

Committee on Energy and Commerce

Opening Statement

of

Subcommittee on Oversight and Investigations Ranking Member Diana DeGette

Examining the Availability of SAFE Kits at Hospitals in the United States

December 12, 2018

Addressing the problem of rape and sexual assault is of critical importance. The Department of Justice estimates that nationwide, over 160,000 people were raped or sexually assaulted in 2016, the last year for which we have data.

And yet these crimes go woefully under-prosecuted. According to the Rape, Abuse & Incest National Network, only 230 out of 1,000 rapes are reported to the police, 46 out of 1,000 leads to an arrest, and only 9 are referred to a prosecutor for trial.

One important tool for successfully prosecuting sexual assault is to have a trained sexual assault examiner collect a wide variety of forensic evidence from the victim, through what's called a sexual assault evidence collection kit.

This can include a victim's clothes, hair, blood and saliva for DNA analysis and testing. DNA evidence significantly increases the likelihood of identifying a perpetrator, increases the likelihood of holding a perpetrator accountable, and can even prevent future assaults by identifying repeat offenders.

And yet today, if a victim shows up to a hospital after an assault, it is not at all guaranteed that she would be able to get a sexual assault examination if she asks for one.

In 2016, GAO conducted a study assessing the availability of sexual assault forensic examiners nationwide. As part of this study, GAO found that there are only 23 programs with trained sexual assault examiners covering my entire home state of Colorado. Furthermore, GAO reported that only one of the sexual assault programs in Colorado is large enough to have examiners available 24 hours a day, 7 days a week. In certain places in Western Colorado, victims may have to travel well over an hour to get to a facility that has an examiner on staff.

Unfortunately, according to GAO, officials in the six states in their review did not know exactly how many practicing examiners there were in their states. There was no national database of sexual assault examiners, and what databases did exist were often out-of-date and did not cover all settings where an exam might occur. This suggests to me that there's more we need to do to get good data on our nation's capacity for sexual assault examinations, so that we can evaluate these programs and ensure that they have the resources they need to serve victims.

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Keep in mind, these are the barriers that exist just for getting a kit done in the first place. While not the focus of this hearing, there is also an enormous backlog of kits that were either never sent to a crime lab to be tested, or that were sent to a lab but were left to linger untested for prolonged periods.

This is all, to put it bluntly, disturbing. Today, I look forward to hearing from our witnesses about what we can do to train additional examiners to do this difficult but necessary work, and to retain those examiners that we do have. I also want to hear more about how successful sexual assault examination programs are built, and what we can do to address the unique challenges inherent in providing access to these services in rural areas.

I hope this Committee can shed some light on these problems and find ways to make it easier for all Americans to get a sexual assault kit from a trained examiner in the unfortunate event that they need one.

Finally, Mr. Chairman, I must again note the importance of the Violence Against Women Act. The act supports a number of programs that address health issues associated with sexual assault, including three grant programs that can be used to fund or train sexual assault forensic examiners.

Unfortunately, this law—which has enjoyed bipartisan support for over twenty years—is set to expire in a little over a week. We must act quickly to reauthorize this law so that these programs can continue the important work that they are doing, and to make sure that victims get the care they need.

I yield back.