



National Alliance to
End Sexual Violence

Legislative Efforts to Address the Rape Kit Backlog

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The backlog of untested evidence from rape cases remains a problem of critical concern. By all estimates there are hundreds of thousands of untested rape kits stored at laboratories waiting to be processed, or, more commonly, sitting in evidence rooms, perhaps never to be tested. Victims and the general public deserve better. Collectively we must find solutions that assure the timely processing of evidence, justice for rape survivors and safety for communities.

A variety of state and federal legislative proposals seek to remedy this serious issue including the Justice for All Reauthorization Act (JFAA) and the SAFER Act. JFAA includes the reauthorization of the Debbie Smith Act, the original federal response to the backlog. The National Alliance to End Sexual Violence (NAESV) supports both the JFAA and the SAFER Act. Although these bills do differ in some regards, they both attempt to address the rape kit backlog by providing resources for testing, focusing more on law enforcement evidence and strengthening accountability to victims.

Essential elements necessary to adequately address the rape kit backlog through legislation include:

- The definition of “rape kit backlog” must be standardized and inclusive of both untested kits at a crime lab and those stored in law enforcement facilities.

- Best practices and protocols are needed to guide local jurisdictions in addressing the backlog.
- Funding awarded must require accountability including reporting of the extent of untested evidence.
- Information about the extent of backlogs should be available to Congress and the general public.
- Safeguards must be in place to ensure that kits are not misplaced or deprioritized and statutes of limitations are not ignored resulting in additional individuals victimized.
- Confidentiality of victim information must be paramount.
- The majority of Debbie Smith Act funds should be used to directly address the backlog of sexual assault evidence and not be diverted to other related or unrelated functions.
- Attention must be given to strong victim services and victim notification standards and training.

Because the backlog is a threat to public safety and a grave injustice to survivors, pursuing national responses to this issue must be a priority.

HAVE ADDITIONAL QUESTIONS? Contact Terri Poore, Policy Chair, at tpoore@endsexualviolence.org