dating violence.

In closing, Mr. President, I strongly encourage my colleagues to support the Advancing Justice through DNA Technology Act of 2003.

This bill is a good one, and one deserving of the Senate's support. It can do a great deal to help rape victims, as well as to prosecute sexual offenders.