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**Understanding DNA Evidence: A Guide for Victim Service Providers**

**by Kathryn M. Turman**

*U.S. Department of Justice Office of Justice Programs Office for Victims of Crime*

<http://www.crime-scene-investigator.net/DOJ-DNAguidevictimserviceprovider.pdf>

April 2001

DNA is a powerful investigative tool because, with the exception of identical twins, no two people have the same DNA. In other words, the sequence or order of the DNA building blocks is different in particular regions of the cell, making each person’s DNA unique. Therefore, DNA evidence collected from a crime scene can link a suspect to a crime or eliminate one from suspicion in the same way that fingerprints are used. DNA also can identify a example, during a sexual assault, biological evidence such as hair, skin tissue, semen, blood, or saliva can be left on the victim’s body or at the crime scene. In addition, hair and fiber from clothing, carpet, bedding, or furniture could be transferred to the victim’s body during an assault. This evidence is helpful in proving that there was physical contact between an assailant and a victim. DNA properly collected from the victim, crime scene, or suspect can be compared with known samples to place the suspect at the scene of the crime. If there is no suspect, however, a DNA profile of the crime scene can be entered into the Federal Bureau of Investigation’s (FBI) Combined DNA Index System (CODIS), which allows agencies to match DNA profiles with other profiles entered into local, state, and national databases to identify a suspect or link serial crimes.

**After USA TODAY NETWORK Investigation, Rape-Kit Reforms Flood State Legislatures**

**by Steve Reilly**

*USA Today*

<http://www.usatoday.com/story/news/2016/03/10/rape-kit-reforms-flood-state-legislatures/81326714/>

March 10, 2016

Testing rape kits yields valuable DNA evidence that has been proven to help identify suspects, bolster prosecutions and in some cases exonerate the wrongly accused. But, a [USA TODAY NETWORK investigation](http://www.usatoday.com/story/news/2015/07/16/untested-rape-kits-evidence-across-usa/29902199/) published in July identified more than 70,000 untested sexual assault kits in the custody of more than 1,000 law enforcement agencies in communities large and small, pointing to a national accumulation of untested kits that likely reaches well into the hundreds of thousands across the nation’s 18,000 law enforcement agencies.

**Experts Answer: What Does DNA Evidence Prove?**

*Current Events, Feminist Issues*

<https://creativedestruction.wordpress.com/2006/04/15/experts-answer-what-does-dna-evidence-prove/>

April 2006

Question one: 1. If DNA evidence fails to prove that an accused person raped an alleged rape victim, does that prove that the accused person could not have raped the alleged victim?

Here, all experts agreed that it is possible for DNA to not be left behind by a rapist, but different experts seemed to disagree about how *likely*that is.

Jennifer Friedman, of the Los Angeles County Innocence Project, gave an answer which implied that it’s extremely unlikely that anyone could rape and not leave DNA behind (unless they used a condom). “In general, if there is a sexual assault with penetration either vaginal or anal and no condom is used one would expect DNA to be present. Even if the perpetrator did not ejaculate, his epithelial cells will often times be left behind. In order to answer this question most accurately, I would need to know specifically what is alleged to have occurred. Occasionally, DNA may be left on the alleged victim and yet the person who swabbed the area may have missed the area with the DNA, but this is rare.”

**Advocates Urge White House to Implement Rape Kit Law**

**by Sofia Resnick**

*Rewire News*

<https://rewire.news/article/2015/09/16/advocates-urge-white-house-implement-rape-kit-law/>

September 2015

The federal government and the New York District Attorney’s Office early this year secured funding for two national grant programs to help resolve the vast nationwide backlog of untested forensic evidence collected from sexual assault survivors.

Vice President Joe Biden, U.S. Attorney General Loretta Lynch, and Manhattan District Attorney Cyrus Vance Jr. last week unveiled the 43 jurisdictions in 27 states that have been collectively awarded $79 million to help eliminate their backlogs of what are commonly known as “rape kits.”

But even as many sexual assault advocates and politicians have celebrated these grants, some have taken this opportunity to urge the Obama administration to implement a 2013 law that was intended to improve how police departments handle rape kits. One of the purposes of this law, called the Sexual Assault Forensic Evidence Reporting (SAFER) Act, was to help law-enforcement agencies ascertain just how many rape kits are sitting, untested, in police storage units.

art of SAFER’s goal was to address a need that some of the new rape kit funding announced last week is trying to fill.

The Debbie Smith grants have never fully addressed the broader scope of the rape kit backlog, which is that for years police departments have neglected to send rape kits to crime labs. The Debbie Smith funding primarily deals with backlogged DNA evidence that has been sent to a crime lab.

Congress passed SAFER to require that the Department of Justice award some of the Debbie Smith grant money to law enforcement agencies so that they could conduct audits on how many rape kits have been forgotten in police storage units.

Two years later, the DOJ has not implemented this law.

**End the Back Log: Federal Responses**

<http://www.endthebacklog.org/ending-backlog-government-responses/federal-responses>

"If we are able to test these rape kits, more crimes will be solved, more crimes will be prevented, and more women will be given back their lives...testing rape kits should be an absolute priority for the United States of America: It works, it matters, it brings closure, it brings justice and that's why we're here." -Vice President Joe Biden

Federal Funding for Rape Kit Reform

For the first time in 2014, President Obama’s budget proposal included dedicated funding for a grant program to provide communities across the country with the vital resources they need—and are asking for—to develop and implement comprehensive, multi-disciplinary rape kit reform. These are funds to: test backlogged kits in their police storage facilities that never made it to a crime lab; create multi-disciplinary teams to investigate and prosecute cases connected to the backlog; and address the need for victim notification and re-engagement with the criminal justice system.

