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AUDITOR GENERAL

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News for Immediate Release

Feb. 5, 2018

Auditor General DePasquale Working to Eliminate Rape Kit Backlog *Says budget negotiations should include \$1.2 million to test remaining 1,200 backlogged rape kits*

HARRISBURG – Auditor General Eugene DePasquale continues his push to eliminate Pennsylvania’s backlog of 1,200 untested rape kits by asking Gov. Tom Wolf to include funding in the 2018-19 budget debate that begins this week.

“At last count 1,214 rape kits remained backlogged in Pennsylvania,” DePasquale said. “That’s potentially 1,200 people seeking results from the hours-long, invasive exam they endured.

“We know some of these kits date as far back as the 1990s. It is beyond unconscionable that these kits continue to sit on a shelf, denying victims a chance for healing and closure,” DePasquale said, noting that 13 other states have already provided funding to eliminate their backlogged rape kits.

“We are making progress,” DePasquale said. “Since 2016, 700 backlogged kits were tested meaning that 700 Pennsylvanians received answers about their rape kits. Sexual assault victims deserve justice and testing the kits provides them a chance for justice.”

In September 2016, DePasquale released a [special report on the state’s untested rape kits](#) that found inadequate communication to local law enforcement agencies, errors in DOH’s official 2015 report and resource shortages that could be leading to delayed justice for victims. The 67-page special report featured three observations and 10 recommendations.

“When the General Assembly passed the legislation that mandated the reporting and testing of the state’s backlogged rape kits, it failed to provide any resources to any agency, including the state’s three major public crime labs, to test the kits,” DePasquale said. “My review found that these crime labs simply do not have enough people, equipment or funding — and that’s a problem that continues to exist.”

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EDITOR’S NOTE: Following is a copy of the letter sent to Gov. Wolf last week.



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EUGENE A. DePASQUALE
AUDITOR GENERAL

February 2, 2018

The Honorable Tom Wolf
Governor of Pennsylvania
Office of the Governor
225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

As you and I have previously discussed, Pennsylvania continues to have a backlog of untested rape kits. According to the most recent data collected by the Department of Health, approximately 1,200 kits have been awaiting testing for 12 months or more.

The good news is that the 1,200 estimate reflects a decrease in backlogged kits, from roughly 1,900 in 2016. That means almost 700 people received answers in the last year about whether evidence contained in their kits could help them achieve justice.

The Commonwealth's three major public crime labs — Philadelphia Police Department's Office of Forensic Science, Allegheny County's Office of the Medical Examiner and Pennsylvania State Police's Bureau of Forensic Science — have aggressively sought federal funds to help them test their backlogged kits. That effort is a first step toward ensuring a backlog never forms again.

The bad news, however, is that it will likely take years to effectively eliminate Pennsylvania's backlog at the current pace, especially if we continue to rely solely on federal grants to address the problem.

Today, I ask you, as you prepare to present your 2018-19 budget, to consider including funding that would allow Philadelphia and the Pennsylvania State Police's Bureau of Forensic Science to test all of their backlogged kits.

According to the national nonprofit Joyful Heart Foundation, testing one rape kits costs an average of \$1,000 to \$1,500. In the cases of Allegheny County and Philadelphia's forensic science departments, we know that outsourcing has resulted in some kits being tested for approximately \$600.

Assuming an average of \$1,000 to test each of the roughly 1,200 backlogged kits, Pennsylvania requires roughly \$1.2 million to eliminate the backlog.

Given the Commonwealth's budget of more than \$30 billion, the amount needed reflects a mere 0.004 percent of the total budget. To me, that relatively small amount is worth the benefits of testing these kits, which include:

- Identifying rapists,
- Identifying serial rapists,
- Identifying serial criminal offenders, and
- Providing peace of mind for sexual assault victims who have voluntarily undergone an hours-long invasive exam in the hopes of being able to collect evidence that links them to their attackers.

You would certainly not be the first governor to recommend such spending. In fact, 13 other states have already used state dollars to help eliminate their backlogs of untested rape kits:

Arizona: In 2017, at the request of Gov. Doug Ducey, lawmakers appropriated \$1.2 million to test the remainder of the state's backlog.

Colorado: In 2013, as the state enacted an inventory and mandatory testing law, it also appropriated \$6.35 million to cover the expenses related to carrying out the new law.

Florida: In 2016, legislators [appropriated \\$2.3](#) million to test backlogged kits.

Hawaii: In 2016, Hawaii enacted a law requiring an audit and the development of testing guidelines. The law also appropriated \$500,000 to start testing backlogged kits.

Idaho: In 2016, legislators appropriated \$222,300 in new funding to the state crime lab, in part to fund the development of a statewide tracking system for rape kits.

Kentucky: In 2016, legislators appropriated \$4.5 million in funding to test backlogged kits.

Michigan: In 2013, legislators appropriated \$4 million to test backlogged kits. In 2014, legislators appropriated an additional \$3 million to fund prosecutions linked to newly tested backlogged kits. And in 2017, legislators appropriated \$4 million to support creation of a statewide electronic tracking system for rape kits.

Nevada: In 2015, legislators appropriated nearly \$3.7 million in new funding to test backlogged kits. In 2017, legislators enacted a mandatory testing law that also appropriated \$3 million to aid labs in reducing the backlog.

New Mexico: In 2016, legislators appropriated \$1.2 million to test backlogged rape kits.

New York: In 2016, the state appropriated \$500,000 for rape kit testing.

Texas: In 2013, Texas appropriated \$11 million to test backlogged kits, and in 2017, legislators appropriated an additional \$4.2 million to test backlogged kits.

Utah: In 2014, Utah appropriated \$750,000 to test backlogged kits, and in 2017, it appropriated \$1.2 million to fund testing and tracking of kits.

Washington: In 2015, Washington appropriated \$2.75 million to test new kits. In 2016, it appropriated \$3.8 million to develop a tracking system and nearly \$2.5 million to test backlogged kits.

Please consider appropriating this critical \$1.2 million in the 2018-19 budget that will be negotiated with the legislature starting next week.

As always, my staff and I remain ready to provide you with any information you require related to this issue.

Thank you for your time and consideration.

Sincerely,
Eugene A. DePasquale
Auditor General