In September 2015, Joyful Heart Founder and President Mariska Hargitay stood beside Vice President Joe Biden, Attorney General Loretta Lynch and Manhattan District Attorney Cyrus Vance as they awarded both the federal funds and grants from the Manhattan District Attorney’s office – nearly $80 million in funding for more than 40 law enforcement agencies in 20 states to address their backlogs of untested rape kits. Joyful Heart’s announcement, Mariska’s remarks and the list of recipients is available here.

Joyful Heart Foundation is proud to be part of a team that was selected by the Bureau of Justice Assistance to provide training and technical assistance to the Sexual Assault Kit Initiative gurantees as they work to end their backlog of untested kits, investigate the resulting cases, prosecute the offenders and re-engage survivors on the justice process.

President Obama and the U.S. Congress continue to renew their commitment to eliminate the backlog of untested rape kits across the country. Thus far, a total of $86 million has been approved for this unique program. These federal funds will provide much-needed support for communities as they work to end their backlogs and secure justice for survivors.

Take action here to advocate for this continued commitment.

**Despite Funding, Rape Kits Still Remain Untested**

**by Marie Lodi**

<http://jezebel.com/despite-funding-rape-kits-still-remain-untested-1718817890>

The revelation that untested rape kits have been sitting around in law enforcement agencies across the country is something that has been discussed numerous times over the past decade. Earlier this year, there was hope that the backlog of these kits was decreasing. In March, Vice President Joe Biden supported a $41 million proposal that was targeted at reducing the pile, but an investigation by USA Today shows that the issue may not have been due to lack of funds.

“There’s ample money there,” said Scott Berkowitz, president of RAINN. “But to date, only about 51% of that has gone towards casework and making sure labs have the capacity to do the testing.” In 2013, Congress passed the SAFER Act (Sexual Assault Forensic Evidence Reporting Act) that required at least three quarters of the funding to be allocated towards testing of the kits and maintaining their inventory, but the money is usually spent on general DNA testing, administrative expenses or other unrelated purposes.

Another result of this lack of implementation is that the decision whether or not to test a rape kit has likely been up to the officer of each investigation. Mai Fernandez, the executive director of the National Center for Victims of Crime, believes there should be criteria for these kits to be tested. “It can’t just be at the discretion of whoever is at the police station that day,” she said**.** At least 70,000 sexual assault kits were found at more than 1,000 law enforcement agencies nationwide. There are 18,000 law enforcement agencies in the U.S., so it’s probable that the number of untested kits are actually hundreds of thousands.

“Testing rape kits should be a priority for the U.S.,” Biden said back in March. “If we’re able to test these rape kits, more crimes would be solved, more rapes would be avoided.”

**No Action on Rape Kits Despite New Laws, Federal Money**

**by Steve Riley**

*USA Today*

<http://www.usatoday.com/story/news/2015/07/17/1b--rape-kit-funding-not-being-spent--fix-problem/29902283/>

July 17, 2015

Over the past decade alone, Congress has approved enough money to reduce the nation's backlog of DNA evidence testing to have tested more than 1 million sexual assault evidence kits.

So far, however, despite evidence that the number of untested rape kits could number into the hundreds of thousands coast to coast, the vast majority of the money is not reaching local and state police authorities where the abandoned rape evidence could be tested and the problem reduced.

A USA TODAY Media Network investigation found that the U.S. Department of Justice has failed to comply with laws enacted by Congress aimed at paying for testing and reducing the backlog of untested rape kits — despite the power of the kits to provide evidence that can identify unknown assailants, exonerate wrongly accused suspects, and confirm the accounts of survivors.

Tens of thousands of rape kits go untested across USA

The examination across all 50 states identified at least 70,000 sexual assault kits at more than 1,000 law enforcement agencies nationwide — likely only a small fraction of the national accumulation that likely reaches into the hundreds of thousands across the nation's 18,000 law enforcement agencies.

"If we're able to test these rape kits, more crimes would be solved, more rapes would be avoided," Vice President Biden said in March, announcing an additional $41 million in grant funding as part of a White House initiative to address the problem.

Notwithstanding the funding and the attention of policymakers, the effort to quantify and reduce the number of untested sexual assault kits is not anywhere close to complete.

Scott Berkowitz, president of the Rape, Abuse and Incest National Network, said the issue is not the amount of the funding, but the fact that it isn't reaching its intended target.

"There's ample money there," he said. "But to date, only about 51% of that has gone towards casework and making sure labs have the capacity to do the testing."

The $1.2 billion allocated over the past decade toward addressing the nation's DNA testing needs, including taking inventory and testing sexual assault kits, has often been spent on more general DNA testing improvements.

Some of the funding has gone toward administrative expenses or been siphoned off for apparently unrelated purposes. A 2012 congressional report found some of the money set aside for rape kit testing was instead going to polling firms and toward the purchase of cellphone equipment and payments to "entities of uncertain mission that employ heads of influential forensics policy advisory groups."

The SAFER Act also established a grant program to fund inventories of untested sexual assault kits by state and local agencies. However, the Department of Justice has so far not awarded any grants under the law. At about $1,000 per kit, testing sexual assault kits is not free and the USA TODAY count of untested kits indicates that many smaller departments — those least able to afford to pay — have piled up hundreds of untested kits.

Gerald LA Porte, director of the Office of Investigative and Forensic Sciences for the U.S. Department of Justice's National Institute of Justice, blamed the agency's failure to issue grants on a lack of devoted funding to implement the law.

Sexual assault survivors and advocates including Debbie Smith of Williamsburg, Va. — who is the namesake of federal DNA testing legislation — say they are frustrated by bureaucratic delays.